

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Sherry R. Haywood,

Assistant Secretary.

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DEPARTMENT OF STATE

[Public Notice 12481]

30-Day Notice of Proposed Information Collection: Four DDTC Information Collections

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to September 12, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrea Battista, SA-1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522-0112, via phone at 202-992-0973, or via email at battistaal@state.gov.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data.
- *OMB Control Number:* 1405-0003.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.

- *Form Number:* DSP-5.
- *Respondents:* Business, Nonprofit Organizations, and Individuals.
- *Estimated Number of Respondents:* 1,668.
- *Estimated Number of Responses:* 16,845.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 16,845 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.
- *Title of Information Collection:* Application/License for Temporary Import of Unclassified Defense Articles.
- *OMB Control Number:* 1405-0013.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- *Form Number:* DSP-61.
- *Respondents:* Business, Nonprofit Organizations, and Individuals.
- *Estimated Number of Respondents:* 141.
- *Estimated Number of Responses:* 572.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 286 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required in Order to Obtain or Retain Benefits.
- *Title of Information Collection:* Application/License for Temporary Export of Unclassified Defense Articles.
- *OMB Control Number:* 1405-0023.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- *Form Number:* DSP-73.
- *Respondents:* Business and Nonprofit Organizations.
- *Estimated Number of Respondents:* 340.
- *Estimated Number of Responses:* 2,029.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 2,029 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required in Order to Obtain or Retain Benefits.
- *Title of Information Collection:* Application for Amendment to License for Export or Import of Unclassified Defense Articles and Related Unclassified Technical Data.
- *OMB Control Number:* 1405-0092.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.

- *Form Number:* DSP-6; DSP-62; DSP-74.
- *Respondents:* Business, Nonprofit Organizations, and Individuals.
- *Estimated Number of Respondents:* 440.
- *Estimated Number of Responses:* 1,742.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 871 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required in Order to Obtain or Retain Benefits.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The export, temporary import, and brokering of defense articles, including technical data, and defense services are authorized by the Department of State, Bureau of Political-Military Affairs, Directorate of Defense Trade Controls (DDTC) in accordance with the International Traffic in Arms Regulations (“ITAR,” 22 CFR parts 120-130) and section 38 of the Arms Export Control Act (AECA). Any person who engages in the United States in the business of manufacturing, brokering, exporting, or temporarily importing defense articles, including technical data, or furnishing defense services must register with the Department of State. Manufacturers who do not engage in exporting must nevertheless register. Additionally, any person who intends to export or to import temporarily a defense article must obtain the approval from DDTC prior to the export or temporary import, unless the export or temporary import qualifies for an exemption. The applicant must be registered with DDTC prior to

submitting an application or using an exemption. Also, registered brokers must submit annual reports regarding all brokering activities that were transacted, and registered manufacturers and exporters must maintain records of defense trade activities for five years.

- **1405-0003, Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data:** In accordance with part 123 of the ITAR, any person who intends to permanently export unclassified defense articles or unclassified technical data must obtain DDTC approval prior to export. The “Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data” (Form DSP-5) is the licensing vehicle typically used to obtain permission for the permanent export of unclassified defense articles, including unclassified technical data covered by the U.S. Munitions List (USML). This form is an application that, when approved, signed and dated by an official of DDTC, serves as the applicant’s authorization for the permanent export of unclassified USML articles.

- **1405-0013, Application/License for Temporary Import of Unclassified Defense Articles:** In accordance with part 123 of the ITAR, any person who intends to temporarily import unclassified defense articles must obtain DDTC authorization prior to import. The “Application/License for Temporary Import of Unclassified Defense Articles” (Form DSP-61) is the licensing vehicle typically used to obtain permission for the temporary import of unclassified defense articles covered by the USML. This form is an application that, when completed and approved by DDTC, it constitutes the official record and authorization for the temporary commercial import of unclassified USML articles, pursuant to the AECA and the ITAR.

- **1405-0023, Application/License for Temporary Export of Unclassified Defense Articles:** In accordance with part 123 of the ITAR, any person who intends to temporarily export unclassified defense articles must obtain authorization from DDTC prior to export. The “Application/License for Temporary Export of Unclassified Defense Articles” (Form DSP-73) is the licensing vehicle typically used to obtain permission for the temporary export of unclassified defense articles covered by the USML. This form is an application that, when completed and approved by DDTC, it constitutes the official record and authorization for the temporary commercial export of

unclassified USML articles, pursuant to the AECA and the ITAR.

- **1405-0092, Application for Amendment to License for Export or Import of Unclassified Defense Articles and Related Unclassified Technical Data:** In accordance with part 123 of the ITAR, any person who intends to permanently export, temporarily import, or temporarily export unclassified or classified defense articles or related technical data must obtain DDTC authorization. This information collection is used by private industry to make changes in an approved Form DSP-5, Form DSP-61, or Form DSP-73. Upon approval, the amendment form along with the original license constitutes the authority to export or temporarily import.

