

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2023–02–11 Airbus SAS: Amendment 39–22318; Docket No. FAA–2022–1300; Project Identifier MCAI–2022–00663–T.

(a) Effective Date

This airworthiness directive (AD) is effective April 17, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A321–251NX, A321–252NX, A321–253NX, A321–271NX and A321–272NX airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0090, dated May 18, 2022 (EASA AD 2022–0090).

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by an emergency exit slide deployment test on an Airbus Cabin Flex (ACF) overwing emergency exit, where the emergency exit slide did not deploy due to a disconnected slide release cable junction. The FAA is issuing this AD to address the disconnected slide release cable junction, which could prevent emergency slide deployment, possibly resulting in injury to occupants during an emergency evacuation.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0090.

(h) Exceptions to EASA AD 2022–0090

(1) Where EASA AD 2022–0090 refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of EASA AD 2022–0090 does not apply to this AD.

(3) Where paragraph (2) of EASA AD 2022–0090 specifies compliance times for corrective actions, for this AD, perform those corrective actions at the applicable times specified in paragraphs (h)(3)(i) through (iii) of this AD.

(i) If missing lockwire around the knurled sleeve nut is found and the slide release cable inside the sleeve nuts and collets is connected (mushroom head inserted in T-slot joint): Install lockwire within 4 months after the effective date of this AD.

(ii) If a disconnected slide release cable inside the sleeve nuts and collets (mushroom head not inserted in T-slot joint) is found and lockwire around the knurled sleeve nut is not missing: Connect slide release cable before further flight.

(iii) If a disconnected slide release cable inside the sleeve nuts and collets (mushroom head not inserted in T-slot joint) is found and the lockwire around the knurled sleeve nut is missing: Connect slide release cable and install lockwire before further flight.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2022–0090 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (j)(2) of this AD, if any service information referenced in EASA AD 2022–0090 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(k) Additional Information

For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email Vladimir.Ulyanov@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0090, dated May 18, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0090, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this EASA AD on the EASA website at ad.easa.europa.eu.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued on January 24, 2023.

Christina Underwood,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2023–04955 Filed 3–10–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****29 CFR Part 1989**

[Docket Number: OSHA–2020–0006]

RIN 1218–AD27

Procedures for the Handling of Retaliation Complaints Under the Taxpayer First Act (TFA)

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: On March 7, 2022, the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor (Department) issued an interim final rule (IFR) that provided procedures for the Department’s processing of complaints under the employee protection (retaliation or whistleblower) provisions of Section 7623(d) of the Taxpayer First Act (TFA or Act). The IFR established procedures and time frames for the handling of retaliation complaints under

TFA, including procedures and time frames for employee complaints to OSHA, investigations by OSHA, appeals of OSHA determinations to an administrative law judge (ALJ) for a hearing de novo, hearings by ALJs, review of ALJ decisions by the Administrative Review Board (ARB) (acting on behalf of the Secretary of Labor) and judicial review of the Secretary's final decision. It also set forth the Department's interpretations of the TFA whistleblower provisions on certain matters. This final rule adopts the IFR with one technical change.

DATES: This final rule is effective on March 13, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Meghan Smith, Program Analyst, Directorate of Whistleblower Protection Programs, Occupational Safety and Health Administration, U.S. Department of Labor; telephone (202) 693-2199 (this is not a toll-free number) or email: OSHA.DWPP@dol.gov. This **Federal Register** publication is available in alternative formats.

SUPPLEMENTARY INFORMATION:

I. Background

The Taxpayer First Act (TFA or Act), Public Law 116-25, 133 Stat. 981, was enacted on July 1, 2019. Section 1405(b) of the Act, codified at 26 U.S.C. 7623(d) and referred to throughout the interim final rule and this final rule as the TFA "anti-retaliation," "employee protection," or "whistleblower" provision, prohibits retaliation by an employer, or any officer, employee, contractor, subcontractor, or agent of such employer against an employee in the terms and conditions of employment in reprisal for the employee having engaged in protected activity. Protected activity under the TFA includes any lawful act done by an employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding underpayment of tax or conduct which the employee reasonably believes constitutes a violation of the internal revenue laws or any provision of Federal law relating to tax fraud. To be protected, the information or assistance must be provided to one of the persons or entities listed in the statute, which include the Internal Revenue Service (IRS), the Secretary of the Treasury, the Treasury Inspector General for Tax Administration, the Comptroller General of the United States, the Department of Justice, the United States Congress, a person with supervisory authority over the employee, or any other person working for the employer who has the authority to investigate,

discover, or terminate misconduct. The Act also protects employees from retaliation in reprisal for any lawful act done to testify, participate in, or otherwise assist in any administrative or judicial action taken by the IRS relating to an alleged underpayment of tax or any violation of the internal revenue laws or any provision of Federal law relating to tax fraud. The interim final rules established procedures for the handling of retaliation complaints under the Act, which OSHA is finalizing with one technical correction in this final rule.

