

it is essential to the national security interests of the United States to waive the application of this restriction.

2. *Arms Sales*: Termination of (a) sales to Russia under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and (b) licenses for the export to Russia of any item on the United States Munitions List.

The Acting Under Secretary of State for Political Affairs has determined that it is essential to the national security interests of the United States to waive the application of this sanction with respect to the issuance of licenses in support of government space cooperation, provided that applications for such licenses shall be reviewed on a case-by-case basis and consistent with export licensing policy for Russia prior to the date of the determination. Licenses in support of commercial space launches, shall be reviewed subject to a policy of denial.

3. *Arms Sales Financing*: Termination of all foreign military financing for Russia under the Arms Export Control Act.

4. *Denial of United States Government Credit or Other Financial Assistance*: Denial to Russia of any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

5. *Exports of National Security-Sensitive Goods and Technology*: Prohibition on the export to Russia of any goods or technology controlled for National Security reasons on the control list established under 50 U.S.C. 4813(a)(1).

The Secretary of State has determined that it is essential to the national security interests of the United States to waive the application of this sanction and replace it with the following policies:

License Exceptions: Exports and re-exports of goods or technology eligible under License Exceptions GOV, ENC, BAG, TMP, and AVS.

Safety Of Flight: Exports and re-exports of goods or technology pursuant to new licenses necessary for the safety of flight of civil fixed-wing passenger aviation, provided that applications for such licenses shall be reviewed on a case-by-case basis, consistent with export licensing policy for Russia prior to the date of the determination.

Deemed Exports/Reexports: Exports and re-exports of goods or technology

pursuant to new licenses for deemed exports and re-exports to Russian nationals, provided that applications for such licenses shall be reviewed on a case-by-case basis, consistent with export licensing policy for Russia prior to the date of the determination.

Wholly-Owned U.S. and Other Foreign Subsidiaries: Exports and re-exports of goods or technology pursuant to new licenses for exports and re-exports to wholly-owned U.S. and other foreign subsidiaries in Russia, provided that applications for such licenses shall be reviewed on a case-by-case basis, consistent with export licensing policy for Russia prior to the date of the determination.

Government Space Cooperation: Exports and re-exports of goods or technology pursuant to new licenses in support of government space cooperation, provided that applications for such licenses shall be reviewed on a case-by-case basis, consistent with export licensing policy for Russia prior to the date of the determination.

Commercial Space Launches: Exports and re-exports of goods or technology pursuant to new licenses in support of commercial space launches, will be reviewed subject to a policy of denial.

Commercial End-Users: Exports and re-exports of goods or technology pursuant to new licenses for commercial end-users for civil end-uses in Russia unless they are wholly-owned U.S. or other foreign subsidiaries in Russia, provided that applications for such licenses will be reviewed on case-by-case basis and subject to a “presumption of denial” policy.

The Department of Commerce has implemented additional restrictions against Russia in response to its invasion of Ukraine. For the most current information about these restrictions, please see the Export Administration Regulations, *e.g.*, 15 CFR parts 744 and 746. Also see <https://www.bis.gov>.

These measures shall be implemented by the responsible departments and agencies of the United States government and will remain in place for at least one year and until further notice.

Choo S. Kang,

Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State.

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SURFACE TRANSPORTATION BOARD

[Docket No. EP 682 (Sub-No. 15)]

2023 Tax Information for Use in The Revenue Shortfall Allocation Method

The Board is publishing, and providing the public an opportunity to comment on, the 2023 weighted average State tax rates for each Class I railroad, as calculated by the Association of American Railroads (AAR), for use in the Revenue Shortfall Allocation Method (RSAM).

The RSAM figure is one of three benchmarks that together are used to determine the reasonableness of a challenged rate under the Board’s *Simplified Standards for Rail Rate Cases*, EP 646 (Sub-No. 1), slip op. at 10 (STB served Sept. 5, 2007),¹ as further revised in *Simplified Standards for Rail Rate Cases—Taxes in Revenue Shortfall Allocation Method (Simplified Standards—Taxes in RSAM)*, EP 646 (Sub-No. 2) (STB served Nov. 21, 2008). RSAM is intended to measure the average markup that the railroad would need to collect from all of its “potentially captive traffic” (traffic with a revenue-to-variable-cost ratio above 180%) to earn adequate revenues as measured by the Board under 49 U.S.C. 10704(a)(2) (*i.e.*, earn a return on investment equal to the railroad industry cost of capital). *Simplified Standards—Taxes in RSAM*, EP 646 (Sub-No. 2), slip op. at 1. In *Simplified Standards—Taxes in RSAM*, EP 646 (Sub-No. 2), slip op. at 3, 5, the Board modified its RSAM formula to account for taxes, as the prior formula mistakenly compared pre-tax and after-tax revenues. In that decision, the Board stated that it would institute a separate proceeding in which Class I railroads would be required to submit the annual tax information necessary for the Board’s annual RSAM calculation. *Id.* at 5–6.

