

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

- *1405-0011, DS-2029, Application for Consular Report of Birth Abroad of a Citizen of the United States of America*: The form is used to apply for a Consular Report of Birth Abroad of a U.S. citizen. The information collected on this form will be used to certify the acquisition of U.S. citizenship at birth of a person born abroad. 8 U.S.C. 1104 and 22 CFR 50.5 through 50.7 are among the important legal authorities pertaining to the Department's use of this form.

- *1405-0187, DS-5507, Affidavit of Physical Presence or Residence, Parentage, and Support*: The form is used to determine whether a U.S. national parent has met the statutory physical presence or residence requirements to transmit U.S. nationality to their child born abroad or in a United States territory for U.S. noncitizen nationality; to establish parentage of the child; and to fulfill the requirements of 8 U.S.C. 1409(a), which permits acknowledgment of paternity under oath and requires the U.S. citizen father's written agreement to provide financial support for a child born abroad out of wedlock to a U.S. citizen father.

The DS-2029, Application for Consular Report of Birth Abroad of a Citizen of the United States of America, has been amended based on changes in Department policy. The Department's new gender policy permits passport applicants to select the gender marker on their passport without presenting medical documentation of gender transition. This policy change includes updating forms to add a third gender marker "X" for applicants identifying as non-binary, intersex, and/or gender non-conforming (in addition to the existing "M" and "F" gender markers).

Both the DS-2029 and the DS-5507 have been amended to replace the term "sex" with "gender" and to be pronoun-inclusive of all genders.

Both forms have been amended to reflect the Department's updated interpretation of Section 301 of the Immigration and Nationality Act (INA). Under the updated interpretation, INA Section 301 applies to children born abroad to parents who are married to each other at the time of the child's birth, when the child has a genetic or gestational connection to at least one of the parents in the marriage, and one of the parents in the marriage is a U.S. citizen. This updated interpretation accommodates modern families and the growing use of Assisted Reproductive Technology (ART) and surrogacy. The Department's previous interpretation of the INA required a child born abroad to a U.S. citizen parent and a foreign national parent to have a genetic or gestational tie to the U.S. citizen parent to acquire U.S. citizenship at birth (if all other statutory transmission requirements are met). The Department had considered births abroad where one of the parents did not have a genetic or gestational tie to the child as "out of wedlock," even if the parents were married, and adjudicated such claims under INA Section 309. The Department will now adjudicate citizenship claims under the "in wedlock" provisions of INA Section 301 when the parents are married at the time of the child's birth and at least one parent has a genetic or gestational tie to the child. Under the updated interpretation, the child may have a genetic or gestational tie to either parent in a legal marriage—if one of those parents is a U.S. citizen and all other statutory transmission requirements have been met—to acquire U.S. citizenship at birth. A child born abroad in this circumstance is now considered to be born "in wedlock" for the purposes of INA Section 301.

Finally, the DS-5507 instructions regarding periods of physical presence or residence in the United States or abroad have been amended to decrease the burden on the public by clarifying that the Department will accept just the Month and Year [or MM-YYYY format] for time frames if exact dates are unknown. However, the instructions also indicate that the individual may be asked to provide exact dates if necessary to determine that statutory transmission requirements have been met.

Methodology

Parents normally submit an application for a Consular Report of Birth Abroad at a U.S. embassy or consulate in the consular district in which the birth occurred. A consular officer will interview the parent(s)/guardian, examine the application and supporting documentation, and enter

the information provided into the Department of State American Citizen Services (ACS) electronic database.

Parent(s) may complete and submit the Affidavit of Physical Presence or Residence, Parentage, and Support in person or by mail. The form may be accessed online, completed electronically, printed, and signed; or it may be downloaded, printed, and filled out manually.

The DS-2029 is also available in an online format (known as "eCRBA"). The eCRBA will allow applicants to enter their data, upload required documents, pay fees, and schedule an appointment to appear at the adjudicating post for an interview.

Additionally, the applicant will be able to check the status of their application. The eCRBA pilot launched in March 2019 at posts located in Toronto, Mexico City, Frankfurt, Paris, Tokyo, and Sydney. The Department continues to work on enhancements with an anticipated phased global rollout in 2023.

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36667]

McKees Rocks Railroad LLC— Acquisition and Operation Exemption—Pittsburgh, Allegheny & McKees Rocks Railroad Company

McKees Rocks Railroad LLC (McKees Rocks), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate approximately 3.36 miles of rail line¹ owned by Pittsburgh, Allegheny & McKees Rocks Railroad Company (PAM) and its parent company, McKees Rocks Industrial Enterprises, Inc. (MRIE),² located at McKees Rocks, in Allegheny County, Pa. (the Line), as well as yard tracks and sidings.

