

source categories. Also, on August 10, 2022, WDNR submitted a request to remove from the SIP three Administrative Orders (AM–20–01, AM–20–02, AM–20–03) previously approved in paragraphs (c)(139) and (140) of this section. These SIP revisions apply to nonattainment areas in Wisconsin classified as moderate or above under the 2008 or later ozone standard. These revisions are consistent with the CTG documents issued by EPA in 2008 and are approvable because they serve as SIP strengthening measures.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 400.02(intro.), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(B) NR 419.02(intro.), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(C) NR 421.02(intro.), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(D) NR 422.01, NR 422.02, NR 422.03, NR 422.04, NR 422.05, NR 422.06, NR 422.08, NR 422.083, NR 422.084, NR 422.127, NR 422.128, NR 422.14 and 422.145, NR 422.15 and 422.151, as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(E) NR 423.035(2)(a)1., and NR 423.037(2)(a)1., as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(F) NR 425.04(3)(a), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(G) NR 439.04(4) and (5), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(H) NR 484.10 Table 5 Rows (9) and (25m), as published in the Wisconsin Register, May 2022 No. 797, effective June 1, 2022.

(ii) [Reserved]

[FR Doc. 2023–11893 Filed 6–5–23; 8:45 a.m.]

BILLING CODE 6560–50–P

## NATIONAL TRANSPORTATION SAFETY BOARD

### 49 CFR Part 801

[Docket No.: NTSB–2021–0006]

RIN 3147–AA23

### Internal Personnel Rules and Practices of the NTSB

**AGENCY:** National Transportation Safety Board (NTSB).

**ACTION:** Final rule.

**SUMMARY:** The NTSB previously issued an interim final rule (IFR), soliciting comments on its Internal Personnel Rules and Practices. The NTSB received one comment as a result and is issuing a final rule, adopting the IFR with disposition of comment.

**DATES:** This final rule is effective on June 6, 2023.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Silbaugh, General Counsel, (202) 314–6080, [rulemaking@ntsb.gov](mailto:rulemaking@ntsb.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On October 4, 2021, the NTSB issued an IFR, soliciting public comments on its amendment of the agency’s Internal Personnel Rules and Practices. The IFR reflected that the agency closed its “public reference room” and made qualifying records electronically available. 86 FR 54641 (Oct. 4, 2021). Moreover, the agency removed an outdated paragraph describing a particular category of exempted records under the Freedom of Information Act (FOIA). The revisions to the NTSB FOIA regulation were issued as an IFR to ensure that updated regulations were in place as soon as practicable per *Milner v. Department of the Navy*, 131 S.Ct. 1259 (2011). The IFR comment period closed on December 3, 2021.

On December 30, 2021, the NTSB issued a correcting amendment to revise the wording of certain regulations in part 801 affected by the IFR’s amendatory language. 86 FR 74377 (Dec. 30, 2021). By revising all references to “public reading room” to read “electronic reading room”, that amendatory instruction resulted in the needless repetition of the word “electronic reading room” in 49 CFR 801.10(b)(2), 801.10(c), 801.30, 801.31, 801.32(b), 801.41. The correcting amendment revised the aforementioned regulations to reflect the agency’s original intent for part 801.

##### II. Comment and Response

On November 28, 2021, the agency received one comment in response to the IFR. Thomas M. Kowalick, Chair, Standard for Motor Vehicle Event Data Recorder, Institute of Electrical and Electronic Engineers proffered the following amendatory language:

Revise 49 CFR 801.52 by issuing an interim final rule to remove or update paragraph (b) in 49 CFR 801.52. Add or update a new paragraph establishing a National Transportation Safety Board (NTSB) *Auto Safety Trust Fund* to collect funds once yearly from automotive OEM’s of the motor vehicle(s) in which fatalities occurred based on 00.02 percentage of the value of a statistical life determined by the United

States Department of Transportation. Funds shall be collected conforming to the revised 49 CFR 801.52 and CFR 49 [sic] § 389.9 Treatment of Confidential Business Information Submitted Under Confidential Class Determinations from the original equipment manufacturer(s) of the motor vehicle(s) in which fatalities occurred.

*The NTSB’s Response:* The NTSB appreciates the suggested amendatory language, but the agency finds that this comment is not significant for rulemaking purposes. Specifically, the proposed language pertains to an Auto Safety Trust Fund, which is beyond the scope of this rulemaking as it neither relates to Internal Personnel Rules and Practices, nor recommends changes proposed by the NTSB. Therefore, the NTSB need not address this comment any further.

##### III. Regulatory Analysis

Because the NTSB is an independent agency, this final rule does not require an assessment of its potential costs and benefits under section 6(a)(3) of Executive Order (E.O.) 12866, Regulatory Planning and Review, 58 FR 51735 (Sept. 30, 1993). In addition, the NTSB has considered whether this rule would have a significant economic impact on a substantial number of small entities, under the Regulatory Flexibility Act (5 U.S.C. 601–612). The NTSB certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

The NTSB does not anticipate this rule will have a substantial, direct effect on state or local governments or will preempt state law; as such, this rule does not have implications for federalism under E.O. 13132, Federalism, 64 FR 43255 (Aug. 4, 1999).