II. Interim Final Rule, Comments Received and OSHA's Response

On March 7, 2022, OSHA published in the **Federal Register** an IFR establishing procedures for the handling of whistleblower retaliation complaints under the TFA. 81 FR 13976. The IFR also requested public comments. The prescribed comment period closed on May 6, 2022. OSHA received two comments responsive to the IFR.

The first commenter, a private citizen, stated their opinion that the proposed regulation was "totally outside the purview of OSHA and Safety and Health concerns," and that "OSHA and other government agencies" are "unconstitutional." OSHA disagrees with this comment. The TFA rule is a procedural and interpretative rule that implements a statutory provision lawfully enacted by Congress in which Congress assigned to the Secretary of Labor the responsibility to receive and adjudicate TFA retaliation complaints. The Secretary of Labor in turn assigned to OSHA the responsibility to administer the whistleblower program with respect to TFA retaliation complaints. See Sec'y's Order No. 8-2020 (May 15, 2020), 85 FR 58,393, 2020 WL 5578580 (Sept. 18, 2020). In OSHA's experience, promulgating procedural and interpretative rules governing the more than twenty whistleblower protection statutes that OSHA administers aids the public in understanding the procedures applicable to whistleblower cases and the standards that will apply to adjudication of such cases. As such, OSHA is making no revisions to the TFA rule in response to this comment.

The second commenter, the United Brotherhood of Carpenters and Joiners of America, expressed support for the rule and recommended adding "making referrals to immigration authorities" in the list of prohibited conduct outlined in 29 CFR 1989.102(a). OSHA agrees with the commenter that referring a worker to immigration authorities in retaliation for the worker's complaint

about the employer's tax law violation would violate the TFA anti-retaliation provision. OSHA has reaffirmed this view in recent public guidance regarding retaliation in violation of the whistleblower protection laws it administers. See, e.g., OSHA Whistleblower Protection Program Fact Sheet (August 2022), available at <https://www.osha.gov/sites/default/files/publications/OSHA3638.pdf> ("Retaliation can involve several types of actions, such as . . . [r]eporting the employee to the police or immigration authorities"), Whistleblower Investigations Manual, p. 29 (April 29, 2022), available at https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-03-011.pdf (noting adverse action can include "[r]eporting or threatening to report an employee to the police or immigration authorities"). However, because the list of prohibited conduct in 29 CFR 1989.102(a) is not exhaustive, OSHA believes that the language in the IFR is expansive enough to encompass retaliatory referrals to immigration authorities.

Additionally, OSHA has drafted the regulatory text of 29 CFR 1989.102 to be consistent with its rules governing other OSHA-enforced whistleblower statutes to the extent possible under the applicable statutory language. See, e.g., 29 CFR 1987.102 (listing examples of retaliatory conduct prohibited under the FDA Food Safety Modernization Act whistleblower provision); 29 CFR 1980.102 (listing examples of retaliatory conduct prohibited under the Sarbanes-Oxley Act whistleblower provision). OSHA's rules implementing other whistleblower statutes do not include the suggested language and adding the language in this rule could lead to confusion regarding whether this conduct is prohibited under the other whistleblower-protection statutes. Accordingly, OSHA is making no revisions to the TFA rule in response to this comment.

III. Discussion of Change

This final rule corrects one section of the Code of Federal Regulations, 29 CFR 1989.110(a), to harmonize the final rule with 29 CFR part 26. Under that part, pro se litigants do not have to electronically file petitions with the ARB, or show "good cause" to file by mail or some other non-electronic method. Therefore, OSHA is revising 29 CFR 1989.110(a) to be consistent with 29 CFR part 26. Accordingly, this rule modifies the IFR published on March 7, 2022. In all other respects, this rule adopts as final, without change, the IFR published on March 7, 2022.

