

Document	ADAMS accession No./web link/ <b>Federal Register</b> citation
Submission of Replacement Pages for Supplemental Responses to the Nuclear Regulatory Commission's (NRC) Request for Additional Information for the NAC International MAGNASTOR® Cask System, Amendment No. 13.	ML23258A233.
Submission of Responses to the Nuclear Regulatory Commission's (NRC) Request for Additional Information for the NAC International MAGNASTOR® Cask System, Amendment No. 13.	ML23178A224 (Package).
Three Mile Island Nuclear Station, Unit 2 (TMI-2), License Amendment Request—Decommissioning Technical Specifications, Response to Request for Additional Information.	ML22276A024.
Forwards amend 48 to license DPR-73 & safety evaluation. Amend extensively modifies App A & B TSs consistent w/plans for post defueling monitoring storage of facility.	ML20059D154.
Other Documents	
NUREG-2215 "Standard Review Plan for Spent Fuel Dry Storage Systems and Facilities" Final Report .....	ML20121A190.
Issuance of Amendment No. 12 .....	ML23328A396 (Package).

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at <https://www.regulations.gov> under Docket ID NRC-2024-0120. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC-2024-0120); (2) click the "Subscribe" link; and (3) enter an email address and click on the "Subscribe" link.

Dated: August 21, 2024.

For the Nuclear Regulatory Commission.

**Mirela Gavrilas,**

*Executive Director for Operations.*

[FR Doc. 2024-19895 Filed 9-4-24; 8:45 am]

**BILLING CODE 7590-01-P**

## FEDERAL ELECTION COMMISSION

### 11 CFR Part 104

[Notice 2024-21]

#### Requiring Reporting of Exchanges of Email Lists

**AGENCY:** Federal Election Commission.

**ACTION:** Notification of disposition of petition for rulemaking.

**SUMMARY:** The Commission announces its disposition of a Petition for Rulemaking filed on June 28, 2019. The Petition asks the Commission to revise existing reporting rules to state that mailing lists received or disbursed as part of an equal-value exchange must be reported. For the reasons described below, the Commission is not initiating a rulemaking at this time.

**DATES:** September 5, 2024.

**ADDRESSES:** Copies of the comments and the Petition for Rulemaking are available on the Commission's website, <https://www.fec.gov/fosers/> (REG 2019-03 Requiring Reporting of Exchanges of Email Lists (2019)), and at the

Commission's Public Records Office, 1050 First Street NE, Washington, DC, Monday through Friday between the hours of 9 a.m. and 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Rothstein, Assistant General Counsel, or Ms. Sarah Herman Peck, Attorney, 1050 First Street NE, Washington, DC, (202) 694-1650 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** The Federal Election Campaign Act, 52 U.S.C. 30101-45 (the "Act"), and Commission regulations require political committees to report "all receipts"<sup>1</sup> and "all disbursements."<sup>2</sup> Specifically, 52 U.S.C. 30104(b)(2) requires political committees to report both the "total amount of all receipts" generally and the "total amount of all receipts" in certain specified categories, namely: contributions; loans; Federal funds; rebates; refunds; offsets to operating expenditures; transfers from affiliated committees (and, for political party committees, transfers from another political party committee regardless of whether it is affiliated); and dividends, interest, and "other forms of receipts."<sup>3</sup>

Through a series of advisory opinions, the Commission has concluded that an equal-value exchange of mailing lists is neither a contribution, donation, or transfer of funds or any other thing of value.<sup>4</sup> Therefore, it is "a non-reportable event."<sup>5</sup>

Then, in REG 2003-03 (Mailing Lists), the Commission proposed, and ultimately declined, to issue new regulations on mailing list sales, rentals,

and equal-value exchanges. In the notice of proposed rulemaking, the Commission proposed "to adopt formally its historical approach . . . or to modify those approaches . . . and to provide candidates and political committees with more comprehensive guidance on commercial transactions involving mailing lists."<sup>6</sup> For equal-value exchanges, the Commission proposed to treat them neither as a contribution nor a reportable receipt if the exchange satisfies three elements.<sup>7</sup> First, the parties must ascertain in advance the "usual and normal charge" for the mailing list.<sup>8</sup> Second, the mailing lists must be of "equal value."<sup>9</sup> And third, the mailing list exchange must be a "bona fide arm's length transaction with commercially reasonable terms."<sup>10</sup>

After reviewing the comments received on the proposed rule and holding a public hearing, the Commission decided not to proceed to final rules.<sup>11</sup> In doing so, the Commission relied on comments asserting that the appropriate factors for determining the usual and normal charge and whether a transaction is commercially reasonable will "vary considerably depending upon the circumstances."<sup>12</sup> Because the Commission could not conclude that any particular test would be "sufficiently flexible and comprehensive to address all circumstances to which the proposed rules would apply," it terminated the rulemaking through a Notice of Disposition.<sup>13</sup>

<sup>1</sup> 52 U.S.C. 30104(b)(2); *see also* 11 CFR 104.3(a)(2)(ix).

