

4. ICAO Requirements—Risk concerns include: negative ICAO Universal Safety Oversight Audit Program (USOAP) findings indicating noncompliance with one or more of the eight critical elements of safety oversight; ICAO reports indicating noncompliance with Standards and Recommended Practices (SARPs); inaction with respect to ICAO action plans; ICAO USOAP information over two years old thus limiting its value.

5. FAA Information—FAA has safety concerns about the oversight provided by the CAA, which include the areas of: FAA and foreign ramp inspections; safety-related complaints about carrier(s) from other CAAs; active technical assistance activities; compliance issues are present in FAA certificated or approved entities in the country; Congressional inquiries; and existing bilateral agreement implementation procedures.

#### **Change To Introduce a New, Informal Process for Engagement With CAAs Identified for IASA Reassessment**

In support of the FAA's objective of improving communications with CAAs of IASA Category 1 countries identified as priorities through the FAA's risk analysis, the FAA will exercise discretion to provide CAAs with informal notification of safety concerns and request discussions with CAAs prior to the initiation of the formal IASA process. If such safety concerns have not been satisfactorily addressed, the FAA will begin the formal IASA notification process. The FAA will retain its ability to initiate immediate IASA category changes or IASA assessments when justified based on available safety information. The discretion to engage informally is to make CAAs aware of potential deficiencies in safety oversight to enable more efficient resolution.

#### **Change To Introduce New Risk Mitigation Measures When Countries Have Been Notified of High Risk Concerns That Would Trigger an IASA Reassessment**

This mitigation is twofold and involves limits to foreign operations to the United States and code-share arrangements with operators from countries for which the FAA has identified safety oversight concerns and limits on certain bilateral agreements. These changes will provide the U.S. traveling public and the U.S. air transportation system with an added measure of safety mitigation and freedom from external pressures to delay safety oversight responsibilities.

- *Limitations on foreign operations to the United States and code-share*

*arrangements.* Upon FAA notification to a CAA of the FAA's safety concern and identification for an IASA reassessment, the FAA will limit the direct service to the United States and the display of U.S. operators' codes on foreign operators of that country to current levels.

- *Limits on certain bilateral agreements.* The FAA will communicate to the CAA that the FAA will cease reciprocal acceptance of any approvals or certifications under existing Bilateral Aviation Safety Agreement (BASA) implementation procedures (IP) for which the CAA may be responsible for issuing. These risk mitigation actions will increase transparency during the time between informal notification of the potential need for an IASA and the conclusion of the formal IASA process.

#### **CAA Completion of the IASA Checklist Prior to an Assessment or Reassessment**

The FAA currently requests that the CAA provide a completed IASA checklist (available on the FAA website) prior to the FAA conducting an IASA; however, the FAA has not explicitly identified this step in past IASA policy statements. While not mandatory, it is in the CAA's best interest to complete the checklist in preparation for safety oversight discussions. The CAA's provision of a completed IASA checklist in advance of the assessment, whether initial assessment or reassessment, will facilitate an efficient and effective assessment review.

#### **Transmittal of IASA Results**

This is a restatement of current policy. Once an IASA has been completed, the FAA will provide any findings of noncompliance with ICAO standards. Subsequently, the FAA will provide the results of the assessment to the CAA through an established cable process. If there are no findings of noncompliance with ICAO standards in the IASA report, the cable will reflect that the country will receive an IASA Category 1 rating. If there have been any findings of noncompliance with applicable ICAO standards, the FAA will provide the CAA with the opportunity to provide evidence to the FAA of the actions it has taken since the IASA to correct any findings of noncompliance.

#### **IASA Final Discussions**

This is a restatement of current policy. During the final discussions, the FAA will review each IASA finding of noncompliance with the CAA, the CAA's corrective action since the IASA, and the status of the finding as either open or closed. This will be documented in a Record of Discussions,

and the record will be signed by both the FAA and the CAA. The final assignment of an IASA Category rating will be transmitted to the CAA through the cable process.

#### **Incorporation of FAA and CAA Development of a Corrective Action Plan (CAP) Upon Notification of an IASA Category 2 Rating**

For additional communication and support for a country downgraded to an IASA Category 2 rating, the FAA will provide the CAA with a CAP to address its safety oversight deficiencies and will conduct a virtual meeting with the CAA to establish timelines for completion. This will allow the CAA to begin work on its safety oversight findings at the conclusion of the IASA process without delay. Should the CAA request FAA technical assistance implementation of its CAP, this would require a government-to-government agreement.

