

Notices

Federal Register

Vol. 88, No. 98

Monday, May 22, 2023

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-AMS-23-0005]

2023/2024 Rates Charged for AMS Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing the 2023/2024 rates it will charge for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, rice, and cotton and tobacco. The 2023/2024 regular, overtime, holiday, and laboratory services rates will be applied at the beginning of the crop year, fiscal year or as required by law depending on the commodity. Other starting dates are added to this notice based on cotton industry practices. This action establishes the rates for user-funded programs based on costs incurred by AMS. This year, cost-based analyses indicated the need to increase user fee rates when current rates are insufficient to cover the costs of providing the service. While cost-saving measures have and will continue to be implemented, user fee rate increases are necessary to offset rising operational costs. In cases where current rates are sufficient to cover the costs of providing the service, user fee rates remain unchanged.

DATES: May 23, 2023.

FOR FURTHER INFORMATION CONTACT: Melissa Bailey, Associate Administrator, AMS, USDA, Room 2036-S, 1400 Independence Ave. SW, Washington, DC 20250; telephone (202) 205-9356, or email melissa.bailey@usda.gov.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946, as

amended (AMA) (7 U.S.C. 1621-1627), provides for the collection of fees to cover costs of various inspection, grading, certification, or auditing services covering many agricultural commodities and products. The AMA also provides for the recovery of costs incurred in providing laboratory services. The Cotton Statistics and Estimates Act (7 U.S.C. 471-476) and the U.S. Cotton Standards Act (7 U.S.C. 51-65) provide for classification of cotton and development of cotton standards materials necessary for cotton classification. The Cotton Futures Act (7 U.S.C. 15b) provides for futures certification services, and the Tobacco Inspection Act (7 U.S.C. 511-511s) provides for tobacco inspection and grading. These Acts also provide for the recovery of costs associated with these services.

On November 13, 2014, the U.S. Department of Agriculture (Department) published in the **Federal Register** a final rule that established standardized formulas for calculating the fees charged by AMS user-funded programs (79 FR 67313). On the basis of rates calculated using these formulas, AMS is to determine the fee rates necessary to sustain program services. Every year since then, the Department has published in the **Federal Register** a notice announcing the rates for its user-funded programs.

This notice announces the 2023/2024 fee rates for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, rice, and cotton and tobacco on a per-hour rate and, in some instances, the equivalent per-unit cost. The per-unit cost is provided to facilitate understanding of the costs associated with the service to the industries that historically used unit-cost basis for payment. Fee rates will be effective at the beginning of the fiscal year, crop year, or as required by specific laws.

Rates reflect direct and indirect costs of providing services. Direct costs include the cost of salaries, employee benefits, and, if applicable, travel and some operating costs. Indirect or overhead costs include the cost of Program and Agency activities supporting the services provided to the industry. The formula used to calculate

these rates also includes operating reserve, which may add to or draw upon the existing operating reserves.

These services include the grading, inspection, or certification of quality factors in accordance with established U.S. Grade Standards or other specifications; audits or accreditation according to International Organization for Standardization (ISO) standards and/or Hazard Analysis and Critical Control Point (HACCP) principles; and other marketing claims. The quality grades serve as a basis for market prices and reflect the value of agricultural commodities to both producers and consumers. AMS' grading and certification, audit and accreditation, plant process and equipment verification, and laboratory approval services are voluntary tools paid for by the users on a fee-for-service basis. The agriculture industry can use these tools to promote and communicate the quality of agricultural commodities to consumers. Laboratory services are provided for analytic testing, including but not limited to chemical, microbiological, biomolecular, and physical analyses. AMS is required by statute to recover the costs associated with these services.

As required by the Cotton Statistics and Estimates Act (7 U.S.C. 471-476), consultations regarding the establishment of the fee for cotton classification with U.S. cotton industry representatives are held in the beginning of the year when most industry stakeholder meetings take place. Representatives of all segments of the cotton industry, including producers, ginners, bale storage facility operators, merchants, cooperatives, and textile manufacturers were informed of the fees during various industry-sponsored forums.

