

around flood risk in the basin. The Board also recommended that jurisdictions in the basin review their floodplain management policies through the lens of making these areas more resilient for possible future floods.

The full study board report and recommendations can be found at www.ijc.org/lcrr.

The International Joint Commission was established under the Boundary Waters Treaty of 1909 to help the United States and Canada prevent and resolve disputes over the use of the waters the two countries share. The Commission's responsibilities include investigating and reporting on issues of concern when asked by the governments of the two countries. For more information, visit the IJC website at ijc.org.

Susan E. Daniel,

Secretary, U.S. Section, International Joint Commission, Department of State.

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DEPARTMENT OF STATE

[Public Notice: 11842]

Bureau of Political-Military Affairs; Administrative Debarment Under the International Traffic in Arms Regulations Involving Ryan Adams, Marc Baier, and Daniel Gericke

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has imposed administrative debarment under the International Traffic in Arms Regulations (ITAR) on Ryan Adams, Marc Baier, and Daniel Gericke.

DATES: Debarment imposed as of August 29, 2022.

FOR FURTHER INFORMATION CONTACT: Jae E. Shin, Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 632-2107.

SUPPLEMENTARY INFORMATION: Section 127.7(c)(2) of the ITAR authorizes the Assistant Secretary of State for Political-Military Affairs to debar any person who has been found pursuant to part 128 of the ITAR to have committed a violation of the Arms Export Control Act (AECA) or when such violation is of such character as to provide a reasonable basis for the Directorate of Defense Trade Controls to believe that the violator cannot be relied upon to comply with the AECA or ITAR in the future. Such debarment prohibits the subject from participating directly or indirectly in the export of defense articles or defense services for which a

license or other approval is required by the ITAR.

Debarred persons are generally ineligible to participate in activity regulated under the ITAR (see, e.g., § 120.1(c) and (d), § 126.7, § 127.1(c), and § 127.11(a)). The Department of State will not consider applications for licenses or requests for approvals that involve any debarred person.

Between January 2016 and November 2019, Ryan Adams, Marc Baier, and Daniel Gericke (“Respondents”) were employed by DarkMatter Group (DarkMatter), a privately held technology and cyber services company headquartered and organized in the United Arab Emirates (UAE) that furnished cyber services to the UAE government. Prior to working at DarkMatter, a foreign corporation registered in the UAE, Respondents were employed by CyberPoint International LLC (CyberPoint) a U.S.-based company that furnished cyber services to the UAE government pursuant to ITAR licenses or other approvals, including technical assistance agreements. CyberPoint and DarkMatter were competitors, and in late 2015 and early 2016, the UAE government transitioned its contracts for cyber services from CyberPoint to DarkMatter. During this time period, DarkMatter hired certain U.S.-person former managers of CyberPoint, including Respondents.

Respondents possessed computer network exploitation (CNE) expertise that included the development, maintenance, deployment, and operation of software and hardware designed to obtain unauthorized access to electronic devices and accounts. Respondents used their CNE expertise to provide and support CNE services to persons and entities in the UAE and the UAE government on behalf of DarkMatter.

Among their other activities, Respondents created certain zero-click computer hacking and intelligence gathering systems that Respondents specially designed, developed, maintained, and operated to allow its users access to tens of millions of devices for the UAE government’s intelligence purposes. The services Respondents performed in connection with the relevant systems constituted furnishing defense services under U.S. Munitions List (USML) Category XI(d) because: (a) the relevant systems were electronic systems, equipment, or software that were specially designed for intelligence purposes that collect, survey, monitor, exploit, analyze, or produce information from the electromagnetic spectrum as described

in USML Category XI(b); and (b) Respondents assisted foreign persons in the use, design, development, engineering, production, modification, testing, maintenance, processing, or operation of the relevant systems. Respondents did not have a license or other approval to furnish such ITAR-controlled defense services.

As a result of these violations, on July 7, 2022 (Adams and Baier) and August 5, 2022 (Gericke), the Department of State and Respondents entered into Consent Agreements that administratively debarred Respondents until July 7, 2025 and August 5, 2025, respectively, and pursuant to order of the Assistant Secretary for Political-Military Affairs they are administratively debarred. Reinstatement after July 7, 2025 and August 5, 2025 is not automatic but contingent on full compliance with the terms of the July 7, 2022 and August 5, 2022, Consent Agreements and evidence that the underlying problems that gave rise to the violations have been corrected. At the end of the debarment period, Respondents may apply for reinstatement. Until licensing privileges are reinstated, Respondents will remain administratively debarred.

This notice is provided to make the public aware that the persons listed above are prohibited from participating directly or indirectly in any brokering activities and in any export from or temporary import into the United States of defense articles, related technical data, or defense services in all situations covered by the ITAR.

Exceptions may be made to this denial policy on a case-by-case basis at the discretion of the Directorate of Defense Trade Controls. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: whether an exception is warranted by overriding U.S. foreign policy or national security interests; whether an exception would further law enforcement concerns that are consistent with foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and law enforcement concerns.

This notice involves a foreign affairs function of the United States encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedure Act. Because the exercise of this foreign affairs function is highly discretionary,

it is excluded from review under the Administrative Procedure Act.