#### **Restatement of the Current Practice Regarding Reassessment of IASA Category 2 Countries**

To restate current FAA policy, a country with an IASA Category 2 rating may request a reassessment in an attempt to obtain a Category 1 rating. A CAP, as discussed above, showing the CAA's action on resolving the identified safety oversight items is one way of providing evidence of CAA readiness for an IASA reassessment.

Issued in Washington, DC, on September 23, 2022.

**Jodi L. Baker,**

*Deputy Administrator for Aviation Safety.*

[FR Doc. 2022-21085 Filed 9-26-22; 11:15 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **U.S. Customs and Border Protection**

## **DEPARTMENT OF THE TREASURY**

### **19 CFR Part 12**

[CBP Dec. 22-24]

RIN 1515-AE76

#### **Extension of Import Restrictions on Archaeological and Ecclesiastical Ethnological Materials From Guatemala**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the U.S. Customs and Border Protection

(CBP) regulations to reflect an extension of import restrictions on certain categories of archaeological and ecclesiastical ethnological materials from Guatemala to fulfill the terms of the new agreement, titled “Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Guatemala Concerning the Imposition of Import Restrictions on Categories Of Archaeological and Ethnological Material of Guatemala.” CBP Dec. 12–17, which contains the Designated List of archaeological and ecclesiastical ethnological material from Guatemala to which the restrictions apply, is being extended for an additional five years by this final rule.

**DATES:** Effective September 29, 2022.

**FOR FURTHER INFORMATION CONTACT:** For legal aspects, W. Richmond Beever, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0084, [otrrculturalproperty@cbp.dhs.gov](mailto:otrrculturalproperty@cbp.dhs.gov). For operational aspects, Julie L. Stoeber, Chief, 1USG Branch, Trade Policy and Programs, Office of Trade, (202) 945–7064, [1USGBranch@cbp.dhs.gov](mailto:1USGBranch@cbp.dhs.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Pursuant to the Convention on Cultural Property Implementation Act, Public Law 97–446, 19 U.S.C. 2601 *et seq.*, which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)), the United States entered into a memorandum of understanding (MOU) with the Republic of Guatemala (Guatemala) on September 29, 1997, concerning the imposition of import restrictions on archaeological material from the Pre-Columbian cultures of Guatemala (the 1997 MOU). The 1997 MOU included among the materials covered by the restrictions, the archaeological materials from the Peten Region of Guatemala, then subject to the emergency restrictions imposed by the former U.S. Customs Service (U.S. Customs and Border Protection’s (CBP) predecessor agency) in Treasury Decision (T.D.) 91–34 (56 FR 15181 (April 15, 1991)). These emergency import restrictions were imposed pursuant to 19 U.S.C. 2603(c) and 19 CFR 12.104g(b) and effective for a period of five years. They were subsequently extended pursuant to 19

U.S.C. 2603(c)(3), for a three-year period by publication of T.D. 94–84 in the **Federal Register** (59 FR 54817 (November 2, 1994)).

On October 3, 1997, the former U.S. Customs Service published T.D. 97–81 in the **Federal Register** (62 FR 51771), which amended 19 CFR 12.104g(a) to reflect the imposition of restrictions on these materials and included a list designating the types of archaeological materials covered by the restrictions.

Import restrictions listed at 19 CFR 12.104g(a) are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States. This period may be extended for additional periods of no more than five years if it is determined that the factors which justified the agreement still pertain and no cause for suspension of the agreement exists. *See* 19 CFR 12.104g(a).

Since the initial final rule was published on October 3, 1997, the import restrictions were subsequently extended and/or amended four (4) times. First, on September 30, 2002, the former U.S. Customs Service published a final rule (T.D. 02–56) in the **Federal Register** (67 FR 61259) to extend the import restrictions for an additional five-year period.

Second, on September 26, 2007, CBP published a final rule (CBP Dec. 07–79) in the **Federal Register** (72 FR 54538) to extend the import restrictions for an additional five-year period.

Third, on September 28, 2012, CBP published a final rule (CBP Dec. 12–17) in the **Federal Register** (77 FR 59541) amending the CBP regulations to reflect the extension of import restrictions on archaeological materials and the addition of ecclesiastical ethnological materials of the Conquest and Colonial Periods of Guatemala, c. A.D. 1524 to 1821.

Fourth and lastly, on September 28, 2017, CBP published a final rule (CBP Dec. 17–14) in the **Federal Register** (82 FR 45178) to extend the import restrictions for an additional five-year period through September 28, 2022.