Rates Calculations

AMS calculated the rate for services, per hour per program employee, using the following formulas (a per-unit base is included for programs that charge for services on a per-unit basis):

(1) *Regular rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours for the previous year, which is then multiplied by the next year's percentage of cost of living increase, plus the benefits rate, plus the operating rate, plus the allowance for

bad debt rate. If applicable, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 1.5, plus the benefits rate,

plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then

multiplied by 2, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

All rates are per-hour except when a per-unit cost is noted. The specific amounts in each rate calculation are available upon request from the specific AMS program.

2023/2024 RATES

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
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Cotton Fees

7 CFR Part 27—Cotton Classification Under Cotton Futures Legislation
Subpart A—Requirements; §§ 27.80–27.90 Costs of Classification and Micronaire

Cotton Standardization:

Certification for Futures Contract (Grading services for samples submitted by CCC-licensed samplers).	\$4.25/bale			X	August 1, 2023.
Transfer of Certification Data to New Owner or Certified Warehouse (Electronic transfer performed).	\$0.20/bale or \$5.00 per page minimum			X	August 1, 2023.

7 CFR Part 28—Cotton Classing, Testing, and Standards

Subpart A—Regulations Under the United States Cotton Standards Act; §§ 28.115–28.126 Fees and Costs
Subpart D—Cotton Classification and Market News Service for Producers; § 28.909 Costs; § 28.910 Classification of Samples and Issuance of Classification Data; § 28.911 Review Classification.

Cotton Grading:

Form 1: Grading Services for Producers (submitted by licensed sampler).	\$2.75/bale			X	July 1, 2023.
Form 1 Review (new sample submitted by licensed sampler).	\$2.75/bale			X	July 1, 2023.
Form A Determinations (sample submitted by licensed warehouse).	\$2.75/bale			X	July 1, 2023.
Form C Determinations (sample submitted by non-licensed entity; bale sampled under USDA supervision).	\$2.75/bale			.....	July 1, 2023.
Form D Determination (sample submitted by owner or agent; classification represents sample only).	\$2.75/bale			X	July 1, 2023.
Foreign Growth Classification (sample of foreign growth cotton submitted by owner or agent; classification represents sample only).	\$6.00/sample			X	August 1, 2023.
Arbitration (comparison of a sample to the official standards or a sample type).	\$6.00/sample			X	August 1, 2023.
Practical Cotton Classing Exam (for non-USDA employees).	Exam: \$150/applicant; Reexamination: \$130/applicant			X	July 1, 2023.
Special Sample Handling (return of samples per request)	\$0.50/sample			X	July 1, 2023.
Electronic Copy of Classification Record	\$0.05/bale (\$5.00/month minimum with any records received)			X	July 1, 2023.
Form A Rewrite (reissuance of Form 1, Form A, or Futures Certification data or combination).	\$0.15/bale or \$5.00/page minimum			X	August 1, 2023.
Form R (reissuance of Form 1 classification only)	\$0.15/bale or \$5.00/page minimum			X	July 1, 2023.
International Instrument Level Assessment	\$4.00/sample			X	July 1, 2023.

2023/2024 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
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Dairy Fees

7 CFR Part 58—Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products
 Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products; §§ 58.38–58.46 Fees and Charges

Continuous Resident Grading Service	\$95.00	\$116.00	\$137.00	X	Oct 1, 2023.
Continuous Resident Grading Service 6 p.m.–6 a.m.	\$105.00	\$128.00	\$151.00	X	Oct 1, 2023.
Non-resident and Intermittent Grading Service; State Graders	\$120.00	\$155.00	\$190.00	X	Oct 1, 2023.
Non-resident Services 6 p.m.–6 a.m. (10 percent night differential).	\$132.00	\$171.00	\$190.00	X	Oct 1, 2023.
Export Certificate Services	\$104.00/certificate				Oct 1, 2023.
Equipment Review ¹	\$135.00	\$192.00	\$249.00		Oct 1, 2023.
Equipment Review 6 p.m.–6 a.m. ¹	\$148.00	\$211.00	\$249.00		Oct 1, 2023.
Audit Services	\$135.00			X	Oct 1, 2023.
Special Handling	\$52.00/certificate				Oct 1, 2023.
Uncertified Copy of Certificate	\$12.00/copy				Oct 1, 2023.
Derogation Application	\$125.00/application				Oct 1, 2023.

