

4. How the statutory term “reasonable” should be interpreted.

5. How the interests of delivering and receiving carriers should be balanced in the selection of an interchange location, particularly where the existing interchange location is well established or long-standing.

6. How a carrier’s “power to provide” facilities relates to the other carrier’s ability or rights to reach those facilities.

7. Generally what procedures and factors should apply when railroads cannot agree on an interchange location or one carrier unilaterally seeks to move an existing interchange location.³

8. Whether and how any changes a party recommends regarding the Board’s interpretation of section 10742 should affect the Board’s interpretation of other statutory provisions and related precedent (e.g., 49 U.S.C. 10705(a)(2) and related precedent).

The Board recognizes that CN and CP have an interest in resolving their dispute in a timely manner. However, in light of the court’s decision, because resolution of their dispute could potentially have a significant impact on the rail industry at large and because the industry will likely have insight regarding how any particular standard for designating interchange locations will impact rail operations, the Board believes that the delay necessary to obtain input from other stakeholders is warranted. Following the receipt of comments, the Board intends to work expeditiously to issue a decision. As always, the Board encourages the parties to settle their dispute privately without further Board action if possible.

Comments must be filed by December 19, 2022 and reply comments must be filed by January 17, 2023. To provide interested parties with notice of the opportunity to submit comments in this proceeding, this decision will be published in the **Federal Register**.

It is ordered:

1. CP’s motion to strike CN’s post-remand brief and request to reject CN’s April 20, 2022 reply are denied.

2. CN’s motion for leave to file a reply to a reply is granted.

³ As discussed above, CN, CP, and Metra have each already filed briefs or comments following the remand. In the interest of compiling a complete record, all post-remand briefs and comments filed to date will be accepted. In addition, parties that have already filed post-remand briefs or comments may also file initial comments and reply comments as requested by this decision. All comments should be limited to the broader legal issues discussed above and should not address the specific facts of this case; following the comments and replies permitted in this decision, CP and CN will be afforded an opportunity to further brief the application of the issues discussed to the facts of this case.

3. Metra’s motion for leave to file comments out of time is granted.

4. Interested parties may submit comments by December 19, 2022. Replies to those comments are due by January 17, 2023.

5. This decision will be published in the **Federal Register**.

6. This decision is effective on its service date.

Decided: October 18, 2022.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

Aretha Laws-Byrum,
Clearance Clerk.

[FR Doc. 2022–23021 Filed 10–21–22; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

U.S. Maritime Transportation System National Advisory Committee; Notice of Public Meeting

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: The Maritime Administration (MARAD) announces a public meeting of the U.S. Maritime Transportation System National Advisory Committee (MTSNAC) to develop and discuss advice and recommendations for the U.S. Department of Transportation on issues related to the marine transportation system.

DATES: The meeting will be held on Tuesday, November 29, 2022, from 9:00 a.m. to 4:30 p.m. and Wednesday, November 30, 2022, from 9:00 a.m. to 4:30 p.m. Eastern Daylight Time (EDT).

Requests to attend the meeting must be received no later than 5:00 p.m. EDT on the prior week Monday, November 21, 2022, in order to facilitate entry. Requests for accommodations to a disability must be received by the day prior to the meeting Monday, November 28, 2022. Those requesting to speak during the public comment period of the meeting must submit a written copy of their remarks to DOT by no later than by the prior week Monday, November 21, 2022. Requests to submit written materials to be reviewed during the meeting must also be received by the prior week Monday, November 21, 2022.

ADDRESSES: The meeting will be held at the DOT Conference Center located at 1200 New Jersey Ave. SE, Washington, DC 20590. Any Committee related request should be sent to the person listed in the following section.

FOR FURTHER INFORMATION CONTACT:

Chad Dorsey, Designated Federal Officer, at MTSNAC@dot.gov or at (202) 997–6205. Maritime Transportation System National Advisory Committee, 1200 New Jersey Avenue SE, W21–307, Washington, DC 20590. Please visit the MTSNAC website at <https://www.maritime.dot.gov/outreach/maritime-transportation-system-mts/national-advisory-0>.

SUPPLEMENTARY INFORMATION:

Background

The MTSNAC is a Federal advisory committee that advises the U.S. Secretary of Transportation through the Maritime Administrator on issues related to the maritime transportation system. The MTSNAC was established in 1999 and mandated in 2007 by the Energy Independence and Security Act of 2007 (Pub. L. 110–140). The MTSNAC is codified at 46 U.S.C. 50402 and operates in accordance with the provisions of the Federal Advisory Committee Act.

Agenda

The agenda will include: (1) welcome, opening remarks, and introductions; (2) administrative items; (3) subcommittee break-out sessions; (4) updates to the Committee on the subcommittee work; (5) public comments; and (6) discussions relevant to formulate recommendations for to the Secretary. A final agenda will be posted on the MTSNAC internet website at <https://www.maritime.dot.gov/outreach/maritime-transportation-system-mts/national-advisory-0> at least one week in advance of the meeting.

Public Participation

The meeting will be open to the public. Members of the public who wish to attend in person must RSVP to the person listed in the **FOR FURTHER INFORMATION CONTACT** section with your name and affiliation. Seating will be limited and available on a first-come-first-serve basis.

