

**DEPARTMENT OF STATE****[Public Notice: 11903]****Determination Under Section 610 of the Foreign Assistance Act of 1961**

Pursuant to the authority vested in me by section 610 of the Foreign Assistance Act of 1961 (FAA) and section 8003(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (Div. J, Pub. L. 115–31), I hereby determine that it is necessary for the purposes of the FAA that up to \$10,000,000 from FY 2017 Peacekeeping Operations-Overseas Contingency Operations (PKO-OCO) funds be transferred to, and consolidated with, Economic Support Fund-Overseas Contingency Operations (ESF-OCO) funds. Such funds are so hereby transferred and consolidated.

This determination shall be reported to Congress and published in the **Federal Register**.

Dated: September 7, 2022.

**Antony J. Blinken**,  
Secretary of State.

[FR Doc. 2022–23475 Filed 10–27–22; 8:45 am]

**BILLING CODE 4710–10–P**

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE****Section 301 Petition on Mexico’s Acts, Policies, and Practices Concerning Seasonal and Perishable Agricultural Products**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** On September 8, 2022, the Office of the United States Trade Representative (USTR) received a petition requesting an investigation of certain alleged acts, policies, and practices of the government of Mexico concerning seasonal and perishable agricultural products. Due to the complexities of the factual and legal issues raised in the petition, the U.S. Trade Representative could not conclude during the 45-day statutory review period that an investigation would be effective and is not opening an investigation at this time. In light of challenges faced by U.S. producers, USTR in coordination with the U.S. Department of Agriculture (USDA) will establish a private-sector industry advisory panel to recommend measures to promote the competitiveness of producers of seasonal and perishable produce in the southeastern United States. Furthermore, USTR and USDA

will work with the petitioners and producers to examine the issues raised in the petition and to consider any further actions that may be appropriate.

**DATES:** This notice is applicable on October 23, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Assistant General Counsels David Lyons at (202) 395–9446 or Rachel Hasandras at (202) 395–5725, or Director for Agricultural Affairs Colby Branch at (202) 395–9070.

**SUPPLEMENTARY INFORMATION:** On September 8, 2022, certain members of Florida’s congressional delegation filed a petition under section 302(a) of the Trade Act of 1974, as amended (Trade Act) alleging that certain acts, policies, and practices of the government of Mexico concerning seasonal and perishable agricultural products constitute an export targeting scheme, and that the alleged scheme is unreasonable and burdens or restricts U.S. commerce. The alleged export targeting scheme has two components. First, the petition alleges that beginning in the early 2000s Mexico has used certain programs specifically to subsidize its seasonal and perishable agricultural industry, and to enable that industry to expand its exports to the United States. Second, the petition alleges that wage rates in Mexico give Mexico’s seasonal and perishable agriculture industry an unfair competitive advantage. The petition claims that the alleged export targeting scheme has resulted in a surge in imports of seasonal and perishable agricultural products from Mexico, and that Florida producers are adversely affected.

Section 302(a)(2) of the Trade Act provides that the U.S. Trade Representative must determine whether to initiate an investigation not later than 45 days after the filing of a petition (in this case, by October 23, 2022). Section 302(c) of the Trade Act provides that in determining whether to initiate a Section 301 investigation, the U.S. Trade Representative has discretion to determine whether action under Section 301 would be effective in addressing an alleged act, policy, or practice. Section 305(b) of the Trade Act provides for a private-sector advisory panel as a specific response to export targeting.

Evaluation of the petition entails a detailed review and analysis of multiple government measures, and legal analyses of the interplay between the measures and legal standards under Section 301. Due to the complexity of the legal and factual issues raised in the petition, the U.S. Trade Representative could not conclude within the 45-day

statutory period that a formal 301 investigation would be effective and is not opening an investigation at this time. The U.S. Trade Representative made the decision under Section 302(c) on October 22, 2022.

In light of challenges faced by southeastern U.S. producers as described in the petition, USTR announced on October 23, 2022, that USTR in coordination with USDA will establish a private-sector industry advisory panel to recommend measures to promote the competitiveness of producers of seasonal and perishable produce in the southeastern United States. USTR and USDA will consider recommendations of the advisory panel and work with Members of Congress as appropriate to develop possible administrative actions and legislation that would benefit U.S. producers. Furthermore, USTR and USDA will work with the petitioners and producers to examine the issues raised in the petition and to consider any further actions that may be appropriate.