Specialty Crops Fees

7 CFR Part 51—Fresh Fruits, Vegetables and Other Products (Inspection, Certification, and Standards)

Subpart A—Requirements; §§ 51.37–51.44 Schedule of Fees and Charges at Destination Markets; § 51.45 Schedule of Fees and Charges at Shipping Point Areas

Quality and Condition Inspections for Whole Lots	\$242.00 per lot				Oct 1, 2023.
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots.	\$200.00 per lot				Oct 1, 2023.
Condition—Half Lot	\$185.00 per lot				Oct 1, 2023.
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product.	\$110.00 per lot				Oct 1, 2023.
Dockside Inspections—Each package weighing <30 lbs	\$0.044 per pkg				Oct 1, 2023.
Dockside Inspections—Each package weighing >30 lbs	\$0.068/pkg				Oct 1, 2023.
Charge per Individual Product for Dockside Inspection	\$240.00/lot				Oct 1, 2023.
Charge per Each Additional Lot of the Same Product	\$110.00/lot				Oct 1, 2023.
Inspections for All Hourly Work	\$116.00	\$153.00	\$190.00		Oct 1, 2023.
Audit Services—Federal	\$155.00				Oct 1, 2023.
Audit Services—State	\$155.00				Oct 1, 2023.
GFSI Certification Fee ²	\$250.00/audit				Oct 1, 2023.

7 CFR Part 52—Processed Fruits and Vegetables, Processed Products Thereof, and Other Processed Food Products

Subpart A—Requirements Governing Inspection and Certification; §§ 52.41–52.51 Fees and Charges

Lot Inspections	\$90.00	\$116.00	\$142.00		Oct 1, 2023.
In-plant Inspections Under Annual Contract (year-round)	\$95.00	\$117.00	\$139.00		Oct 1, 2023.
Additional Graders (in-plant) or Less Than Year-Round	\$95.00	\$121.00	\$148.00		Oct 1, 2023.
Audit Services—Federal	\$155.00				Oct 1, 2023.
Audit Services—State	\$155.00				Oct 1, 2023.
GFSI Certification Fee ²	\$250.00/audit				Oct 1, 2023.

2023/2024 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
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Meat Fees

7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards)

Subpart A—Grading of Meats, Prepared Meats, and Meat Products; §§ 54.27–54.28 Charges for Service

Scheduled Grading	\$86.00	\$107.00	\$129.00	X	Oct 1, 2023.
Unscheduled Grading	\$114.00	\$132.00	\$154.00 .....	.....	Oct 1, 2023.
Scheduled Night Differential (6 p.m.–6 a.m.)	\$95.00	\$118.00	\$129.00	X	Oct 1, 2023.

7 CFR Part 62—Agricultural Marketing Service Audit Verification and Accreditation Programs (AVAAP)

Subpart E—Fees; § 62.300 Fees and Other Costs of Service

Auditing Activities	\$165.00	\$244.00	\$253.00	Oct 1, 2023.
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Poultry Fees

7 CFR Part 56—Voluntary Grading of Shell Eggs

Subpart A—Grading of Shell Eggs; §§ 56.45–56.54 Fees and Charges

7 CFR Part 70—Voluntary Grading of Poultry and Rabbit Products

Subpart A—Grading of Poultry and Rabbit Products; §§ 70.70–70.78 Fees and Charges

Scheduled Grading	\$68.00	\$88.00	\$106.00	X	Oct 1, 2023.
Scheduled, Night Differential (6 p.m.–6 a.m.)	\$75.00	\$98.00	\$106.00	X	Oct 1, 2023.
Scheduled, Sunday Differential	\$87.00	\$112.00	N/A	X	Oct 1, 2023.
Scheduled, Sunday and Night Differential	\$97.00	\$124.00	N/A	X	Oct 1, 2023.
Unscheduled Grading	\$99.00	\$122.00	\$147.00 .....	.....	Oct 1, 2023.

