

**COMMENTS FROM THE AUGUST 2023 PUBLICATION
OF PROPOSED AMENDMENTS TO FEDERAL RULES & FORMS**

To view the proposed amendments to appellate rules and forms that were published for this comment period, please visit the Rules & Policies page of the judiciary's website at <https://www.uscourts.gov/> to download the 2023 preliminary draft of proposed amendments.

Comments were submitted at <https://www.regulations.gov/> under docket number USC-RULES-AP-2023-0001.

The comment period started August 15, 2023 and closed February 16, 2024.



INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-442 and 731-TA-1095-1096 (Third Review)]

Lined Paper School Supplies From China and India

Determinations

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the countervailing duty order on lined paper school supplies from India and the antidumping duty orders on lined paper school supplies from China and India would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on February 1, 2023 (88 FR 6787) and determined on May 8, 2023 that it would conduct expedited reviews (88 FR 37096, June 6, 2023).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on August 4, 2023. The views of the Commission are contained in USITC Publication 5450 (August 2023), entitled *Lined Paper School Supplies from China and India: Investigation Nos. 701-TA-442 and 731-TA-1095-1096 (Third Review)*.

By order of the Commission.

Issued: August 4, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023-17085 Filed 8-8-23; 8:45 am]

BILLING CODE 7020-02-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committees on Appellate, Bankruptcy, and Civil Rules; Hearings of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committees on Appellate, Bankruptcy, and Civil Rules; notice of proposed amendments and open hearings.

DATES: All written comments and suggestions with respect to the proposed amendments may be submitted on or after the opening of the period for public comment on August 15, 2023, but no later than February 16, 2024.

ADDRESSES: Written comments must be submitted electronically, following the instructions provided on the website. Comments will be posted on the website and available to the public.

Public hearings either virtually or in person are scheduled on the proposed amendments as follows:

- Appellate Rules on October 18, 2023, and January 24, 2024;
- Bankruptcy Rules and Forms on January 12, 2024, and January 19, 2024; and
- Civil Rules on October 16, 2023, January 16, 2024, and February 6, 2024.

Those wishing to testify must contact the Secretary of the Committee on Rules of Practice and Procedure by email at: *RulesCommittee_Secretary@ao.uscourts.gov*, at least 30 days before the hearing.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, *RulesCommittee_Secretary@ao.uscourts.gov*.

SUPPLEMENTARY INFORMATION: The Advisory Committees on Appellate, Bankruptcy, and Civil Rules have proposed amendments to the following rules:

- Appellate Rules 6 and 39;
- Bankruptcy Rules 3002.1 and 8006;
- Bankruptcy Official Forms 410, 410C13-M1, 410C13-M1R, 410C13-N, 410C13-NR, 410C13-M2, and 410C13-M2R; and
- Civil Rules 16, 26, and new Rule 16.1.

The text of the proposals will be posted August 15, 2023, on the Judiciary’s website at: <https://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment>.

(Authority: 28 U.S.C. 2073.)

Dated: August 3, 2023.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2023-16976 Filed 8-8-23; 8:45 am]

BILLING CODE 2210-55-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1238]

Bulk Manufacturer of Controlled Substances Application: Chemtos, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Chemtos, LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 10, 2023. Such persons may also file a written request for a hearing on the application on or before October 10, 2023.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on July 6, 2023, Chemtos, LLC., 16713 Picadilly Court, Round Rock, Texas 78664-8544, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).



Total Estimated Number of Annual Burden Hours: 758.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2023–21778 Filed 10–2–23; 8:45 am]

BILLING CODE 4312–52–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Hearing of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Appellate Rules; notice of cancellation of open hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Appellate Procedure has been canceled: Appellate Rules Hearing on October 18, 2023. The announcement for this hearing was previously published in the **Federal Register** on August 9, 2023.

DATES: October 18, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov*.

(Authority: 28 U.S.C. 2073.)

Dated: September 26, 2023.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2023–21829 Filed 10–2–23; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Committee on Rules of Practice and Procedure; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Committee on Rules of Practice and Procedure; notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a meeting in a hybrid format with remote attendance options on January 4, 2024 in Austin, TX. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books>.

DATES: January 4, 2024.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov*.

(Authority: 28 U.S.C. 2073.)

Dated: September 26, 2023.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2023–21830 Filed 10–2–23; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1051M]

Adjustment to the Aggregate Production Quota for Methylphenidate (for Sale) for 2023

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final order.

SUMMARY: The Drug Enforcement Administration is adjusting the 2023 aggregate production quota for the schedule II controlled substance methylphenidate (for sale).

DATES: This final order is effective October 3, 2023.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Regulatory Drafting and Policy Support Section, Diversion Control Division, Drug Enforcement Administration, Telephone: (571) 776–3882.