IV. Paperwork Reduction Act

This rule contains a reporting provision (filing a retaliation complaint, § 1989.103) which was previously reviewed as a statutory requirement of TFA and approved for use by the Office of Management and Budget (OMB), as part of the Information Collection Request (ICR) assigned OMB control number 1218–0236 under the provisions of the Paperwork Reduction Act of 1995 (PRA). See Public Law 104–13, 109 Stat. 163 (1995). A non-material change has been submitted to OMB to include the regulatory citation.

V. Administrative Procedure Act

The notice and comment rulemaking procedures of § 553 of the Administrative Procedure Act (APA) do not apply “to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice.” 5 U.S.C. 553(b)(A). This is a rule of agency procedure, practice, and interpretation within the meaning of that section. Therefore, publication in the **Federal Register** of a notice of proposed rulemaking and request for comments was not required for this rulemaking. Although this is a procedural and interpretative rule not subject to the notice and comment procedures of the APA, OSHA provided persons interested in the IFR 60 days to submit comments and considered the two comments pertinent to the IFR that it received in deciding to finalize the procedures in the IFR.

Furthermore, because this rule is procedural and interpretative rather than substantive, the normal requirement of 5 U.S.C. 553(d) that a rule be effective 30 days after publication in the **Federal Register** is inapplicable. OSHA also finds good cause to provide an immediate effective date for this final rule, which makes one technical change and otherwise simply finalizes without change the procedures that have been in place since publication of the IFR. It is in the public interest that the rule be effective immediately so that parties know with the certainty afforded by a final rule what procedures are applicable to pending cases.

VI. Executive Orders 12866, and 13563; Unfunded Mandates Reform Act of 1995; Executive Order 13132

The Office of Information and Regulatory Affairs has concluded that this rule is not a “significant regulatory action” within the meaning of Executive Order 12866, reaffirmed by Executive Order 13563, because it is not likely to: (1) have an annual effect on the

economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in Executive Order 12866. Therefore, no economic impact analysis under § 6(a)(3)(C) of Executive Order 12866 has been prepared.

Also, because this rule is not significant under Executive Order 12866, and because no notice of proposed rulemaking has been published, no statement is required under section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532. In any event, this rulemaking is procedural and interpretative in nature and is thus not expected to have a significant economic impact. Finally, this rule does not have “federalism implications.” The rule does not have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government[.]” and therefore, is not subject to Executive Order 13132 (Federalism).

VII. Regulatory Flexibility Analysis

The notice and comment rulemaking procedures of section 553 of the APA do not apply “to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice.” 5 U.S.C. 553(b)(A). Rules that are exempt from APA notice and comment requirements are also exempt from the Regulatory Flexibility Act (RFA). See Small Business Administration Office of Advocacy, *A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act*, at 9; also found at <https://www.sba.gov/advocacy/guide-government-agencies-how-comply-regulatory-flexibility-act>. This is a rule of agency procedure, practice, and interpretation within the meaning of 5 U.S.C. 553; and, therefore, the rule is exempt from both the notice and comment rulemaking procedures of the APA and the requirements under the RFA. Nonetheless, OSHA, in the IFR, provided interested persons 60 days to comment on the procedures applicable

to retaliation complaints under TFA and considered the two comments pertinent to the IFR that it received in deciding to finalize the procedures in the IFR.

List of Subjects in 29 CFR Part 1989

Administrative practice and procedure, Employment, Taxation, Whistleblower.

Authority and Signature

This document was prepared under the direction and control of Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health.

Signed at Washington, DC, on February 27, 2023.

Douglas L. Parker,

Assistant Secretary of Labor for Occupational Safety and Health.

For the reasons set forth in the preamble, the Department of Labor amends 29 CFR part 1989, which was published as an interim final rule at 87 FR 12575 on March 7, 2022, as follows:

PART 1989—PROCEDURES FOR THE HANDLING OF RETALIATION COMPLAINTS UNDER THE TAXPAYER FIRST ACT (TFA)

■ 1. The authority citation for part 1989 continues to read as follows:

Authority: 26 U.S.C. 7623(d); Secretary of Labor’s Order 08–2020 (May 15, 2020), 85 FR 58393 (September 18, 2020); Secretary of Labor’s Order 01–2020 (Feb. 21, 2020), 85 FR 13024–01 (Mar. 6, 2020).