Science and Technology Fees

7 CFR Part 91—Services and General Information

Subpart I—Fees and Charges; §§ 91.37–91.45

Laboratory Testing Services	\$110.00	\$128.00	\$147.00 .....	.....	Oct 1, 2023.
Laboratory Approval Services ¹	\$188.00	\$216.00	\$245.00	X	Jan 1, 2024.

7 CFR Part 75—Provisions for Inspection and Certification of Quality of Agricultural and Vegetable Seeds

§ 75.41 General

Laboratory Testing	\$67.00	\$97.00	\$119.00 .....	.....	Oct 1, 2023.
Administrative Fee	\$17.00/certificate			.....	Oct 1, 2023.
Auditing Services	\$132.00/audit			.....	Oct 1, 2023.
Organization for Economic Cooperation and Development Seed Schemes for Corn Seeds.	\$0.33/100 pounds			.....	July 1, 2023.
Organization for Economic Cooperation and Development Seed Schemes for Other Seeds.	\$0.22/100 pounds			.....	July 1, 2023.

Tobacco Fees

7 CFR Part 29—Tobacco Inspection

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets;

Subpart B—Requirements; §§ 29.123–29.129 Fees and Charges; § 29.500 Fees and charges for inspection and acceptance of imported tobacco;

Subpart F—Policy Statement and Provisions Governing the Identification and Certification of Non-quota Tobacco Produced and Marketed in Quota Area; § 29.9251 Fees and Charges

Domestic Permissive Inspection and Certification (re-grading of domestic tobacco for processing plants, retesting of imported tobacco, and grading tobacco for research stations.)	\$55.00	\$64.00	\$72.00 .....	.....	July 1, 2023.
Export Permissive Inspection and Certification (grading of domestic tobacco for manufacturers and dealers for duty drawback consideration).	\$0.0025/pound			X	July 1, 2023.

2023/2024 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Grading for Risk Management Agency (for Tobacco Crop Insurance Quality Adjustment determinations).	\$0.015/pound			X	July 1, 2023.
Pesticide Test Sampling (collection of certified tobacco sample and shipment to AMS National Science Laboratory for testing).	\$0.0065/kg or \$0.0029/pound			X	July 1, 2023.
Pesticide Retest Sampling (collection of certified tobacco sample from a previously sampled lot for re-testing at the AMS National Science Laboratory; fee includes shipping).	\$115.00/sample and \$55.00/hour			X	July 1, 2023.
Standards Course (training by USDA-certified instructor on tobacco grading procedures).	\$1,250.00/person			.....	July 1, 2023.
Import Inspection and Certification (grading of imported tobacco for manufacturers and dealers).	\$0.0170/kg or \$0.0080/pound			X	July 1, 2023.

Rice Fees

7 CFR Part 868—General Regulations and Standards for Certain Agricultural Commodities
Subpart A—Regulations; §§ 868.90–868.92 Fees

Contract (per hour per Service representative) ³	\$75.10	\$112.70	\$150.30 .....	.....	Oct 1, 2023.
Noncontract (per hour per Service representative) ³	\$93.90	\$140.90	\$160.30 .....	.....	Oct 1, 2023.
Export Port Services ⁴	\$0.047/cwt			.....	Oct 1, 2023.
Inspection for quality (per lot, subplot, or sample inspection):					
Rough rice	\$55.40			.....	Oct 1, 2023.
Brown rice for processing	\$51.20			.....	Oct 1, 2023.
Milled rice	\$43.90			.....	Oct 1, 2023.
Factor analysis for any single factor (per sample):					
Milling yield (Rough or Brown rice)	\$42.90			.....	Oct 1, 2023.
All other factors (all rice)	\$30.80/factor			.....	Oct 1, 2023.
Total oil and free fatty acid	\$54.00			.....	Oct 1, 2023.
Faxed and extra copies of certificates	\$1.90/copy			.....	Oct 1, 2023.
Stowage examination (service-on-request):					
Ship	\$43.90 (per stowage space, minimum 5 spaces per ship)			.....	Oct 1, 2023.
Subsequent ship examinations	\$43.90 (per stowage space, minimum 3 spaces per ship)			.....	Oct 1, 2023.
Barge	\$43.30/examination			.....	Oct 1, 2023.
All other carriers	\$15.60/examination			.....	Oct 1, 2023.
Aflatoxin (Rapid Test Kit)	\$39.60/test			.....	Oct 1, 2023.
All Other Mycotoxins (Rapid Test Kit)	\$45.70/test			.....	Oct 1, 2023.