**Greta Peisch**,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2022–23502 Filed 10–27–22; 8:45 am]

**BILLING CODE 3390–F3–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Noise Compatibility Program for Duluth International Airport, St. Louis County, Minnesota**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Approval of a Duluth International Airport (DLH) noise compatibility program.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings for the noise compatibility program submitted by DLH, see **SUPPLEMENTARY INFORMATION** for details. On April 11, 2022 the FAA determined that the noise exposure maps submitted by DLH were in compliance with applicable requirements. On October 6, 2022, the FAA approved the DLH noise compatibility program. All of the recommendations of the program were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the DLH.

**DATES:** The effective date of the FAA’s approval of the DLH noise compatibility program is October 6, 2022.

**FOR FURTHER INFORMATION CONTACT:** Josh Fitzpatrick, Federal Aviation Administration, Environmental Protection Specialist, 6020 South 28th Avenue, Room 102, Minneapolis, MN 55450, (612) 253-4639.

**SUPPLEMENTARY INFORMATION:** This notice announces FAA's approval of the noise compatibility program for DLH, effective on October 6, 2022. Per United States Code section 47504 (49 U.S.C. 47504) and Title 14, Code of Federal Regulations (CFR), part 150, an airport sponsor who previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport sponsor for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. As required by 49 U.S.C. 47504, such programs must be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and the FAA. The FAA does not substitute its judgment for that of the airport sponsor with respect to which measures should be recommended for action. The FAA approval or disapproval of an airports recommendations in their noise compatibility program are made in accordance with the requirements and standards pursuant to 49 U.S.C. 47504 and 14 CFR part 150, which is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of 14 CFR 150.23;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations of FAA's approval of noise compatibility programs are

delineated in 14 CFR 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the noise compatibility program nor a determination that all measures covered by the noise compatibility program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests must be submitted to the FAA Airports District Office at 6020 South 28th Avenue, Room 102, Minneapolis, MN 55450.

DLH submitted to the FAA on December 13, 2021 the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from October 2, 2019 and December 13, 2021. The DLH noise exposure maps were determined by FAA to be in compliance with applicable requirements on April 11, 2022. Notice of this determination was published in the **Federal Register** on April 15, 2022 "87 FR 22616".

The DLH proposed noise compatibility program is comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from December 13, 2021 to 2026. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in 49 U.S.C. 47504. The FAA began its review of the program on April 11, 2022 and was required by a provision of 49 U.S.C. 47504 to approve or disapprove the program within 180 days, other than the use of new or modified flight procedures for noise control. Failure to approve or disapprove such program within the 180-day period shall be deemed an approval of such program.

The submitted program contained 12 proposed measures to minimize impacts of aviation noise on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the 49 U.S.C. 47504 and 14 CFR part 150 were satisfied. The overall program, therefore, was approved by the FAA effective October 6, 2022.

Outright approval was granted for all the specific program elements. Program elements include:

*Measure M-A:* Offer Residential Sound-insulation Treatment to Single- and Multi-Family Homes (47 units) within the Average Day-Night Sound Level (DNL) 65 decibels (dB) and above Noise Contours. Offer Residential Sound-insulation treatment to Single-Family Homes (17 units) within the Block Rounding Area outside the DNL 65 dB Noise Contour.

*Measure M-B (1997 NCP Measure M-1):* Offer Land Acquisition Program to Single-Family Homes (7 units) within the DNL 70 dB and above Noise Contour.

*Measure M-C:* Offer Land Acquisition to Birchwood Mobile Estates (102 Mobile Homes) within the Noise Mitigation Program Area (NMPA) #1 boundary and 1 additional mobile home property located to the northwest of the airport within the DNL 65 dB and above noise contour.

*Measure M-D:* Offer Avigation Easements to owner-occupied single-family homes within NMPA #1 if acquisition (within DNL 70 dB noise contour only) and sound-insulation is declined.

*Measure M-E:* Offer Avigation Easements to one (1) mobile home within NMPA #1, located along Lavaque Bypass Road, if acquisition is declined.

*Measure M-F:* Develop an Airport Land Use Management District (ALUMD).

*Measure M-G:* Adopt Updated Subdivision Regulations.

*Measure M-H:* Adopt Improved Building Codes.

*Measure M-I:* Develop a Voluntary Fair Disclosure Program.