■ 2. Amend § 1989.110 by revising paragraph (a) to read as follows:

§ 1989.110 Decisions and orders of the Administrative Review Board.

(a) Any party desiring to seek review, including judicial review, of a decision of the ALJ, or a respondent alleging that the complaint was frivolous or brought in bad faith who seeks an award of attorney fees, must file a written petition for review with the ARB, which has been delegated the authority to act for the Secretary and issue decisions under this part subject to the Secretary’s discretionary review. The parties should identify in their petitions for review the legal conclusions or orders to which they object, or the objections may be deemed waived. A petition must be filed within 30 days of the date of the decision of the ALJ. All petitions and documents submitted to the ARB must be filed in accordance with 29 CFR part 26. The date of the postmark, facsimile transmittal, or electronic transmittal will be considered to be the date of filing; if the petition is filed in person, by hand delivery, or other means, the petition is considered filed upon receipt. The petition must be served on

all parties and on the Chief Administrative Law Judge at the time it is filed with the ARB. The petition for review must also be served on the Assistant Secretary and on the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor. OSHA and the Associate Solicitor for Fair Labor Standards may specify the means, including electronic means, for service of petitions for review on them under this section.

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[FR Doc. 2023-05076 Filed 3-10-23; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2023-0136]

Special Local Regulations; Seventh Coast Guard District, Blessing of the Fleet—St. Augustine

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for the Blessing of the Fleet—St. Augustine on April 2, 2023, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Seventh Coast Guard District identifies the regulated area for this event in St. Augustine, FL. During the enforcement periods, 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 regulations in 33 CFR 100.701, Table 1 to § 100.701, paragraph (c), Item 8, will be enforced from noon until 3 p.m., on April 2, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email MST1 Anthony Deangelo, Sector Jacksonville, Waterways Management Division, U.S. Coast Guard; telephone 904-714-7631, email Anthony.Deangelo@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.701, Table 1 to § 100.701, paragraph (c), Item 8, for the Blessing of the Fleet—St. Augustine regulated from noon until 3 p.m., on April 2, 2023. This action is being taken to provide for the safety of life on navigable waterways during the event.

Our regulation for recurring marine events within the Seventh Coast Guard District, § 100.701, Table 1 to § 100.701, paragraph (c), Item 8, specifies the location of the regulated area for the Blessing of the Fleet—St. Augustine which encompasses portions of the Matanzas River at the St. Augustine Municipal Marina. During the enforcement periods, as reflected in in § 100.701, if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts, local radio stations and area newspapers.

Dated: March 8, 2023.

J.D. Espino-Young,

Captain, U.S. Coast Guard, Captain of the Port Jacksonville.

[FR Doc. 2023-05110 Filed 3-10-23; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF TRANSPORTATION

Great Lakes St. Lawrence Seaway Development Corporation

33 CFR Part 402

RIN 2135-AA54

Tariff of Tolls

AGENCY: Great Lakes St. Lawrence Seaway Development Corporation, DOT.
ACTION: Final rule.

SUMMARY: The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the GLS and the SLSMC. The GLS is revising its regulations to reflect the fees and charges levied by the SLSMC in Canada starting in the 2023 navigation season, which are effective only in Canada.

DATES: This rule is effective on March 22, 2023.

ADDRESSES: *Docket:* For access to the docket to read background documents or comments received, go to <http://www.Regulations.gov>; or in person at the Docket Management Facility; U.S.

Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Carrie Mann Lavigne, Chief Counsel, Great Lakes St. Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, New York 13662; (315) 764-3200.

SUPPLEMENTARY INFORMATION: The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls (Schedule of Fees and Charges in Canada) in their respective jurisdictions.

The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the GLS and the SLSMC. The GLS is revising 33 CFR 402.12, “Schedule of tolls”, to reflect the fees and charges levied by the SLSMC in Canada beginning in the 2023 navigation season.

Regulatory Notices: Privacy Act:

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://www.Regulations.gov>.

Regulatory Evaluation

This regulation involves a foreign affairs function of the United States and therefore, Executive Order 12866 does not apply and evaluation under the Department of Transportation’s Regulatory Policies and Procedures is not required.

Regulatory Flexibility Act Determination

I certify this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Tariff of Tolls primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This regulation does not require an environmental impact statement under