¹ Travel costs outside the United States will be added to the fee, if applicable.

² Global Food Safety Initiative (GFSI) Certification Fee—\$250 per GFSI audit to recoup the costs associated with attaining technical equivalency to the GFSI benchmarking requirements.

³ Original and appeal inspection services include: Sampling, grading, weighing, and other services requested by the applicant when performed at the applicant's facility.

⁴ Services performed at export locations on lots at rest.

Authority: 7 U.S.C. 15b; 7 U.S.C. 473a–b; 7 U.S.C. 55 and 61; 7 U.S.C. 51–65; 7 U.S.C. 471–476; 7 U.S.C. 511–511s; and 7 U.S.C. 1621–1627.

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2023–10839 Filed 5–19–23; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to 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.

Comments regarding these information collections are best assured of having their full effect if received by June 21, 2023. Written comments and recommendations for the proposed 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 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Current Agricultural Industrial Reports (CAIR).

OMB Control Number: 0535–0254.

Summary of Collection: The Current Agricultural Industrial Reports (CAIR) surveys have become an integral part of the Census of Agriculture and numerous other surveys conducted by NASS. Under the authority of the Census of Agriculture Act of 1997 (Pub. L. 105–113) and defined under Title 7, Sec. 2204(g), these surveys will be mandatory. The data from the CAIR surveys will supply data users with important information on the utilization of many of the crops, livestock, and poultry produced in the U.S.

Need and Use of the Information: Data from these surveys is essential to measuring the consumption of agricultural products in the production of numerous consumer goods. Agricultural products such as grain, oilseeds, fibers, and animal co-products is used in the creation of cooking oils, flour, lubricants, fuel, fabrics, soap, paint, methyl esters, resins, and numerous other products. The data are needed to provide a more complete picture of the importance of agriculture to the American population. Data from these instruments is published and publications are available to everyone at the same time on the NASS website.

Description of Respondents: Business or other for-profit.

Number of Respondents: 760.

Frequency of Responses: Reporting: One time.

Total Burden Hours: 2,283.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2023–10877 Filed 5–19–23; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–45–2023]

Approval of Expansion of Subzone 15E; Kawasaki Motors Manufacturing Corp., USA; Boonville, Missouri

On March 9, 2023, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Greater Kansas City Foreign-Trade Zone, Inc., grantee of FTZ 15, requesting an expansion of Subzone 15E, subject to the existing activation limit of FTZ 15, on behalf of Kawasaki Motors Manufacturing Corp., USA, in Boonville, Missouri.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (88 FR 15641, March 14, 2023). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to expand Subzone 15E was approved on May 17, 2023, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 15's 2,000-acre activation limit.

Dated: May 17, 2023.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2023–10851 Filed 5–19–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–89–2023]

Foreign-Trade Zone 244; Subzone 244A Application for Expansion; Skechers USA, Inc.; Banning, California

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the March Joint Powers Authority, grantee of FTZ 244, requesting an expansion of Subzone 244A on behalf of Skechers USA, Inc., in Banning, California. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on May 16, 2023.

Subzone 244A was approved by the FTZ Board on December 20, 2010 (Board Order 1734, 76 FR 87, January 3, 2011) and was converted to a subzone under the alternative site framework (ASF) on July 9, 2018 (S–99–2018). Subzone 244A currently consists of the following sites in Riverisde County: Site 1 (120.5 acres)—29800 Eucalyptus Avenue, Moreno Valley; Site 2 (16 acres)—22705 Newehope Drive, Moreno Valley; and Site 3 (29.09 acres)—3350 Redlands Avenue, Perris.

The applicant is now requesting to expand Subzone 244A to include an additional site: Site 4 (63.9 acres)—2600 East John Street, Banning, Riverside County. Because the site of the proposed expanded subzone is outside FTZ 244's ASF service area, authorization of the expanded subzone would not be under the ASF. The expanded subzone would