<sup>2</sup> 52 U.S.C. 30104(b)(4); *see also* 11 CFR 104.3(b).

<sup>3</sup> 52 U.S.C. 30104(b)(2). The Act contains a similar reporting provision for disbursements. *See id.* section 30104(b)(4).

<sup>4</sup> *See* Advisory Opinion 1981-46 (Dellums); Advisory Opinion 1982-41 (Dellums); Advisory Opinion 2002-14 (Libertarian National Committee).

<sup>5</sup> Advisory Opinion 2002-14 (Libertarian National Committee) at 5.

<sup>6</sup> Mailing Lists of Political Committees, 68 FR 52531, 52532 (Sept. 4, 2003).

<sup>7</sup> *Id.* at 52535.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Mailing Lists of Political Committees, 68 FR 64571, 64571-72 (Nov. 14, 2003).

<sup>12</sup> *Id.* at 64572.

<sup>13</sup> *Id.*

A decade and a half later, on June 28, 2019, the Commission received a Petition for Rulemaking (“Petition”) from Campaign Legal Center (“CLC”) asking the Commission to “amend 11 CFR 104.3 to clarify that the receipt or disbursement of a mailing list or other valuable information is subject to the reporting requirements in section 104.3.”<sup>14</sup> Specifically, CLC asked the Commission to “clarify” that a list not subject to disclosure as a “contribution” or “expenditure,” such as a list received or provided as part of an equal-value exchange, “must nevertheless be reported as ‘other receipts’ under 11 CFR 104.3(a)(2)(viii), or ‘other disbursements,’ under 11 CFR 104.3(b)(ix).”<sup>15</sup> The Petition argued that Advisory Opinions 1981–46 (Dellums), 1982–41 (Dellums), and 2002–14 (Libertarian National Committee)—in which the Commission concluded that the equal-value exchange of mailing lists consistent with industry practice is neither a contribution nor otherwise reportable under the Act—are “contrary to the plain text of the law, which requires disclosure of ‘all receipts’ and ‘all disbursements,’ not merely contributions, expenditures, or transfers.”<sup>16</sup>

The Commission published a notification of availability on August 28, 2019, asking for public comment on the Petition.<sup>17</sup> The Commission received three timely comments from individuals and three late comments from CLC. Of the individual comments, two supported and one opposed the Petition.<sup>18</sup> CLC’s comments urged the Commission to prioritize this and other pending regulatory matters.<sup>19</sup>

<sup>14</sup> Campaign Legal Center, Petition for Rulemaking at 1 (June 28, 2019), REG 2019–03, <https://sers.fec.gov/fosers/showpdf.htm?docid=408334>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 3.

<sup>17</sup> See Requiring Reporting of Exchanges of Email Lists, 84 FR 45116 (Aug. 28, 2019).

<sup>18</sup> One comment supporting the Petition characterized the Commission’s treatment of mailing list exchanges as a “loophole” that allows “independent expenditure-only committees (*i.e.* super PACs) to provide direct, valuable aid to candidate committees, in contravention of the law.” Samir Sheth & Professor Michael D. Gilbert, Comment at 1 (Oct. 28, 2019), <https://sers.fec.gov/fosers/showpdf.htm?docid=410225>. The comment opposing the Petition asserted that the proposed rulemaking would “place[] an undue onerous burden upon citizen activists.” Christine Kramar, Comment at 1 (Oct. 20, 2019), <https://sers.fec.gov/fosers/showpdf.htm?docid=410224>.

<sup>19</sup> Campaign Legal Center, Comment at 2–3 (June 5, 2023), <https://sers.fec.gov/fosers/showpdf.htm?docid=423361>; Campaign Legal Center, Comment at 12 (Jan. 13, 2021), <https://sers.fec.gov/fosers/showpdf.htm?docid=413005>; Campaign Legal Center, Comment at 6–7 (June 16, 2020), <https://sers.fec.gov/fosers/showpdf.htm?docid=411922>.

