

replace AM-20-01, AM-20-02, and AM-20-03.

#### V. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Wisconsin Administrative Code rules NR 400, NR 419, NR 421, NR 422, NR 423, NR 425, NR 439, and NR 484 as published in the Wisconsin Register #797B on May 31, 2022, effective June 1, 2022, discussed in section III of this preamble. EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: January 24, 2023.

**Debra Shore,**

*Regional Administrator, Region 5.*

[FR Doc. 2023-01723 Filed 1-27-23; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Part 252

[Docket DARS-2022-0030]

RIN 0750-AL67

#### Defense Federal Acquisition Regulation Supplement: Update of Challenge Period for Validation of Asserted Restrictions on Technical Data and Computer Software (DFARS Case 2022-D016); Extension of Comment Period

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Advance notice of proposed rulemaking; extension of comment period.

**SUMMARY:** DoD published an advance notice of proposed rulemaking on December 16, 2022, seeking public input on a potential revision to the

Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2012 that addresses the validation of proprietary data restrictions. The deadline for submitting comments is being extended to provide additional time for interested parties to provide comments.

**DATES:** The comment period for the advance notice of proposed rulemaking published December 16, 2022, at 87 FR 77055, is extended. Comments on the advance notice of proposed rulemaking should be submitted in writing to the address shown in **ADDRESSES** on or before March 16, 2023, to be considered in the formation of a proposed rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2022-D016, using any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Search for "DFARS Case 2022-D016." Select "Comment" and follow the instructions to submit a comment. Please include "DFARS Case 2022-D016" on any attached documents.

- *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include DFARS Case 2022-D016 in the subject line of the message.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check <https://www.regulations.gov>, approximately two to three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** David E. Johnson, telephone 202-913-5764.

**SUPPLEMENTARY INFORMATION:** On December 16, 2022, DoD published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** at 87 FR 77055 seeking public input on potential DFARS changes to implement section 815(b) of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112-81). Section 815(b) amended 10 U.S.C. 2321 (currently 10 U.S.C. 3782) by increasing the validation period for asserted restrictions from three years to six years. Section 815(b) also amended 10 U.S.C. 2321 to provide an exception to the prescribed time limit for validation of asserted restrictions if the technical data involved are the subject of a fraudulently asserted use or release restriction. The comment period for the ANPR is extended to March 16, 2023, to provide additional time for interested parties to comment on the potential DFARS changes.

**List of Subjects in 48 CFR Part 252**

Government procurement.

**Jennifer D. Johnson,**

*Editor/Publisher, Defense Acquisition Regulations System.*

[FR Doc. 2023-01814 Filed 1-27-23; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. NHTSA-2023-0001]

**Federal Motor Vehicle Safety Standards; Rear Impact Guards; Denial of Petition for Rulemaking**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This document denies a petition for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) requesting that NHTSA amend Federal Motor Vehicle Safety Standard (FMVSS) No. 223, “Rear Impact Guards,” to remove the certification label requirement in S5.3 of the standard. The agency is denying the petition because the requested amendment would compromise the enforcement of the rear impact guard standard. Limiting the ability to identify noncompliant products would reduce the effectiveness of the standard and increase the safety risk to the motoring public.

**DATES:** January 30, 2023.

**ADDRESSES:** National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

*For technical issues:* Ms. Lina Valivullah, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590, (telephone) 202-366-8786, (email) [Lina.Valivullah@dot.gov](mailto:Lina.Valivullah@dot.gov).

*For legal issues:* Ms. Callie Roach, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590, (telephone) 202-366-2992, (email) [Callie.Roach@dot.gov](mailto:Callie.Roach@dot.gov).

**SUPPLEMENTARY INFORMATION:****Background**

Rear impact guards for trailers reduce the risk to passenger vehicle occupants

in crashes in which a passenger vehicle impacts the rear end of a trailer or semitrailer. Rear impact guards must be certified as meeting applicable safety standards. S5.3 of FMVSS No. 223 and S5.1 of FMVSS No. 224 include the requirements relevant to this petition.