This rule complies with all applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, 61 FR 4729 (Feb. 5, 1996), to minimize litigation, eliminate ambiguity, and reduce burden. The NTSB has evaluated this rule under: E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629 (Feb. 16, 1994); E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks, 62 FR 19885 (Apr. 21, 1997); E.O. 13175, Consultation and Coordination with Indian Tribal Governments, 65 FR 67249 (Nov. 6, 2000); E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 18, 2001); and the National Environmental Policy Act, 42 U.S.C. 4321–47. Pursuant to the Paperwork

Reduction Act, the NTSB has determined that there is no new requirement for information collection associated with this final rule. Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a “major rule,” as defined by 5 U.S.C. 804(2). The NTSB has concluded that this final rule neither violates nor requires further consideration under those orders, statutes, E.O.s, and acts.

#### List of Subjects in 49 CFR Part 801

Archives and records, Freedom of information.

#### PART 801—PUBLIC AVAILABILITY OF INFORMATION

■ Accordingly, the interim final rule revising 49 CFR part 801 that published at 86 FR 54641 on October 4, 2021, and the correcting amendment that published at 86 FR 74377 on December 30, 2021, are adopted as final without change.

Jennifer Homendy,  
Chair.

[FR Doc. 2023–11962 Filed 6–5–23; 8:45 am]

BILLING CODE 7533–01–P

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 230519–0135]

RIN 0648–BF90

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Amendment to the Atlantic Pelagic Longline Take Reduction Plan

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS is amending the regulations implementing the Atlantic Pelagic Longline Take Reduction Plan (hereinafter called the PLTRP or the Plan) to reduce mortality and serious injury of short-finned pilot whales (*Globicephala macrorhynchus*) incidental to the Atlantic portion of the Category I Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery (hereinafter called Atlantic pelagic longline fishery) to meet the long-term goal of the Plan as required by the Marine Mammal Protection Act

(MMPA). The amendments to the PLTRP are based on consensus recommendations submitted by the Atlantic Pelagic Longline Take Reduction Team (hereinafter called the PLTRT or the Team) and include both regulatory and non-regulatory management measures. Additionally, NMFS is removing Risso’s dolphins (*Grampus griseus*) and long-finned pilot whales (*Globicephala melas melas*) from the purpose and scope of the Plan.

**DATES:** This final rule is effective July 6, 2023, except for the amendment to 50 CFR 229.36(d), in instruction number 4, which is effective July 8, 2024. (see **SUPPLEMENTARY INFORMATION** for more details).

**ADDRESSES:** Public comments and other supporting materials are available at [www.regulations.gov](http://www.regulations.gov) identified by docket number NOAA–NMFS–2016–0105. Background documents for the PLTRP can be downloaded from the Pelagic Longline Take Reduction Plan website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/pelagic-longline-take-reduction-plan>.

**FOR FURTHER INFORMATION, CONTACT:** Erin Fougères, NMFS, Southeast Region, at 727–824–5312 or [erin.fougeres@noaa.gov](mailto:erin.fougeres@noaa.gov), Kara Shervanick, NMFS, Southeast Region, at 727–824–5350 or [kara.shervanick@noaa.gov](mailto:kara.shervanick@noaa.gov), or Kristy Long, NMFS, Office of Protected Resources at 206–526–4792 or [kristy.long@noaa.gov](mailto:kristy.long@noaa.gov). Individuals who use telecommunications devices for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. eastern time, Monday through Friday, excluding Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 118(f) of the MMPA requires NMFS to develop and implement take reduction plans to assist in the recovery of, or prevent the depletion of, each strategic marine mammal stock that interacts with Category I or II fisheries. Category I fisheries are fisheries that have frequent incidental mortality and serious injury of marine mammals, and Category II fisheries are fisheries that have occasional incidental mortality and serious injury of marine mammals. The MMPA also provides NMFS discretion to develop and implement a take reduction plan for any other marine mammal stocks that interact with a Category I fishery, which the agency determines, after notice and opportunity for public comment, has a high level of mortality and serious injury across a number of such marine mammal stocks.

The MMPA defines a strategic stock as a marine mammal stock: (1) for which the level of direct human-caused mortality exceeds the potential biological removal (PBR) level; (2) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act (ESA) in the foreseeable future; or (3) which is listed as threatened or endangered under the ESA, or is designated as a depleted species under the MMPA (16 U.S.C. 1362(19)). The PBR level is the maximum number of animals, not including natural mortalities, which can be removed annually from a stock, while allowing that stock to reach or maintain its optimum sustainable population level (50 CFR 229.2).

In accordance with section 118(f) of the MMPA (16 U.S.C. 1387), the immediate goal of a take reduction plan is to reduce, within 6 months of its implementation, the incidental mortality or serious injury of marine mammals taken in the course of commercial fishing operations to levels less than the PBR level for the stock. The long-term goal of a take reduction plan is to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals taken in the course of commercial fishing to insignificant levels approaching a zero mortality and serious injury rate (*i.e.*, insignificance threshold or zero mortality rate goal), which is 10 percent of the PBR level for a marine mammal stock (69 FR 43338, July 20, 2004). The long-term goal takes into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans. The MMPA also requires NMFS to amend take reduction plans and implementing regulations as needed to meet these requirements and goals.

##### History of the PLTRT

NMFS announced the establishment of the PLTRT on June 22, 2005, in the **Federal Register** (70 FR 36120). Four professionally-facilitated meetings and two full-team conference calls were held between June 2005 and May 2006. The PLTRT reached consensus at the May 2006 meeting, and on June 8, 2006, submitted to NMFS a Draft PLTRP, including recommendations for take reduction measures, as well as research needs and other non-regulatory measures (PLTRT, 2006). Based on the Draft PLTRP, NMFS published a proposed rule (73 FR 35623, June 24, 2008) and a final rule (74 FR 23349, May 19, 2009) implementing the PLTRP,