In deciding whether to initiate a rulemaking in response to a petition, the Commission generally considers five factors. They are (1) the Commission’s statutory authority; (2) policy considerations; (3) the desirability of proceeding on a case-by-case basis; (4) the necessity or desirability of statutory revision; and (5) available agency resources.<sup>20</sup>

After considering these factors and reviewing the comments received on the Petition, the Commission has decided not to initiate a rulemaking at this time. The Commission previously expended considerable resources on this issue during its consideration of REG 2003–03 (Mailing Lists); indeed, construing the Act to require the reporting of equal-value exchanges of mailing lists, as the Petition requests, would likely raise the same thorny questions of valuation that led the Commission to terminate the 2003 rulemaking.<sup>21</sup> Commenters in that rulemaking explained that the value of a particular mailing list often depends on factors outside of the content of the list itself, such as the identities of the buyers and sellers, the number of times the recipient plans to use the list, whether there are any restrictions placed on using the names received, and even media coverage of a particular issue, event, or candidate.<sup>22</sup> Absent compelling evidence of a need to reopen these issues in a new rulemaking, doing so would not be a good use of agency resources, particularly given the Commission’s numerous other pending rulemaking petitions and ongoing rulemaking projects.

Nor is the Commission aware of any widespread misuse of mailing list exchanges to thwart the purposes of the Act and warrant Commission rulemaking action. The Petition provided only a single example of potential misuse, which the

<sup>20</sup> 11 CFR 200.5.

<sup>21</sup> One such issue is who would be responsible for determining a list’s value and how. See, e.g., Transcript of Hearing on Candidate Travel, Multi-Candidate Committee Status, Biennial Contribution Limits at 182–85 (Oct. 1, 2003), REG 2003–03 (Mailing Lists) (“Hearing Transcript”), <https://sers.fec.gov/fosers/showpdf.htm?docid=425177> (discussing use of list brokers and means of list-price negotiations). Several commenters questioned the use of independent appraisers. See Lyn Utrecht, Eric Kleinfeld, James Lamb, and Pat Fiori, Comment at 1–2 (Sept. 25, 2003), <https://sers.fec.gov/fosers/showpdf.htm?docid=13912>. One cautioned that deferring to the valuation by “the SDRS [*sic*] and similar directories” would discount price negotiations that are “ubiquitous” in these transactions. Hearing Transcript at 184.

<sup>22</sup> See Hearing Transcript, *supra* note 21, at 57–58, 163, 202–03; Utrecht, Kleinfeld, Lamb, and Fiori, *supra* note 21, at 1.

Commission appropriately addressed through its enforcement process.<sup>23</sup>

Furthermore, the context in which the terms “all receipts” and “all disbursements” appear in the Act validates the Commission’s longstanding conclusion that equal-value exchanges of mailing lists are “non-reportable events.”<sup>24</sup> Unlike the exchange of one list for another list of equal value, the forms of “receipts” enumerated in section 30104(b)(2) all serve to improve the reporting committee’s financial position.<sup>25</sup> Thus, under traditional canons of statutory construction,<sup>26</sup> the equal-value exchange of mailing lists—which would not itself change the reporting committee’s financial position—does not lend itself to being a “receipt” subject to the Act’s reporting requirements.<sup>27</sup> Moreover, reading the statutory term “receipt” to require reporting the value of a mailing list received in an equal-value exchange because it is “received” in the most literal sense of the word (as the Petition

<sup>23</sup> See Petition for Rulemaking, *supra* note 14, at 3–4 (pointing to MUR 6932 (Hillary Rodham Clinton) (failing by vote of 2–2 to approve First General Counsel’s Report recommendation that Commission find reason to believe email-list exchange was not *bona fide*). The Petition did not identify other examples of mailing list exchanges that were resolved through the Commission’s enforcement process, such as MUR 6888 (Republican National Committee, et al.), in which the Commission approved the First General Counsel’s Report’s recommendation of no reason to believe that a data exchange was not an arm’s length, commercial arrangement for an exchange of equal value, and MUR 5396 (Bauer for President 2000, Inc.), which resulted in a conciliation agreement where the parties agreed that lists exchanged were not of equal value.

<sup>24</sup> See Advisory Opinion 2002–14 (Libertarian National Committee) at 5.

<sup>25</sup> See 52 U.S.C. 30104(b)(2) (requiring reporting of contributions; loans; Federal funds; rebates; refunds; offsets to operating expenditures; transfers from affiliated committees (and, for party committees, transfers from another party committee regardless of whether it is affiliated); and dividends, interest, and “other forms of receipts”). The Act contains a similar reporting provision for “disbursements.” See *id.* section 30104(b)(4).

<sup>26</sup> “Under the ‘*ejusdem generis*’ principle (that’s Latin for ‘of the same kind’), a more general phrase that comes at the end of a specific list takes on the qualities of the list.” *Revitalizing Auto Communities Env’t Response Tr. v. Nat’l Grid USA*, 92 F.4th 415, 445 (2d Cir. 2024). “[T]he scope-of-subparts canon of statutory interpretation . . . holds that ‘[m]aterial contained in unindented text relates to all the following . . . indented subparts.’” *United States v. Lowell*, 2 F.4th 1291, 1296 (10th Cir. 2021) (quoting A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts 156 (2012)).

