

SecDef during times of war or national emergency.

### Application Criteria

Section 53403(b)(2)(A) of Title 46, United States Code directs the Secretary in consultation with the SecDef to consider applicant vessel qualifications as they relate to 46 CFR 294.9 and give priority to applications based on the following criteria:

- (1) Vessel capabilities, as established by SecDef;
- (2) Applicant's record of vessel ownership and operation of tanker vessels; and
- (3) Applicant's citizenship, with preference for Section 50501 Citizens.

### Vessel Requirements

Acceptable vessels for a TSP Operating Agreement must meet the requirements of 46 U.S.C. 53402(b) and 46 CFR 294.9. The Commander, USTRANSCOM, has provided vessel suitability standards for eligible TSP vessels for use during the application selection process. The following suitability standards, consistent with the requirements of 46 U.S.C. 53402(b)(5), will apply to vessel applications:

- Medium Range (MR) tankers between 30,000–60,000 deadweight tons, with fuel cargo capacity of 230,000 barrels or greater.
- Deck space and size to accept installation of Consolidation (CONSOL) stations, two on each side for a total of four stations.
- Ability to accommodate up to an additional 12 crew for CONSOL, security, and communication crew augmentation.
- Communication facilities capable of integrating secure communications equipment.
- Does not engage in commerce or acquire any supplies or services if any proclamation, Executive order, or statute administered by Office of Foreign Assets Control (OFAC), or if OFAC's implementing regulations at 31 CFR Chapter V, would prohibit such a transaction by a person subject to the jurisdiction of the United States, except as authorized by the OFAC in the Department of the Treasury.
- Operate in the Indo-Pacific region.
- Maximum draft of no more than 44 feet. Preference will be given to vessels that can transport the most fuel at the shallowest draft.
- Sustained service speed of at least 14 knots, with higher speeds preferred.
- Carry only clean refined products.
- Capable of carrying more than two separated grades of refined petroleum products with double valve protection

between tanks. Additionally, the vessel must meet the standards of 46 U.S.C. 53401(4).

### National Security Requirements

The applicants chosen to receive a TSP Operating Agreement will be required to enter into an Emergency Preparedness Agreement (EPA) under 46 U.S.C. 53407, or such other agreement as may be approved by the Secretaries. The current EPA approved by the Secretary and SecDef is the Voluntary Tanker Agreement (VTA), publicly available for review at 87 FR 67119 (November 7, 2022).

### Documentation

A vessel chosen to receive the TSP Operating Agreement, must be documented as a U.S.-flag vessel under 46 U.S.C., chapter 121. An applicant proposing a foreign-flag vessel must demonstrate the vessel owner's intent to have the vessel so documented and must demonstrate that the vessel is so documented by the time the applicant enters into a TSP Operating Agreement for the vessel. Proof of U.S. Coast Guard vessel documentation and all relevant charter and management agreements for a chosen vessel must be approved by MARAD before the vessel will be eligible to receive TSP payments.

### Vessel Operation

A vessel selected for award of a TSP Operating Agreement must be operated in foreign commerce, in mixed foreign commerce and domestic trade of the United States permitted under a registry endorsement issued under 46 U.S.C. 12111, or between U.S. ports and those points identified in 46 U.S.C. 55101(b), or in foreign-to-foreign commerce, and must not otherwise operate in the coastwise trade of the United States.

### Protection of Confidential Commercial or Financial Information

If the application includes information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission "Contains Confidential Commercial or Financial Information (CCFI)"; (2) mark each affected page "CCFI"; and (3) highlight or otherwise denote the CCFI portions. MARAD will protect such information from disclosure to the extent allowed under applicable law. In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information

that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

### Award of Operating Agreements

MARAD does not guarantee the award of TSP Operating Agreements in response to applications submitted under this Notice. In the event that no awards are made, or an application is not selected for an award, the applicant will be provided with a written reason why the application was denied, consistent with the requirements of 46 U.S.C. 53403.

(Authority: 46 U.S.C. chapter 534, 49 CFR 1.92 and 1.93, 46 CFR 294.)

By order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.**

*Secretary, Maritime Administration.*

[FR Doc. 2022–26848 Filed 12–8–22; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number MARAD–2022–0254]

### Aquaculture Support Operations Waiver Request for the Vessels COLBY PERCE, RONJA CARRIER, SADIE JANE, MISS MILDRED 1, KC COMMANDER

**AGENCY:** Maritime Administration (MARAD), Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** Pursuant to a delegation of authority from the Secretary of Transportation, the Maritime Administrator is authorized to issue an Aquaculture Support Operations Waiver to U.S. documented vessels with registry endorsements or foreign flag vessels in operations that treat aquaculture fish or protect aquaculture fish from disease, parasitic infestation, or other threats to their health upon a finding that suitable vessels of the United States are not available that could perform those operations. MARAD has received an Aquaculture Support Operations waiver request and is publishing this notice to solicit comments that may assist MARAD in determining whether suitable vessels of the United States are available that could perform the proposed aquaculture support operations set forth in the request. A brief description of the proposed aquaculture support operations is listed in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** Submit comments on or before January 9, 2023.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD–2022–0254 by any of the following methods:

