

but that a civil monetary penalty is not the most appropriate response.

(2) An initial Finding of Violation shall be in writing and may be issued whether or not another agency has taken any action with respect to the matter. For additional details concerning issuance of a Finding of Violation, see appendix A to part 501 of this chapter.

(b) *Response*—(1) *Right to respond*. An alleged violator has the right to contest an initial Finding of Violation by providing a written response to OFAC.

(2) *Deadline for response; default determination*. A response to an initial Finding of Violation must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of the right to respond, and the initial Finding of Violation will become final and will constitute final agency action. The violator has the right to seek judicial review of that final agency action in Federal district court.

(i) *Computation of time for response*. A response to an initial Finding of Violation must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier), or dated if sent by email, on or before the 30th day after the postmark date on the envelope in which the initial Finding of Violation was served or date the Finding of Violation was sent by email. If the initial Finding of Violation was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response*. If a due date falls on a Federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response*. A response to an initial Finding of Violation need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof (electronic signature is acceptable), contain information sufficient to indicate that it is in response to the initial Finding of Violation, and include the OFAC identification number listed on the initial Finding of Violation. The response must be sent to OFAC's Enforcement Division by mail or courier or email and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(4) *Information that should be included in response*. Any response should set forth in detail why the alleged violator either believes that a violation of the regulations in this part did not occur and/or why a Finding of Violation is otherwise unwarranted under the circumstances, with reference to the General Factors Affecting Administrative Action set forth in the Guidelines contained in appendix A to part 501 of this chapter. The response should include all documentary or other evidence available to the alleged violator that supports the arguments set forth in the response. OFAC will consider all relevant materials submitted in the response.

(c) *Determination*—(1) *Determination that a Finding of Violation is warranted*. If, after considering the response, OFAC determines that a final Finding of Violation should be issued, OFAC will issue a final Finding of Violation that will inform the violator of its decision. A final Finding of Violation shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in Federal district court.

(2) *Determination that a Finding of Violation is not warranted*. If, after considering the response, OFAC determines a Finding of Violation is not warranted, then OFAC will inform the alleged violator of its decision not to issue a final Finding of Violation.

Note 1 to paragraph (c)(2). A determination by OFAC that a final Finding of Violation is not warranted does not preclude OFAC from pursuing other enforcement actions consistent with the Guidelines contained in appendix A to part 501 of this chapter.

(d) *Representation*. A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific alleged violations contained in the initial Finding of Violation must be preceded by a written letter of representation, unless the initial Finding of Violation was served upon the alleged violator in care of the representative.

Subpart H—Procedures

§ 526.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart E, of this chapter.

§ 526.802 Delegation of certain authorities of the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to E.O. 14078 of July 19, 2022, and any further Executive orders relating to the national emergency declared therein, may be taken by the Director of OFAC or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 526.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures, and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 221223–0282]

RTID 0648–XD123

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer From NC to RI

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2023 commercial summer flounder quota to the State of Rhode Island. This adjustment to the 2023 fishing year quota is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised 2023 commercial quotas for North Carolina and Rhode Island.

DATES: Effective July 10, 2023 through December 31, 2023.

FOR FURTHER INFORMATION CONTACT:
Laura Deighan, Fishery Management
Specialist, (978) 281-9184.

SUPPLEMENTARY INFORMATION:
Regulations governing the summer
flounder fishery are found in 50 CFR
648.100 through 648.110. These
regulations require annual specification
of a commercial quota that is
apportioned among the coastal states
from Maine through North Carolina. The
process to set the annual commercial
quota and the percent allocated to each
state is described in § 648.102 and final
2023 allocations were published on
January 3, 2023 (88 FR 11).

The final rule implementing
Amendment 5 to the Summer Flounder
Fishery Management Plan (FMP), as
published in the **Federal Register** on
December 17, 1993 (58 FR 65936),
provided a mechanism for transferring
summer flounder commercial quota
from one state to another. Two or more

states, under mutual agreement and
with the concurrence of the NMFS
Greater Atlantic Regional Administrator,
can transfer or combine summer
flounder commercial quota under
§ 648.102(c)(2). The Regional
Administrator is required to consider
three criteria in the evaluation of
requests for quota transfers or
combinations: the transfer or
combinations would not preclude the
overall annual quota from being fully
harvested; the transfer addresses an
unforeseen variation or contingency in
the fishery; and the transfer is consistent
with the objectives of the FMP and the
Magnuson-Stevens Fishery
Conservation and Management Act
(Magnuson-Stevens Act). The Regional
Administrator has determined these
three criteria have been met for the
transfer approved in this notification.

North Carolina is transferring 25,273
lb (11,464 kg) to Rhode Island through
a mutual agreement between the states.

This transfer was requested to repay
landings made by an out-of-state
permitted vessel under a safe harbor
agreement. The revised summer
flounder quotas for 2023 are North
Carolina, 3,303,285 lb (1,498,345 kg),
and Rhode Island, 2,230,478 lb
(1,011,728 kg).

Classification

NMFS issues this action pursuant to
section 305(d) of the Magnuson-Stevens
Act. This action is required by 50 CFR
648.162(e)(1)(i) through (iii), which was
issued pursuant to section 304(b), and is
exempted from review under Executive
Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 5, 2023.

Jennifer M. Wallace,

*Acting Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.*

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