Kevin E. Bryant,

*Acting Director, Office of Directives
Management, Department of State.*

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36622 (Sub-No. 1)]

Evansville Western Railway, Inc.— Temporary Trackage Rights Exemption—Illinois Central Railroad Company

On August 16, 2022, the Evansville Western Railway, Inc. (EVWR), filed a request under 49 CFR 1180.2(d)(8) for an additional extension of the temporary overhead trackage rights previously granted in this docket over an approximately 11.7-mile rail line owned by Illinois Central Railroad Company, between Sugar Camp, Ill., at milepost 61.9, and Dial, Ill., at milepost 73.6 (the Line).

EVWR was authorized to acquire these trackage rights over the Line by notice of exemption served in Docket No. FD 36622 on June 8, 2022, and published in the **Federal Register** on June 13, 2022 (87 FR 35,846). These trackage rights were extended in a decision served in this subdocket on July 15, 2022, and published in the **Federal Register** on July 20, 2022 (87 FR 43,369). The purpose of the trackage rights is to allow EVWR to load unit coal trains at the Pond Creek Mine near Dial until EVWR's service at the Sugar Camp Mine can be restored following the mine's closure due to a mine fire and the unrelated relocation of long wall mining equipment. The rights were scheduled to expire on the earlier of (i) August 15, 2022, or (ii) the re-opening of the Sugar Camp Mine "with sufficient production to fulfill the required requested loadings of unit trains of coal." *Evansville W. Ry.—Temporary Trackage Rights Exemption—Ill. Cent. R.R.*, FD 36622 (Sub-No. 1), slip op. at 2 (STB served July 15, 2022). EVWR now seeks to further extend the temporary trackage rights until the earlier of (i) August 31, 2022, or (ii) the reopening of the Sugar Camp Mine "with sufficient production to fulfill the required requested loadings of unit trains of coal." (August 16 Pleading 4.)

Under 49 CFR 1180.2(d)(8), the parties may, prior to the expiration of the relevant period, file a request for a renewal of the temporary rights for an additional period of up to one year, including the reasons for the extension.

Otherwise, no authorization from the Board is necessary for carriers to discontinue temporary trackage rights as of the specified expiration date. EVWR states that the Sugar Camp Mine is expected to remain inoperable for several more weeks and that an extension of the temporary trackage rights will allow it to continue service to its shippers by loading unit coal trains at the Pond Creek Mine until EVWR's service at the Sugar Camp Mine can be restored. EVWR filed a copy of an executed amendment to the temporary trackage rights agreement with its request for an extension.

EVWR did not request the extension before the rights expired on August 15. However, given the short period between expiration of the rights and the request for renewal, the emergency nature of the trackage rights given the fire at the Sugar Camp Mine, and the need to minimize any interruption of rail service, the Board finds good cause to waive the provisions of 49 CFR 1180.2(d)(8) to the extent that they would prohibit an extension of the temporary trackage rights here, and to permit EVWR to seek an extension after the brief expiration of the temporary trackage rights here.

Should EVWR require a further extension, EVWR should make every effort to account for the full period EVWR anticipates will be needed for the Sugar Camp Mine to reopen, so that still further requests will not be necessary. In addition, in light of the Board's regulations, and to ensure continued service without interruption, EVWR is reminded to submit any further extension request *before* expiration of the temporary trackage rights granted here to allow for the Board's timely consideration of the request.

In accordance with 49 CFR 1180.2(d)(8), EVWR's temporary trackage rights over the Line will be extended and will expire on or before August 31, 2022, as explained above. The employee protective conditions imposed in the June 8, 2022 notice remain in effect. Notice of the extension will be published in the **Federal Register**.

It is ordered:

1. EVWR's temporary overhead trackage rights are extended and will expire on the earlier of (i) August 31, 2022, or (ii) the reopening of the Sugar Camp Mine with sufficient production to fulfill the required requested loadings of unit trains of coal.

2. The provisions of 49 CFR 1180.2(d)(8) are waived to the extent that they would prohibit an extension of the temporary trackage rights here.

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

4. This decision is effective on its service date.

Decided: August 23, 2022.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

Tammy Lowery,
Clearance Clerk.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2022–0012]

Request for Written Comments Concerning China's Compliance With WTO Commitments

AGENCY: Office of the United States Trade Representative.

ACTION: Request for written comments.

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) invites interested persons to submit written comments to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to the Congress on China's compliance with the commitments made in connection with its accession to the World Trade Organization (WTO). Due to the COVID–19 situation, the TPSC will foster public participation via written questions and written responses relating to the written comments received by the TPSC rather than an in-person hearing. This notice includes the schedule for submission of comments, questions and responses.

DATES:

September 28, 2022 at 11:59 p.m.

EDT: Deadline for submission of written comments.

October 12, 2022 at 11:59 p.m. EDT:

Deadline for the TPSC to pose written questions on written comments.

October 26, 2022 at 11:59 p.m. EDT:

Deadline for submission of commenters' responses to written questions from the TPSC.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: <http://www.regulations.gov>. (Regulations.gov) The instructions for submitting written submissions are in sections III and IV below. The docket number is USTR–2022–0012. For alternatives to online submissions, contact Spencer Smith at Spencer.L.Smith2@ustr.eop.gov or (202) 395–2974 before transmitting a submission and in advance of the relevant deadline.