The regulation at 49 CFR 571.223, S5.3, provides that each guard shall be permanently labeled with the information specified in S5.3(a) through (c) of FMVSS No. 223. The information shall be in English and in letters that are at least 2.5 mm high. The label shall be placed on the forward- or rearward-facing surface of the horizontal member of the guard, provided that the label does not interfere with the retroreflective sheeting required by S5.7.1.4.1(c) of FMVSS No. 108 (49 CFR 571.108), and is readily accessible for visual inspection. The specified information includes: (a) the guard manufacturer’s name and address, (b) the statement: “Manufactured in \_\_\_\_\_,” (inserting the month and year of guard manufacture), and (c) the letters “DOT,” constituting a certification by the guard manufacturer that the guard conforms to all requirements of this standard. The regulation at 49 CFR 571.224, S5.1, requires that each vehicle shall be equipped with a rear impact guard certified as meeting FMVSS No. 223.

**The Petition**

NHTSA received a petition for rulemaking from the Commercial Vehicle Safety Alliance (CVSA)<sup>1</sup> on March 12, 2019, requesting NHTSA to initiate a rulemaking proceeding to amend FMVSS No. 223, “Rear Impact Guards,” by removing the certification label requirement in S5.3 of the standard. CVSA provided the following justification for its petition for rulemaking regarding the certification label requirement.

1. CVSA states that the certification label requirement “is resulting in the citation of rear impact guards that otherwise meet the physical requirements and have no negative impact on safety.” CVSA states that they are also petitioning the Federal Motor Carrier Safety Administration (FMCSA) to remove the certification label requirement in the Federal Motor Carrier Safety Regulations (FMCSR) and

<sup>1</sup> CVSA describes itself as a nonprofit association comprised of local, state, provincial, territorial, and federal commercial motor vehicle safety officials and industry representatives. CVSA aims to achieve uniformity, compatibility, and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety throughout Canada, Mexico, and the United States. <https://www.cvsa.org/about-cvsa/>.

that amending the FMVSS would assist with that change.

2. CVSA claims that “certification labels frequently wear, fade or are removed during repair” and that “motor carriers are unable to obtain new certification labels from the original trailer manufacturers because they can no longer guarantee that the rear impact guard meets the FMVSS manufacturing standard.” CVSA says that “there are no reasonable options to meet the certification requirements” as a result.

3. CVSA believes removing the certification label requirement would “eliminate confusion and inconsistency in enforcement,” which CVSA states would be beneficial, “while not negatively impacting safety as the physical components of the guard will still be inspected to the same standard during a roadside inspection.”

**Analysis of the Petition**

NHTSA believes that the petitioner’s requested amendment to FMVSS No. 223 could reduce the safety provided by rear impact guards on trailers and semitrailers. Under 49 U.S.C. 30112(a) (Section 30112(a) of the National Traffic and Motor Vehicle Safety Act), there is a general prohibition against manufacturing for sale, selling, offering for sale, introducing or delivering for introduction in interstate commerce, or importing into the United States any motor vehicle or item of motor vehicle equipment manufactured on or after the date an applicable motor vehicle safety standard is in effect unless the vehicle or equipment both complies with the standard and is covered by a certification issued under section 30115. Section 30115 requires manufacturers of vehicles and manufacturers of motor vehicle equipment subject to motor vehicle safety standards to certify that the vehicle or equipment complies with all applicable FMVSS. Section 30115 further specifies that certification of equipment may be shown by a label or tag on the equipment or on the outside of the container in which the equipment is delivered. Pursuant to these authorities, NHTSA issued the certification labeling requirements for rear impact guards.

In issuing FMVSS No. 223 and FMVSS No. 224, NHTSA specifically accounted for the burden on small trailer manufacturers. In order to lessen to the extent reasonable the burden associated with compliance testing on small manufacturers, NHTSA issued two standards. FMVSS No. 223 establishes the strength and certification requirements for rear impact guards and FMVSS No. 224 establishes requirements for certain trailers to be