*Measure P-A:* Continue Logging of Noise Complaints.

*Measure P-B:* Initiate Community Roundtable or Noise Abatement Committee.

*Measure P-C:* Perform Regular Updates to the noise exposure map and review of the noise compatibility program.

These determinations are set forth in detail in the Record of Approval signed by the FAA Airports Great Lakes Division Director on October 6, 2022. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Duluth Airports Authority (DAA). The Record of Approval also will be available on the internet on the FAA's website at [http://www.faa.gov/airports/environmental/airport\\_noise/part\\_150/states/](http://www.faa.gov/airports/environmental/airport_noise/part_150/states/) and the DLH website at <https://duluthairport.com/noise-study/#documents>.

Issued in Chicago, IL, on October 6, 2022.

**Susan Mowery-Schalk,**

*Director, Office of Airports, AGL-600, FAA  
Great Lakes Region.*

[FR Doc. 2022-23464 Filed 10-27-22; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2020-0862]

#### **COVID-19 Related Relief Concerning Operations at Chicago O'Hare International Airport, John F. Kennedy International Airport, Los Angeles International Airport, Newark Liberty International Airport, New York LaGuardia Airport, Ronald Reagan Washington National Airport, and San Francisco International Airport for the Winter 2022/2023 Scheduling Season**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Expiration of the limited, conditional waiver of the minimum slot usage requirements.

**SUMMARY:** The FAA's current COVID-19 related relief policy for U.S. slot-controlled and Level 2 airports will expire on October 29, 2022. This notice confirms resumption of the minimum slot usage requirements for Operating Authorizations (slots) at Ronald Reagan Washington National Airport (DCA), John F. Kennedy International Airport (JFK) and LaGuardia Airport (LGA) for the Winter 2022/2023 scheduling season beginning October 30, 2022. This notice announces a similar resumption of standard FAA processes at designated International Air Transport Association (IATA) Level 2 airports in the United States (U.S.) to provide priority consideration for runway timings that are scheduled and operated as approved for purposes of establishing a carrier's operational baseline in the next corresponding season. These IATA Level 2 airports include Chicago O'Hare International Airport (ORD), Los Angeles International Airport (LAX), Newark Liberty International Airport (EWR), and San Francisco International Airport (SFO). The FAA recognizes the importance of reciprocity in connection with usage alleviation policies with regard to COVID-19-related capacity and frequency restrictions at foreign airports and will consider justified requests by U.S. and foreign air carriers for usage waivers based on reciprocity and other related circumstances.

**DATES:** This action is effective on October 28, 2022.

**FOR FURTHER INFORMATION CONTACT:** Al Meilus, Slot Administration and Capacity Analysis, AJR-G5, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone number 202-267-2822; email [al.meilus@faa.gov](mailto:al.meilus@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 16, 2020, the FAA granted a limited waiver of the minimum slot usage requirements<sup>1</sup> to carriers operating at all slot-controlled airports in the United States (DCA, JFK, and LGA)<sup>2</sup> and related relief to carriers operating at designated IATA Level 2 airports in the United States (EWR, LAX, ORD, SFO) due to the extraordinary impacts on the demand for air travel resulting from the effects of the COVID-19 pandemic.<sup>3</sup> Since the initial slot usage waiver and related relief was provided, the FAA has taken action to extend relief on five occasions, subject to certain substantive changes, such as narrowing the scope of relief and adding conditions, as the effects of the COVID-19 pandemic evolved.<sup>4</sup> The

<sup>1</sup> The FAA has authority for developing "plans and policy for the use of the navigable airspace" and for assigning "by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace." 49 U.S.C. 40103(b)(1). The FAA manages slot usage requirements under the authority of 14 CFR 93.227 at DCA and under the authority of Orders at JFK and LGA. See Operating Limitations at John F. Kennedy International Airport, 85 FR 58258 (Sep. 18, 2020); Operating Limitations at New York LaGuardia Airport, 85 FR 58255 (Sep. 18, 2020).

<sup>2</sup> Although DCA and LGA are not designated as IATA Level 3 slot-controlled airports given that these airports primarily serve domestic destinations, the FAA limits operations at these airports via rules at DCA and an Order at LGA that are equivalent to IATA Level 3. See FN 1. The FAA reiterates that the relief provided in the March 16, 2020, notice (85 FR 15018); the April 17, 2020, notice (85 FR 21500); the October 7, 2020, notice (85 FR 63335); the January 14, 2021, Summer 2021 FAA Policy Statement (Docket No. FAA-2020-0862-0302); and, the October 20, 2021, notice (86 FR 58134), extends to all allocated slots, including slots allocated by exemption.