SUPPLEMENTARY INFORMATION:

Legal Authority

Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas (APQ) for each basic class of controlled substance listed in schedule I and II. The Attorney General has delegated this function to the Administrator of the Drug Enforcement Administration (DEA) pursuant to 28 CFR 0.100.

Under 21 U.S.C. 826(h), when a request for individual manufacturing quota is submitted by a DEA-registered manufacturer pertaining to a schedule II controlled substance that is contained in a drug on FDA's list of drugs in shortage, DEA must complete review of such request not later than 30 days after receipt of the request. If, after the review is completed, DEA finds it necessary to address a shortage of that controlled substance, DEA is to increase the aggregate and individual production quotas of that controlled substance and any ingredient therein to the level requested. 21 U.S.C. 826(h)(1)(B)(i). However, if it is determined that the level requested is not necessary to address the shortage, DEA is to provide a written response detailing the basis for the determination. 21 U.S.C. 826(h)(1)(B)(ii).

Background

DEA published the 2023 established APQ for controlled substances in schedules I and II in the **Federal Register** on December 2, 2022. 87 FR 74168. The 2023 established APQ represents those quantities of schedule I and II controlled substances that may be manufactured in the United States to provide for the estimated medical, scientific, research, and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks. These quotas do not include imports of controlled substances for use in industrial processes. The final order stipulated that all APQ are subject to an adjustment, in accordance with 21 CFR 1303.15.¹

Quotas Applicable to Drugs in Shortage Pursuant to 21 U.S.C. 826(h)

DEA received written correspondence from FDA on August 10, 2023, in accordance with 21 U.S.C. 356c, addressing the domestic drug shortage

¹ Established Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2023, 87 FR 74168 (December 2, 2022).

Docket (/docket/USC-RULES-AP-2023-0001)
/ Document (USC-RULES-AP-2023-0001-0002) (/document/USC-RULES-AP-2023-0001-0002) / Comment

 PUBLIC SUBMISSION

Comment from STRAW, ANDREW

Posted by the **United States Courts** on Oct 23, 2023

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Comment

Regarding FRAP Rule 39, if an appeal is allowed in forma pauperis either on motion or because the case below was allowed in forma pauperis, no allocation of costs to the indigent person should be made in any case. The very risk of financial catastrophe is an unacceptable chilling of the right to appeal and thus of the First Amendment right to petition and receive a court decision. Andrew Straw, andrew@andrewstraw.com

Comment ID

USC-RULES-AP-2023-0001-0005



Tracking Number

lo0-efzl-y20w

Comment Details

Submitter Info

Submitter Name

ANDREW STRAW

including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* since the *Order Dates*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: December 21, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023-28536 Filed 12-29-23; 8:45 am]

BILLING CODE 7020-02-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Hearing of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Appellate Rules; notice of cancellation of open hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Appellate Procedure has been canceled: Appellate Rules Hearing on January 24, 2024.

DATES: January 24, 2024.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, *RulesCommittee_Secretary@ao.uscourts.gov*.

SUPPLEMENTARY INFORMATION: The announcement for this hearing was previously published in the **Federal Register** on August 9, 2023 at 88 FR 53917.

(Authority: 28 U.S.C. 2073.)

Dated: December 27, 2023.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2023-28826 Filed 12-29-23; 8:45 am]

BILLING CODE 2210-55-P

DEPARTMENT OF JUSTICE

[OMB Number 1117-0007]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Registrant Record of Controlled Substances Destroyed

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Drug Enforcement Administration, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** on October 26, 2023, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until February 1, 2023.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3261; email: *DPW@dea.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under



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Association

February 8, 2024

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Via Email

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE OF THE JUDICIAL CONFERENCE OF
THE UNITED STATES

Dear Committee Members,

On December 7, 2023, the Minnesota State Bar Association's (MSBA) Assembly, its policy-making body, voted to support the proposed amendments to the following Federal rules and forms, as well as one new rule:

- Appellate Rules 6 and 39;
- Bankruptcy Rules 3002.1 and 8006; • Bankruptcy Official Forms 410, 410C13-M1, 410C13-M1R, 410C13-N, 410C13- NR, 410C13-M2, and 410C13-M2R; and
- Civil Rules 16, 26, and new Rule 16.1.

The MSBA believes the proposed changes will foster increased transparency and possibly efficiency between parties and the court.

Sincerely,

A handwritten signature in black ink that reads "Cheryl Dalby". The signature is written in a cursive, flowing style.

