awareness capability and safety due to the removal of Mode–S TIS.

Over the last 3 years, the FAA has conducted industry briefings and discussions with major avionics manufacturing companies on the MSBRS program and the associated planned removal of Mode–S TIS from terminal radars. These discussions assisted in gathering pertinent information on equipage and gaining insight into potential concerns.

III. Summary

Based on data obtained from the aviation community and feedback received through industry engagement, FAA has determined that the overall safety and economic impacts due to the removal of Mode–S TIS functionality will have little to no impact on the GA community.

Replacement of the existing terminal radars capable of providing Mode–S TIS under the MSBRS Program will provide an improvement in ATC capabilities, which will benefit military and civil aviation, including General Aviation. Installation of the new state-of-the-art Mode–S radars will improve system operational reliability and reduce system down time.

Removal of legacy terminal Mode–S radars may occur as part of other ongoing FAA activities to divest radars or which are being replaced with other modern cooperative surveillance systems. These activities are being pursued to lower FAA operating costs and/or reduce congestion on surveillance system RF frequencies.

Aircraft operating within ADS–B mandated airspace, specified under 14 CFR 91.225, have transitioned their avionics equipment to be compliant with the performance requirements of the regulation. If the ADS–B Out equipment is performing and configured properly, aircraft equipped with ADS–B In are capable of receiving ADS–R, ADS–SLR, and TIS–B services from the FAA ADS–B ground stations across the NAS. These low-cost ADS–B In avionics systems are widely available, and provide the GA community with a heightened situational awareness of the traffic around them which was not previously available using solely Mode–S TIS information. These services expand coverage and more than replace the information currently provided by Mode–S TIS.

Issued in Washington, DC, on September 16, 2022.

Mark DeNicuolo, Vice President, Program Management Organization, Air Traffic Organization.

DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
23 CFR Part 650
[ FHWA Docket No. FHWA–2017–0047]
RIN 2125–AF55
National Bridge Inspection Standards; Technical Correction
AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).
ACTION: Final rule.
SUMMARY: This rule makes technical corrections to the regulations that govern the National Bridge Inspection Standards Program. The amendments contained herein make no substantive changes to FHWA regulations, policies, or procedures.
DATES: This rule is effective September 22, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Drda, P.E., Office of Bridges and Structures, HIBS–40, (919) 747–7011; or William Winne, Office of the Chief Counsel, telephone (202) 366–1397, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours for FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Electronic Access


Background

This rulemaking makes technical corrections to the regulations that govern the National Bridge Inspection Standards Program found at 23 CFR part 650. In the final rule published in the Federal Register on May 6, 2022 (87 FR 27396), FHWA provided an incorrect cross reference in § 650.313(h), and an incomplete reference to material incorporated by reference to be used for the load rating of bridges in § 650.313(k). This Final Rule corrects those references in § 650.313(h) and (k).

Section 650.313(h) incorrectly pointed readers to “paragraphs (a)(1)(ii) and (b)(1)(ii) of this section” (emphasis added) to describe the use of special inspections in lieu of complete routine and underwater inspections for bridges on reduced inspection intervals. The paragraphs listed do not appear within § 650.313, but rather § 650.311. The FHWA corrects this sentence to remove the incorrect cross reference and to read as follows: “(h) Special inspection. For special inspections used to monitor conditions described in § 650.311(a)(1)(ii) and (b)(1)(ii), develop and document procedures in accordance with Section 4.2, AASHTO Manual (incorporated by reference, see § 650.317).”

Section 650.313(k) included an incomplete reference to the appropriate sections of the AASHTO Manual, incorporated by reference in § 650.317, for load rating purposes. As discussed in the preamble of the Final Rule, and referenced in the definition of “AASHTO Manual”, the third paragraph in Article 6B.7.1 is excluded from the considerations to be used for load rating. The FHWA corrects this sentence to note this exclusion and to read as follows: “(k) Load rating. (1) Rate each bridge as to its safe load capacity in accordance with Sections 6 and 8, excluding the 3rd paragraph in Article 6B.7.1, AASHTO Manual (incorporated by reference, see § 650.317).”

Rulemaking Analyses and Notice

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an Agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. The FHWA finds that notice and comment for this rule is unnecessary and contrary to the public interest because it will have no substantive impact and is technical in nature. The amendments to the rule are necessary based on drafting errors made during the development of the Final Rule. The FHWA does not anticipate receiving meaningful comments on it. State and local governments rely upon the regulations corrected by this action. These corrections will reduce confusion for these entities and should not be unnecessarily delayed. Accordingly, for the reasons listed above, FHWA finds good cause under 5 U.S.C. 553(b)(3)(B) to waive notice and opportunity for comment. For these same reasons, this Final Rule is effective upon its date of publication under 5 U.S.C. 553(d)(3)
and, therefore, is exempt from the 30-
day delayed effective date requirement
of that section for these same reasons.