<sup>3</sup> Orders Limiting Operations at John F. Kennedy International Airport and New York LaGuardia Airport; High Density Traffic Airports Rule at Ronald Reagan Washington National Airport, 85 FR 15018 (Mar. 16, 2020).

<sup>4</sup> Orders Limiting Operations at John F. Kennedy International Airport and New York LaGuardia Airport; High Density Traffic Airports Rule at Ronald Reagan Washington National Airport, 85 FR 21500 (Apr. 17, 2020); COVID-19 Related Relief Concerning Operations at Chicago O'Hare International Airport, John F. Kennedy International Airport, Los Angeles International Airport, Newark Liberty International Airport, New York LaGuardia Airport, Ronald Reagan Washington National Airport, and San Francisco International Airport for the Winter 2020/2021 Scheduling Season, 85 FR 63335 (Oct. 7, 2020); FAA Policy Statement: Limited, Conditional Extension of COVID-19 Related Relief for the Summer 2021 Scheduling Season (Docket No. FAA-2020-0862-0302); COVID-19 Related Relief

most recent limited, conditional extension of COVID-19-related relief was issued by the FAA on March 29, 2022, and expires on October 29, 2022.<sup>5</sup>

#### **Standard Applicable to This Waiver Proceeding**

The FAA reiterates the standards applicable to petitions for waivers of the minimum slot usage requirements in effect at DCA, JFK, and LGA, as discussed in FAA's initial decision granting relief due to COVID-19 impacts.<sup>6</sup> At JFK and LGA, each slot must be used at least 80 percent of the time.<sup>7</sup> Slots not meeting the minimum usage requirements will be withdrawn. The FAA may waive the 80 percent usage requirement in the event of a highly unusual and unpredictable condition that is beyond the control of the slot-holding air carrier and which affects carrier operations for a period of five consecutive days or more.<sup>8</sup>

At DCA, any slot not used at least 80 percent of the time over a two-month period also will be recalled by the FAA.<sup>9</sup> The FAA may waive this minimum usage requirement in the event of a highly unusual and

Concerning Operations at Chicago O'Hare International Airport, John F. Kennedy International Airport, Los Angeles International Airport, Newark Liberty International Airport, New York LaGuardia Airport, Ronald Reagan Washington National Airport, and San Francisco International Airport for the Winter 2021/2022 Scheduling Season, 86 FR 58134 (Oct. 20, 2021); and COVID-19 Related Relief Concerning Operations at Chicago O'Hare International Airport, John F. Kennedy International Airport, Los Angeles International Airport, Newark Liberty International Airport, New York LaGuardia Airport, Ronald Reagan Washington National Airport, and San Francisco International Airport for the Summer 2022 Scheduling Season, 87 FR 18057 (Mar. 29, 2022).

<sup>5</sup> COVID-19 Related Relief Concerning Operations at Chicago O'Hare International Airport, John F. Kennedy International Airport, Los Angeles International Airport, Newark Liberty International Airport, New York LaGuardia Airport, Ronald Reagan Washington National Airport, and San Francisco International Airport for the Summer 2022 Scheduling Season, 87 FR 18057 (Mar. 29, 2022).

<sup>6</sup> See Orders Limiting Operations at John F. Kennedy International Airport and New York LaGuardia Airport; High Density Traffic Airports Rule at Ronald Reagan Washington National Airport, 85 FR 15018 (Mar. 16, 2020).

<sup>7</sup> Operating Limitations at John F. Kennedy International Airport, 85 FR 58258 at 58260 (Sep. 18, 2020); Operating Limitations at New York LaGuardia Airport, 85 FR 58255 at 58257 (Sep. 18, 2020).

<sup>8</sup> At JFK, historical rights to operating authorizations and withdrawal of those rights due to insufficient usage will be determined on a seasonal basis and in accordance with the schedule approved by the FAA prior to the commencement of the applicable season. See JFK Order, 85 FR at 58260. At LGA, any operating authorization not used at least 80 percent of the time over a two-month period will be withdrawn by the FAA. See LGA Order, 85 FR at 58257.

<sup>9</sup> See 14 CFR 93.227(a).