According to the verified notice, McKees Rocks and PAM/MRIE have reached an agreement in principle pursuant to which McKees Rocks, with the support of its parent company, SunCap Property Group, will acquire the Line and redevelop PAM's former McKees Rocks, Pa. facility. The verified notice indicates that McKees Rocks does

¹ McKees Rocks states that the track does not have mileposts.

² According to the verified notice, PAM owns the trackage and MRIE owns the underlying real estate.

not plan on operating the Line itself, but rather intends to contract with a third-party operator should future lessees at the McKees Rocks, Pa. facility request service.

According to McKees Rocks, the proposed transaction does not contain an interchange commitment. McKees Rocks certifies that its projected annual revenues resulting from the transaction will not exceed \$5 million and will not result in McKees Rocks' becoming a Class I or Class II rail carrier.

The earliest this transaction may be consummated is March 4, 2023, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than February 24, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36667, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on McKees Rocks' representative, William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW, Suite 300, Washington, DC 20037.

According to McKees Rocks, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: February 14, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Andrea Pope-Matheson,
Clearance Clerk.

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SURFACE TRANSPORTATION BOARD

[Docket No. AB 733 (Sub-No. 1X)]

Housatonic Railroad Company, Inc.— Discontinuance of Service—Dutchess and Putnam Counties, N.Y.

Housatonic Railroad Company, Inc. (HRRC), has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and*

Discontinuances of Service to discontinue trackage rights over the rail line known as the Beacon Line located between milepost 0.0 at Beacon, N.Y., and milepost 71.2¹ at the Connecticut/New York state line, for a total distance of 41.1 miles, in Dutchess and Putnam Counties, N.Y. (the Line).² The Line traverses U.S. Postal Service Zip Codes 12508, 12524, 12533, 12582, 12570, 12531, 12563, 10509, and 12564.

HRRC has certified that: (1) it has moved no local traffic over the Line for at least two years; (2) any common carrier overhead traffic can be rerouted; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service on the Line is either pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)³ to subsidize continued rail service has been received, this exemption will be effective on March 19, 2023, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues⁴ and formal

¹ The connecting branches that form the Line also retain their original milepost designations used by the former New York Central and New York, New Haven & Hartford, which are milepost 12.8 and milepost 42.9.

² The Line is owned by Metro-North Commuter Railroad Company (Metro-North). When the Board's predecessor, the Interstate Commerce Commission, authorized Metro-North's acquisition of the Line in 1995, it exempted Metro-North from most of the provisions of Subtitle IV of Title 49 of the U.S. Code. (Verified Notice 2-3.)

³ Persons interested in submitting an OFA to subsidize continued rail service must first file a formal expression of intent to file an offer, indicating the intent to file an OFA for subsidy and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

⁴ Typically, a discontinuance does not require environmental review because the environmental review will occur during any later abandonment. However, in certain situations where the owner of a rail line proposed for discontinuance does not

expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)⁵ must be filed by February 27, 2023.⁶ Petitions to reopen must be filed by March 9, 2023.

All pleadings, referring to Docket No. AB 733 (Sub-No. 1X), must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading filed with the Board must be sent to HRRC's representative, Edward J. Rodriguez, Housatonic Railroad Company, Inc., 4 Huntley Road, P.O. Box 687, Old Lyme, CT 06371.

If the verified notice contains false or misleading information, the exemption is void ab initio.

This action will not significantly impact the quality of the human environment or the conservation of energy resources.

Board decisions and notices are available at www.stb.gov.

Decided: February 14, 2023.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Stefan Rice,
Clearance Clerk.

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require Board approval to abandon the line, a discontinuance may require environmental review. See 49 CFR 1105.6(b)(3). On September 9, 2022, the Board's Office of Environmental Analysis (OEA) issued a Final Environmental Assessment (Final EA) covering the Line in a related proceeding: *Metro-North Commuter Railroad—Adverse Discontinuance of Trackage Rights—Housatonic Railroad*, Docket No. AB 1311. No environmental or historic preservation issues were raised by any party or identified by OEA in that Final EA. Accordingly, because OEA has recently conducted an appropriate environmental review concerning the Line at issue, a finding of no significant impact under 49 CFR 1105.10(g) will be made pursuant to 49 CFR 1011.7(a)(2)(ix).

⁵ The filing fee for OFAs can be found at 49 CFR 1002.2(f)(25).

⁶ Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate in this docket. However, the Board has granted in the past a petition for partial revocation of a 49 U.S.C. Subtitle IV exemption to permit the owner a line to seek abandonment authority in order to pursue interim trail use/rail banking. See *Caldwell R.R. Comm'n—Exemption from 49 U.S.C. Subtitle IV*, FD 32659 (Sub-No. 2) (STB served Sept. 8, 2015).