On January 6, 2022, the United States Department of State proposed in the **Federal Register** (87 FR 792) to extend the 1997 MOU between the United States and Guatemala concerning the import restrictions on certain categories of archaeological and ecclesiastical ethnological material from Guatemala. On May 5, 2022, after considering the views and recommendations of the Cultural Property Advisory Committee, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, determined that the cultural heritage of Guatemala

continues to be in jeopardy from pillage of certain archeological and ecclesiastical ethnological materials, and that the import restrictions should be extended for an additional five years, pursuant to 19 U.S.C. 2602(e). Pursuant to the new agreement, the existing import restrictions will remain in effect for an additional five years through September 28, 2027.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The restrictions on the importation of archaeological and ecclesiastical ethnological material are to continue to be in effect through September 28, 2027. Importation of such material from Guatemala continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List and additional information may also be found at the following website address: <https://eca.state.gov/cultural-heritage-center/cultural-property/current-agreements-and-import-restrictions> by selecting the material for “Guatemala.”

**Inapplicability of Notice and Delayed Effective Date**

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

**Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

**Executive Order 12866**

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

**Signing Authority**

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury’s authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

Chris Magnus, the Commissioner of CBP, having reviewed and approved this document, has delegated the authority to electronically sign this document to Robert F. Altneu, who is the Director of the Regulations and Disclosure Law Division for CBP, for

purposes of publication in the **Federal Register**.

**List of Subjects in 19 CFR Part 12**

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, and Reporting and recordkeeping requirements.

**Amendment to the CBP Regulations**

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12) is amended as set forth below:

**PART 12—SPECIAL CLASSES OF MERCHANDISE**

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

\* \* \* \* \*

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

\* \* \* \* \*

■ 2. In § 12.104g, amend the table in paragraph (a) by revising the entry for Guatemala to read as follows:

**§ 12.104g Specific items or categories designated by agreements or emergency actions.**

(a) \* \* \*

State party	Cultural property	Decision No.
* * * * *	* * * * *	* * * * *
Guatemala .....	Archaeological material, c. 12,000 B.C. to A.D. 1524, and Hispanic period ecclesiastical ethnological material, c. A.D. 1524 to 1821.	CBP Dec. 12–17 extended by CBP Dec. 22–24.
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**Robert F. Altneu,**  
*Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.*

Approved:  
**Thomas C. West, Jr.,**  
*Deputy Assistant Secretary of the Treasury for Tax Policy.*  
 [FR Doc. 2022–20958 Filed 9–27–22; 8:45 am]  
**BILLING CODE 9111–14–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**  
**[Docket No. USCG–2022–0736]**

**Safety Zones; Fireworks Displays in the Fifth Coast Guard District**

**AGENCY:** Coast Guard, DHS.  
**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the Delaware River, Philadelphia, PA; Safety Zone from 8:30 p.m. through 9:15 p.m. on September 30, 2022, to provide for the safety of life on navigable waterways during the Cooper Foundation Gala fireworks display. Our regulation for fireworks displays in the Fifth Coast Guard District identifies the regulated area for this event in Philadelphia, PA. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

**DATES:** The regulation 33 CFR 165.506 will be enforced for the location identified in entry 10 of table 1 to paragraph (h)(1) from 8:30 p.m. through 9:15 p.m. on September 30, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone: (215) 271–4814, Email: *SecDelBayWWM@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 for the Cooper Foundation Gala fireworks display from 8:30 p.m. through 9:15 p.m. on September 30, 2022. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after the fireworks display. Our regulation for safety zones of fireworks displays in the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 specifies the location of the regulated area as all waters of Delaware River, adjacent to Penn’s Landing, Philadelphia, PA, within a 500-yard radius of the fireworks barge position. The approximate position for the fireworks barge is latitude 39°56’53” N, longitude 075°08’03” W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the

Coast Guard will provide notification of this enforcement period via broadcast notice to mariners.

Dated: September 23, 2022.

**Kate F. Higgins-Bloom,**  
*Captain, U.S. Coast Guard, Acting Captain of the Port Delaware Bay.*  
 [FR Doc. 2022–21036 Filed 9–27–22; 8:45 am]  
**BILLING CODE 9110–04–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**  
**[EPA–R09–OAR–2022–0306; FRL–9713–03–R9]**

**Air Quality State Implementation Plans; Approvals and Promulgations: California; San Diego County Air Pollution Control District; Permits**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve four permitting rules submitted as a revision to the San Diego County Air Pollution Control District (SDAPCD or “District”) portion of the California State Implementation Plan (SIP). These revisions concern the District’s New Source Review (NSR) permitting program for new and modified sources of air pollution under section 110(a)(2)(C) and part D of title I of the Clean Air Act (CAA or “Act”). This action will update the District’s applicable SIP with rules revised to address a deficiency identified in our September 16, 2020 limited disapproval