Services for individuals with disabilities: The public meeting is physically accessible to people with disabilities. The U.S. Department of Transportation is committed to providing all participants equal access to this meeting. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Public comments: A public comment period will commence at approximately 11:45 a.m. EST on November 29, 2022, and again on November 30, 2022, at the same time. To provide time for as many people to speak as possible, speaking time for each individual will be limited to three minutes. Members of the public who would like to speak are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Commenters will be placed on the agenda in the order in which notifications are received. If time allows, additional comments will be permitted. Copies of oral comments must be submitted in writing at the meeting or preferably emailed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Additional written comments are welcome and must be filed as indicated below.

Written comments: Persons who wish to submit written comments for consideration by the Committee must send them to the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

(Authority: 49 CFR part 1.93(a); 5 U.S.C. 552b; 41 CFR parts 102–3; 5 U.S.C. app. Sections 1–16)

By Order of the Maritime Administrator:
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.

[FR Doc. 2022–22996 Filed 10–21–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0066; Notice 2]

Volkswagen Group of America, Inc., Denial of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Denial of petition.

SUMMARY: Volkswagen Group of America, Inc., (“Volkswagen”) has determined that certain model year (MY) 2019–2020 Volkswagen and Audi motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 138, *Tire Pressure Monitoring Systems*. Volkswagen filed a noncompliance report dated May 6, 2020, and later amended it on May 15, 2020. Volkswagen subsequently petitioned NHTSA on May 20, 2020, and later amended the petition on June 8, 2020, for a decision that the subject

noncompliance is inconsequential as it relates to motor vehicle safety. This document announces and explains the denial of Volkswagen’s petition.

FOR FURTHER INFORMATION CONTACT: Ahmad Barnes, Office of Vehicle Safety Compliance, NHTSA, (202) 366–7236.

SUPPLEMENTARY INFORMATION:

I. Overview

Volkswagen has determined that certain MY 2019–2020 Volkswagen and Audi motor vehicles do not fully comply with the requirements of paragraph S6(f)(3) of FMVSS No. 138, *Tire Pressure Monitoring Systems* (49 CFR 571.138). Volkswagen filed a noncompliance report dated May 6, 2020, and later amended it on May 15, 2020, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Volkswagen subsequently petitioned NHTSA on May 20, 2020,¹ for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of Volkswagen’s petition was published with a 30-day public comment period on July 10, 2020, in the **Federal Register** (85 FR 41670). One comment was received. To view the petition and all supporting documents, log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>, and then follow the online search instructions to locate docket number “NHTSA–2020–0066”

II. Vehicles Involved

Approximately 299,043 of the following MY 2019–2020 Volkswagen and Audi motor vehicles manufactured between November 26, 2018, and February 19, 2020, are potentially involved:

- 2019–2020 Volkswagen Atlas
- 2020 Volkswagen Atlas Cross Sport
- 2019 Volkswagen Golf R
- 2019 Volkswagen Tiguan LWB
- 2019–2020 Volkswagen Jetta NF
- 2019–2020 Volkswagen Jetta GLI
- 2019 Volkswagen Golf Sportwagen A7
- 2019 Audi Q3
- 2019–2020 Volkswagen Golf GTI
- 2019 Volkswagen Golf Alltrack
- 2019–2020 Volkswagen Golf A7
- 2019–2020 Audi A3 Sedan
- 2019 Audi A3 Cabriolet

¹ Volkswagen amended this petition on June 8, 2020 to correct certain vehicle information to match its filing information.

III. Noncompliance

Volkswagen explains that the noncompliance is that the subject vehicles are equipped with tire pressure monitoring systems (TPMS) that do not fully comply with the requirements set forth in paragraph S6(f)(3) of FMVSS No. 138. Specifically, when there is a simultaneous pressure loss on all four tires, in which pressure loss occurs at the same rate and time, the detection may not occur within the 20-minute timeframe specified in test procedure requirements.

IV. Rule Requirements

Paragraphs S4.2(a), S4.3.1(c), and S6(f)(3) of FMVSS No. 138 include the requirements relevant to this petition. Paragraph S4.2(a) requires that the TPMS must illuminate a low tire pressure warning telltale not more than 20 minutes after the inflation pressure in one or more of the vehicle’s tires, up to a total of four tires, is equal to or less than either the pressure 25 percent below the vehicle manufacturer’s recommended cold inflation pressure, or the pressure specified in the 3rd column of Table 1 of FMVSS No. 138 for the corresponding type of tire, whichever is higher. Paragraph S4.3.1(c) requires that the TPMS is illuminated under the conditions specified in Paragraph S4.2. Paragraph S6(f)(3) requires that the sum of the total cumulative drive time under the test procedures described in paragraphs S6(f)(1) and (2) shall be the lesser of 20 minutes or the time at which the low tire pressure telltale illuminates.

V. Summary of Volkswagen’s Petition

The following summarizes the views and arguments provided by Volkswagen in its petition. Therein, Volkswagen describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Volkswagen offers the following reasoning:

1. A rapid tire pressure loss on one or more tires is accurately detected and the low tire pressure warning telltale will illuminate and warn the driver.

2. A pressure loss on fewer than four tires at the same time and rate will be detected, and the low tire pressure warning telltale will illuminate and warn the driver.

3. A simultaneous pressure loss on all four tires at the same rate will be detected and indicated to the driver, but not in the required 20 minutes. Internal tests have shown that in those tests where the pressure loss was not detected in 20 minutes, a warning to the