Executive Order 12866 (Regulatory
Planning and Review), Executive Order
13563 (Improving Regulation and
Regulatory Review), and DOT
Regulatory Policies and Procedures

The Office of Information and
Regulatory Affairs within the Office of
Management and Budget (OMB) has
determined that this rulemaking is not
a significant regulatory action under
section 3(f) of Executive Order (E.O.)
12866. Accordingly, OMB has not
reviewed it under that E.O. This action
complies with E.O.’s 12866 and 13563
to improve regulation. It is anticipated
that the economic impact of this
rulemaking will be minimal. This final
rule only makes minor corrections that
will not alter the regulatory effect of 23
CFR part 650. Thus, the final rule will
not adversely affect, in a material way,
any sector of the economy. In addition,
these changes will not interfere with
any action taken or planned by another
Agency and will not materially alter the
budgetary impact of any entitlements,
grants, user fees, or loan programs.

Regulatory Flexibility Act

In compliance with the Regulatory
601–612), FHWA has evaluated the
effects of this action on small entities
and has determined that the action will
not have a significant economic impact
on a substantial number of small
entities. The final rule will not make
any substantive changes to our
regulations or in the way that our
regulations affect small entities; it
merely corrects technical errors. For
this reason, FHWA certifies that this action
will not have a significant economic
impact on a substantial number of small
entities.

Unfunded Mandates Reform Act of
1995

This final rule does not impose
unfunded mandates as defined by the
Unfunded Mandates Reform Act of 1995
Stat. 48). This final rule does not impose
any requirements on State, local, or
Tribal governments, or the private sector
and, thus, will not require those entities
to expend any funds.

Executive Order 13132 (Federalism)

This final rule has been analyzed in
accordance with the principles and
criteria contained in E.O. 13132. The
FHWA has determined that this final
rule does not have sufficient federalism
implications to warrant the preparation
of a federalism assessment. The FHWA
has also determined that this final rule
does not preempt any State law or State
regulation or affect the States’ ability
to discharge traditional State governmental
functions.

Executive Order 12372
(Intergovernmental Review)

The regulations implementing E.O.
12372 regarding intergovernmental
consultation on Federal programs and
activities apply to these programs. Local
entities should refer to the Catalog of
Federal Domestic Assistance Program
Number 20.205, Highway Planning and
Construction, for further information.

Paperwork Reduction Act

This final rule does not create any
new information collection
requirements for which submission to
OMB would be needed under the
Paperwork Reduction Act of 1995 (44

National Environmental Policy Act

The FHWA has analyzed this final
rule for the purpose of the National
Environmental Policy Act of 1969 (42
U.S.C. 4321–4347) and has determined
that this action will not have any effect
on the quality of the environment and
qualifies for the categorical exclusion at
23 CFR 771.117(c)(20).

Executive Order 13175 (Tribal
Consultation)

The FHWA has analyzed this final
rule under E.O. 13175. The FHWA
concluded that the final rule will not
have substantial direct effects on one or
more Indian Tribes; will not impose
substantial direct compliance costs on
Indian Tribal government; and will not
preempt Tribal law. There are no
requirements set forth in the final rule
that directly affect one or more Indian
Tribes. Therefore, a Tribal summary
impact statement is not required.

Executive Order 12898 (Environmental
Justice)

E.O. 12898 requires that each Federal
Agency make achieving environmental
justice part of its mission by identifying
and addressing, as appropriate,
disproportionately high and adverse
human health or environmental effects
of its programs, policies, and activities
on minorities and low-income
populations. The FHWA has determined
that this final rule does not raise any
environmental justice issues.

Regulation Identification Number

A regulation identification number (RIN)
is assigned to each regulatory
action listed in the Unified Agenda of
Federal Regulations. The Regulatory
Information Service Center publishes
the Unified Agenda in April and
October of each year. The RINs
contained in the heading of this
document can be used to cross reference
this action with the Unified Agenda.

List of Subjects in 23 CFR Part 650

Bridges, Grant programs-
transportation, Highways and roads,
Incorporation by reference, Reporting
and recordkeeping requirements.

Stephanie Pollack,
Deputy Administrator, Federal Highway
Administration.

For the reasons stated in the
preamble, 23 CFR part 650 is amended
as set forth below.

PART 650—BRIDGES, STRUCTURES,
AND HYDRAULICS

1. The authority citation for part 650
continues to read as follows:


2. Amend § 650.313 by revising
paragraphs (b) and (k)(1) to read as
follows:

§ 650.313 Inspection procedures.

* * * * *

(h) Special inspection. For special
inspections used to monitor conditions
as described in § 650.311(a)(1)(ii) and
(b)(1)(ii), develop and document
procedures in accordance with Section
4.2, AASHTO Manual (incorporated by
reference, see § 650.317).

* * * * *

(k) * *

(1) Rate each bridge as to its safe load
capacity in accordance with Sections 6
and 8, excluding the 3rd paragraph in
Article 6B.7.1, AASHTO Manual
(incorporated by reference, see
§ 650.317).

* * * * *

BILLING CODE 4910–22–P

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

24 CFR Parts 91 and 92

[Docket No. FR 5792–F–03]

RIN 2501–AD69

Changes to HOME Investment
Partnerships (HOME) Program
Commitment Requirement

AGENCY: Office of the Assistant
Secretary for Community Planning and
Development, HUD.

ACTION: Final rule.