Cheryl Dalby
Chief Executive Officer

LITIGATION



CALAWYERS.ORG/LITIGATION

TO: Honorable John D. Bates, Chair
Committee on Rules of Practice and Procedure

FROM: California Lawyers Association, Litigation Section,
Committee on Appellate Courts

DATE: February 16, 2024

RE: Comment on Proposed Revisions to Federal Rules of Appellate
Procedure, Rule 39

The Committee on Appellate Courts (“CAC”) of the California Lawyers Association’s Litigation Section appreciates the opportunity to comment on the proposed revisions to Federal Rules of Appellate Procedure (“FRAP” or “Rules”), Rule 39, proposed by the Advisory Committee on Appellate Rules (“Advisory Committee”). Established in 2018, the California Lawyers Association is a nonprofit, voluntary organization comprising thousands of licensed attorneys that is dedicated to the professional advancement of attorneys practicing in the State of California. The Committee on Appellate Courts consists of over twenty experienced appellate practitioners and court staff, drawn from a wide range of practice areas. As part of its mission, the CAC frequently shares its views regarding proposals to change rules that govern appellate practice.

The CAC welcomes the amendments to FRAP 39. The CAC believes that the proposal provides clarity to courts and practitioners regarding the respective authority of circuit courts and district courts to allocate and tax costs.

The CAC concludes that the amendment cogently addresses the issues regarding FRAP 39 raised by the U.S. Supreme Court in *City of San Antonio, Texas v. Hotels.com, L. P.*, 593 U.S. 330 (2021) (“*Hotels.com*”). Under FRAP 39(e), certain costs on appeal are to be taxed in the district court (those that are incurred in the district court, such as the preparation and transmission of the record, and premiums paid for a bond, and the filing fee for the notice of appeal), while costs incurred in the court of appeals are taxed in that court (e.g., costs for printing the parties’ briefs). The appellant in that case contended that, in light of FRAP 39’s statutory scheme and language, the district court has sole authority to apportion costs among the parties following remand. The Supreme Court in *Hotels.com* disagreed and concluded that FRAP 39 empowers the court of appeals to not only designate which party can receive costs but also provides the authority to divide up (or “allocate”) costs among the parties. *Id.* at 337-

338. The Court stated that the rule “gives discretion over the allocation of appellate costs to the courts of appeals” without permitting the district court to “take a second look at the equities” and reallocate costs following remand. *Id.* at 338. In so holding, the Court rejected several arguments from the appellant that nonetheless raise points that merited an amendment.

First, the amendment addressed the ambiguity arising from the use of the word “taxable” in FRAP 39. Appellant contended that the ordinary meaning of “taxable” means an item that is capable of getting (but is not necessarily) taxed, and so the district court’s authority to tax costs must necessarily attach with it the power to allocate costs (because it may choose to tax or not tax any given cost item). *Id.* at 339. The Supreme Court stated that “taxable” as used in FRAP 39, may “mean no more than that the party seeking those costs will not get them unless it submits a bill of costs with the verification specified by statute.” *Id.* But even with the Court’s clarification, the term “taxable” is awkward and confusing. By introducing the term “allocate” to define the power of courts to divide costs among the parties, the amendment achieves greater clarity for practitioners and courts.

Second, the proposed new FRAP 39(c) would codify the Supreme Court’s holding that the court of appeals has power to allocate the costs taxable in the court of appeals and the costs taxable in the district court. This would improve the rule and assist practitioners who rarely practice in federal courts of appeals and may not be aware of *Hotels.com*.

Third, the Supreme Court found that the appellant raised a valid concern that “parties will be unable to obtain review of their objections to Rule 39(e) costs if the district court cannot provide relief after the matter returns to that court.” *Hotels.com*, 593 U.S. at 344. The Supreme Court suggested a modification of the Rules to address this issue. The Advisory Committee has done just that. The amendment creates a procedure allowing a party to move the court of appeals to reconsider the allocation within 14 days after entry of judgment, authorizing the court of appeal to retain jurisdiction for this limited purpose. This also strikes the CAC as a reasonable method of addressing review of an allocation decision following remand and should be adopted.

Finally, the CAC agrees with the Advisory Committee that the Rules must address, in some fashion, premiums paid on a supersedeas bond. Appellate costs are often so low that it would not be worth the trouble of filing a memorandum of costs. The main appellate cost item that can be substantial is the premium paid on a supersedeas bond. While the Advisory Committee could not reach an agreement on amending FRAP 39 to address this issue, the CAC agrees that the Rules Committee should explore an amendment to Federal Rules of Civil Procedure 62.

Overall, the CAC believes the amendment to FRAP 39 will be helpful and effective. In particular, the CAC welcomes the clear distinction between “taxable” costs and allocation of costs. The CAC also believes the amendment would assist practitioners,

particularly those who do not regularly practice in the federal appeals courts, by codifying the holding of *Hotels.com*.

CONTACTS:

Committee on Appellate Courts

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