Methodology: This information collection may be sent to DDTC via the following methods: electronically or by mail.

Michael J. Vaccaro,

Deputy Assistant Secretary for Defense Trade Controls, U.S. Department of State.

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36780]

Grupo México, S.A.B. de C.V. and GMéxico Transportes, S.A.B. de C.V.—Acquisition of Control Exemption—CG Railway, LLC

On May 15, 2024, GMéxico Transportes, S.A.B. de C.V. (GMXT), a noncarrier railroad holding company, filed a petition under 49 U.S.C. 10502 for exemption from the prior approval requirements of 49 U.S.C. 11323–24 to allow GMXT to acquire an indirect controlling ownership interest in CG Railway, LLC (CGR), a Class III carrier.¹ The Board will grant the petition for

¹ The petition identifies GMXT as the entity seeking Board authority to acquire a controlling ownership interest in CGR. However, because Grupo México, S.A.B. de C.V. (Grupo México) is the ultimate parent company of GMXT, this proceeding has been recaptioned to include Grupo México. GMXT and Grupo México are collectively referred to as Petitioners.

GMXT’s initial petition, filed in Docket No. FD 36701, was rejected as incomplete and for failing to provide adequate supporting information. See *GMéxico Transportes, S.A.B. de C.V.—Acquis. of Control Exemption—CG Ry. (April 2024 Decision)*, FD 36701, slip op. at 2–4 (STB served Apr. 4, 2024). The Board also required CGR and its owners to respond to questions concerning, respectively, authorization for CGR’s current operations and for the transaction in which they acquired CGR. *Id.* at 4–5; see also *infra* notes 3 & 4.

exemption, subject to standard employee protective conditions.

Background

CGR is wholly owned by Golfo de México Rail Ferry Holdings LLC, a 50/50 joint venture (JV) between Seacor Holdings, Inc. (through its wholly owned subsidiary, Rail Ferry Investment Holdings Inc.) (Seacor) and Genesee & Wyoming, Inc. (through its wholly owned subsidiary, G&W Agave Holdings Inc.) (GWI).² (Pet. 2–3.) CGR provides rail carrier service in the Port of Mobile, Ala., and rail ferry service between the Port of Mobile and the Port of Coatzacoalcas, Mexico, where the rail ferry operation connects to the Ferrosur Railway, a rail carrier subsidiary of GMXT located in Mexico.³ (Pet. 3.)

GMXT, a subsidiary of Grupo México (a noncarrier holding company), controls, through indirect ownership, Florida East Coast Railway, L.L.C. (FECR), a Class II carrier in Florida, and Texas Pacifico Transportation, Ltd. (Texas Pacifico), a Class III carrier in Texas.⁴ (Pet. 3); see *Grupo México, S.A.B. de C.V.—Control Exemption—Fla. E. Coast Holdings Corp.*, FD 36109, slip op. at 1 (STB served May 9, 2017). As explained in the petition, FECR and Texas Pacifico are in the same corporate family as the Copper Basin Railway, Inc., a Class III carrier in Arizona that Grupo México controls through a different indirect subsidiary, ASARCO LLC. (Pet. 3–4).⁵

² In response to questions raised in the *April 2024 Decision* in Docket No. FD 36701, GWI and Seacor jointly submitted a letter explaining that neither GWI nor Seacor “controlled” CGR within the meaning of 49 U.S.C. 10102(7) and 11323(a) due to their 50/50 ownership split and provisions in the agreement governing the JV requiring that decision-making authority is shared equally between the parties. See Letter, May 7, 2024, *GMéxico Transportes*, FD 36701. In the absence of any countervailing evidence, the Board finds this explanation satisfactory and supported by the agreement governing the JV.

³ Following the *April 2024 Decision* in Docket No. FD 36701, CGR obtained after-the-fact authority to operate the rail ferry service between the Port of Mobile and the U.S. maritime boundary line in the Gulf of Mexico. See *CG Ry.—Operation Exemption—Rail Ferry Serv.*, FD 36775 (STB served May 23, 2024). It had previously sought and received authority to operate certain tracks within the Port of Mobile, but not to operate the broader ferry service. *Id.* at 1–2.

⁴ As requested in the *April 2024 Decision*, charts showing the intra-corporate relationships between and among the Grupo México companies before and after the proposed acquisition of CGR are attached to the petition as Exhibit A. See *April 2024 Decision*, FD 36701, slip op. at 2–3 (requiring information about corporate structure and holdings).

⁵ Grupo México also obtained after-the-fact authority to acquire Copper Basin in response to questions raised by the Board in the *April 2024 Decision* in Docket No. FD 36701. See *Grupo México, S.A.B. de C.V.—Acquis. of Control*

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