- *On-line via the Federal Electronic Portal:* <http://www.regulations.gov>. Search using “MARAD–2022–0254” and follow the instructions for submitting comments.
- *Mail/Hand-Delivery/Courier:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590. Submit comments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

*Reference Materials and Docket Information:* You may view the complete application, including the aquaculture support technical service requirements, and all public comments at the DOT Docket on-line via <http://www.regulations.gov>. Search using “MARAD–2022–0254.” All comments received will be posted without change to the docket, including any personal information provided. The Docket Management Facility is open 9:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Meurer, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–436, Washington, DC 20590. Email: [Jennifer.Meurer@dot.gov](mailto:Jennifer.Meurer@dot.gov). Phone: 202–366–4946.

If you have questions on viewing the Docket, call Docket Operations, telephone: (800) 647–5527.

**SUPPLEMENTARY INFORMATION:** Pursuant to 46 CFR 106.115, vessel owners, operators, or charterers of U.S. documented vessels with registry endorsements or foreign flag vessels are required to provide prior notification to the United States Coast Guard (USCG) of aquaculture support operations in U.S. waters. The notification, in part, must include a copy of a MARAD-issued Aquaculture Support Operations Waiver. Pursuant to 46 U.S.C. 12102(d), the Secretary of Transportation has the authority to issue Aquaculture Support Operations Waivers to U.S. documented vessels with registry endorsements or foreign flag vessels engaged in operations that treat aquaculture fish or protect aquaculture fish from disease, parasitic infestation, or other threats to their health after a finding that suitable vessels of the United States are not available that could perform those operations. The Secretary has delegated

this authority to the Maritime Administrator.

MARAD has received an Aquaculture Support Operations Waiver request from Cooke Aquaculture USA, Inc. (Cooke) for the operations of the Canadian-flag vessels COLBY PERCE, RONJA CARRIER, SADIE JANE, MISS MILDRED 1, KC COMMANDER. Cooke proposes, in part, “to use highly-specialized foreign-flag vessels referred to as a “wellboat” (or “live fish carrier”) to treat Cooke’s swimming inventory of farmed Atlantic salmon in the company’s salt-water grow-out pens off Maine’s North Atlantic Coast. This treatment prevents against parasitic infestation by sea lice that is highly destructive to the salmon’s health.” Cooke proposes to operate the vessels off Maine’s North Atlantic Coast during the 2023 calendar year, from January 1 to December 31, 2023. Further details of Cooke’s proposed operations may be found in the waiver request posted in the docket.

The public may submit comments providing detailed information relating to the availability of U.S.-flag vessels to perform the proposed aquaculture support operations set forth in Cooke’s waiver request. Comments should reference the docket number of this notice, the vessel names, the commenter’s interest in the application, and address whether there are suitable U.S. vessels available to conduct the proposed aquaculture support operations.

#### Privacy Act

In accordance with 5 U.S.C. 553(c), MARAD solicits comments from the public to inform its decision determining the availability of suitable U.S.-flag vessels to conduct the aquaculture support operations proposed in this notice. All timely comments will be considered; however, to facilitate comment tracking, commenters should provide their name or the name of their organization. If comments contain proprietary or confidential information, commenters may contact the agency for alternate submission instructions. Anyone can 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.). For information on DOT’s compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(w))

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By order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2022–26821 Filed 12–8–22; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0038; Notice 2]

#### Mercedes-Benz USA, LLC and Pirelli Tire, LLC, Denial of Petitions for Decision of Inconsequential Noncompliance

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

**ACTION:** Denial of petitions.

**SUMMARY:** Daimler AG (DAG) and Mercedes-Benz USA, LLC (MBUSA) collectively referred to as “DAG-Mercedes-Benz,” and Pirelli Tire, LLC (Pirelli), have determined that certain Pirelli P7 Cinturato RUN FLAT radial tires that were installed as original equipment in certain model year (MY) 2018–2019 Mercedes-Benz motor vehicles and also sold as replacement equipment do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles*. Pirelli filed a noncompliance report dated February 25, 2019, and later amended it on March 15, 2019, and DAG-Mercedes-Benz filed a noncompliance report dated March 4, 2019. Pirelli subsequently petitioned NHTSA (the “Agency”) on March 18, 2019, and DAG-Mercedes-Benz petitioned NHTSA on March 27, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces and explains the denial of DAG-Mercedes-Benz’s and Pirelli’s petitions.

**FOR FURTHER INFORMATION CONTACT:** Jayton Lindley, Office of Vehicle Safety Compliance, NHTSA, (325) 655–0547, [Jayton.Lindley@dot.gov](mailto:Jayton.Lindley@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Overview

DAG-Mercedes-Benz and Pirelli (the “petitioners”) have determined that certain Pirelli P7 Cinturato RUN FLAT radial tires that were installed as original equipment in certain MY 2018–2019 Mercedes-Benz motor vehicles and also sold as replacement equipment do not fully comply with paragraph S5.5(c) of FMVSS No. 139, *New Pneumatic Radial Tires for Light Vehicles* (49 CFR 571.139).