Pursuant to 49 CFR 1135.2, AAR is required to annually calculate and submit to the Board the weighted average State tax rate for each Class I railroad for the previous year. On May 30, 2024, AAR filed its calculation of the weighted average State tax rates for 2023, listed below for each Class I railroad:

¹ *Aff’d sub nom. CSX Transp., Inc. v. STB*, 568 F.3d 236 (D.C. Cir. 2009), *vacated in part on reh’g*, 584 F.3d 1076 (D.C. Cir. 2009).

WEIGHTED AVERAGE STATE TAX RATES

Railroad	2023 (%)	2022 (%)	% Change
BNSF Railway Company	4.894	4.960	-0.066
CSX Transportation, Inc.	5.172	5.242	-0.070
Grand Trunk Corporation	7.728	7.906	-0.178
The Kansas City Southern Railway Company	5.120	4.897	0.223
Norfolk Southern Combined Railroad Subsidiaries	5.368	5.620	-0.252
Soo Line Corporation	7.617	7.802	-0.185
Union Pacific Railroad Company	5.241	5.337	-0.096

Pursuant to 49 CFR 1135.2(b), notice of AAR's submission will be published in the **Federal Register**. Any party wishing to comment on AAR's calculation of the 2023 weighted average State tax rates should file a comment by July 8, 2024. See 49 CFR 1135.2(c). If any comments opposing AAR's calculations are filed, AAR's reply will be due within 20 days of the filing date of the comments. *Id.* If any comments are filed, the Board will review AAR's submission, together with the comments, and serve a decision within 60 days of the close of the record that either accepts, rejects, or modifies AAR's railroad-specific tax information. *Id.* If no comments are filed by July 8, 2024, AAR's submitted weighted average State tax rates will be automatically adopted by the Board, effective July 9, 2024. *Id.*

It is ordered:

1. Comments on AAR's calculation of the 2023 weighted average State tax rates for the Class I railroads are due by July 8, 2024. If any comments opposing AAR's calculations are filed, AAR's reply is due within 20 days of the filing of the comments.

2. If no comments are filed, AAR's calculation of the 2023 weighted average State tax rates for each Class I railroad will be automatically adopted by the Board, effective July 9, 2024.

3. Notice will be published in the **Federal Register**.

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

Stefan Rice,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0003]

Safety Fitness Determinations; Public Listening Session

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of public listening session.

SUMMARY: FMCSA announces that it will host a listening session pertaining to development of an updated methodology to determine when a motor carrier is not fit to operate commercial motor vehicles in or affecting interstate commerce. Specifically, the Agency would like to hear from members of the public on issues of concern relating to the current Safety Fitness Determination (SFD), including, for example, the three-tiered rating system (Satisfactory, Unsatisfactory, Conditional) versus changing to a proposed single rating only when a carrier is found to be Unfit; utilizing inspection data and FMCSA's Safety Measurement System (SMS); incorporating driver behavior into SFD ratings; and revising the list of safety violations used to calculate the rating, and adjusting the weights allocated to particular violations including increasing the weight for unsafe driving violations. This FMCSA-hosted listening session will be open to all interested persons and will take place concurrently with the Texas Trucking Show in Houston, TX. All comments will be transcribed and placed in the public docket for the regulatory action. Individuals with diverse experiences and perspectives are encouraged to attend. In a separate notice, FMCSA will formally announce and provide separate registration information for two related virtual-only listening sessions on the same topics to be held in June and July, 2024.

DATES: The public listening session will be held on Saturday, June 29, 2024, from 1:00 p.m. to 2:30 p.m. CT. The session will be held in person. The listening session may end early if all participants wishing to express their views have done so.

Public Comment: The in-person session will allow members of the public to make brief statements to the panel. FMCSA will accept written comments to the docket through August 7, 2024.

ADDRESSES: The meeting will be held at the NRG Center, 1 NRG Parkway, Houston, TX 77054, in the Seminar Area next to the Trucking Exhibition. Please arrive early to allow time to check in and arrive at the room. Attendees do not need to preregister for the listening session but are required to register for the Texas Trucking Show using this link: <https://texastruckingshow.com/register>.

FOR FURTHER INFORMATION CONTACT: Stacy Ropp, (609) 661-2062, SafetyFitnessDetermination@dot.gov.

Services for Individuals with Disabilities: FMCSA is committed to providing equal access to the listening session. For accommodations for persons with disabilities, please email FMCSA.OUTREACH@dot.gov at least 2 weeks in advance of the meeting to allow time to make appropriate arrangements.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages participation in the session and providing of comments. Members of the public may submit written comments to the public dockets for this action using any of the following methods:

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2022-0003). You may submit your comments and material online or by mail or hand delivery, but please use only one of these methods. FMCSA recommends that you include