<sup>27</sup> See Advisory Opinion 1981–46 (Dellums) at 2 (concluding that if there is “an exchange of names of equal ‘value’ according to accepted industry practice, the exchange would be considered full consideration for services rendered,” and, “[t]hus, no contribution or expenditure would result and the transaction would not be reportable under the Act”).

appears to suggest) would lead to absurd results, such as requiring political committees to assign a value to and report everything they have “received,” including uncompensated volunteer services<sup>28</sup> and other goods and services that are not “contributions” under the Act.

Additionally, the equal-value exchange of mailing lists is better suited to disposition on a case-by-case basis through advisory opinions and the enforcement process, as the Commission has been doing for the past 40 years. The Commission has issued several advisory opinions over the course of four decades on the treatment of mailing lists, several of which are referred to above. The Commission also previously conducted the 2003 rulemaking to consider whether to change its historical case-by-case practice to valuing mailing list exchanges and ultimately concluded that a case-by-case approach is the right way to go. Further, a case-by-case approach is more appropriate if, as several commenters in the prior rulemaking indicated, the proper valuation of a mailing list often depends on case-by-case facts.

Finally, there does not appear to be great public interest in the proposed rulemaking. The Commission received only six public comments in response to its Notice of Availability, half of which came from the petitioner here.

Accordingly, after considering the comments received regarding the Petition and in consideration of each of the factors discussed, the Commission declines to initiate a rulemaking in response to the Petition.

Dated: August 29, 2024.

On behalf of the Commission,

**Sean J. Cooksey,**

*Chairman, Federal Election Commission.*

[FR Doc. 2024–19900 Filed 9–4–24; 8:45 am]

**BILLING CODE 6715–01–P**

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 301

[REG–120137–19]

RIN 1545–BP66

#### Update of Regulations Regarding Payment of Tax by Commercially Acceptable Means

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document reopens the period to submit comments or to request a public hearing for a notice of proposed rulemaking (REG–120137–19) that was published in the **Federal Register** on Tuesday, July 2, 2024. The proposed regulations relate to the payment of tax by commercially acceptable means and reflect changes to the law made by the Taxpayer First Act that would allow the IRS to directly accept payments of tax by credit or debit card, without having to connect taxpayers to third-party payment processors.

**DATES:** The comment period to submit written or electronic comments for the notice of proposed rulemaking published on July 2, 2024 (89 FR 54746), or to request a public hearing, is reopened through September 24, 2024.

**ADDRESSES:** Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at <https://www.regulations.gov> (indicate IRS and REG–120137–19) by following the online instructions for submitting comments. Requests for a public hearing must be submitted as prescribed in the “Comments and Requests for a Public Hearing” section. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The Department of the Treasury (Treasury Department) and the IRS will publish any comments submitted electronically or on paper to the public docket. Send paper submissions to: CC:PA:01:PR (REG–120137–19), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed regulations, Crystal Jackson-Kaloz of the Office of the Associate Chief Counsel (Procedure and Administration), (202) 317–5191 (not a toll-free number); concerning the submission of comments and requests for a public hearing, Publications and Regulations Section at (202) 317–6901 (not a toll-free number), or by sending an email at [publichearings@irs.gov](mailto:publichearings@irs.gov) (preferred).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and request for comments that appeared in the **Federal Register** on Tuesday, July 2, 2024 (89 FR 54746), announced that written or electronic comments must be received by September 3, 2024. Due to public interest, the due date to receive comments or request a public hearing

has been reopened through Tuesday, September 24, 2024.

**Regina L. Johnson,**

*Federal Register Liaison, Publications and Regulations Section, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 2024–19854 Filed 9–4–24; 8:45 am]

**BILLING CODE 4830–01–P**

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket Number USCG–2024–0528]

RIN 1625–AA08

#### Special Local Regulation; Seddon Channel, Tampa, FL

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary special local regulation for certain waters of the Seddon Channel. This action is necessary to provide for the safety of life on these navigable waters near the Tampa Convention Center, Tampa, FL, during a marine event on November 9, 2024. This proposed rulemaking would establish a special local regulation with the following regulated areas: an event area where all non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within unless authorized by the Captain of the Port St. Petersburg (COTP) or a designated representative; a spectator area where vessels will be directed to anchor while the event is taking place; and an enforcement area where designated representatives may control vessel traffic as determined by the prevailing conditions. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before October 7, 2024.

**ADDRESSES:** You may submit comments identified by docket number USCG–2024–0528 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

<sup>28</sup> 11 CFR 100.74.