

Generally, the FAA uses average hourly runway capacity throughput for airports and performance metrics in conducting its schedule review at Level 2 airports and determining the scheduling limits at Level 3 airports included in FAA rules or orders.<sup>7</sup> The FAA also considers other factors that can affect operations, such as capacity changes due to runway, taxiway, or other airport construction, air traffic control procedural changes, airport surface operations, and historical or projected flight delays and congestion.

Finally, the FAA notes that the schedule information submitted by carriers to the FAA may be subject to disclosure under the Freedom of Information Act (FOIA). The WSG also provides for release of information at certain stages of slot coordination and schedule facilitation. In general, once it acts on a schedule submission or slot request, the FAA may release information on slot allocation or similar slot transactions, or schedule information reviewed as part of the schedule facilitation process. The FAA does not expect that practice to change, and most slot and schedule information would not be exempt from release under FOIA. The FAA recognizes that some carriers may submit information on schedule plans that is both customarily and actually treated as private. Carriers that submit such confidential schedule information should clearly mark the information, or any relevant portions thereof, as proprietary information ("PROPIN"). The FAA will take the necessary steps to protect properly designated information to the extent allowable by law.

#### EWR General Information

Consistent with the WSG, carriers are asked for their voluntary cooperation to adjust schedules to meet the targeted scheduling limits in order to minimize potential congestion and delay. For the Summer 2023 scheduling season, the voluntary, targeted hourly scheduling limits remains at 79 operations and 43 operations per half-hour.<sup>8</sup> To help with a balance between arrivals and departures, the targeted maximum

number of scheduled arrivals or departures, respectively, is 43 in an hour and 24 in a half-hour. These targets are expected to allow some higher levels of operations in certain periods (not to exceed the hourly limits) and some recovery from lower demand in adjacent periods. Consistent with general established practice at EWR, the FAA will accept flights above the limits if the flights were operated as approved, or treated as operated, by the same carrier on a regular basis in the previous corresponding season (*i.e.*, Summer 2022) and consistent with the recent DOT reassignment of 16 peak-hour runway timings.<sup>9</sup>

The FAA is aware that some carriers have recently operated flights without approved runway times, which is inconsistent with Level 2 airport principles. Carriers are reminded FAA approval for runway times is separate from the approval process for gates or other airport infrastructure and both are essential for the success of Level 2 at EWR. Schedule facilitation at Level 2 airports is designed to engender collaboration and gain mutual agreement between the carriers and the FAA regarding schedules and potential adjustments to stay within the performance goals and capacity limits of the airport and to mitigate delays and congestion that would result in the need for Level 3 slot controls.<sup>10</sup> As we emerge from the pandemic, the FAA expects that all carriers operating at EWR will respect the targeted hourly and half-hourly scheduling limits and continue to work cooperatively with the FAA in order to avoid unacceptable delays and other adverse operational impacts at the airport. The Level 2 process at EWR does not provide priority consideration for flights that were scheduled or operated without approved runway times.<sup>11</sup>

<sup>9</sup> See Department of Transportation Order 2022–7–1, Docket DOT–OST–2021–0103, served July 5, 2022, "Reassignment of Schedules at Newark-Liberty International Airport".

<sup>10</sup> See FAA Slot Administration website "Slot Administration—U.S. Level 2 Airports" available at: [https://www.faa.gov/about/office\\_org/headquarters\\_offices/ato/service\\_units/systemops/perf\\_analysis/slot\\_administration/slot\\_administration\\_schedule\\_facilitation/level-2-airports](https://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/perf_analysis/slot_administration/slot_administration_schedule_facilitation/level-2-airports).

<sup>11</sup> Change of Newark Liberty International Airport (EWR) Designation, 81 FR 19861 at 19862 (April, 6, 2016). Note: The WSG recognizes that some carriers might operate at times without approval from the airports schedule facilitator. Further, the Change of EWR Designation notice provides "consistent with the WSG carriers would not receive historic status for such flights if the airport level changes from Level 2 to Level 3."

Issued in Washington, DC, on September 30, 2022.

**Alyce Hood-Fleming,**

*Acting Vice President, System Operations Services.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0362]

#### Medical Review Board (MRB); Notice of Partially Closed Meeting

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** This notice announces a meeting of the Medical Review Board (MRB).

**DATES:** The meeting will be held on Wednesday, October 19, 2022, from 9:30 a.m. to 4:30 p.m. ET. The meeting will be closed to the public from 9:30 a.m. to 12 p.m. and open to the public from 1 to 4:30 p.m. Requests for accommodations for a disability must be received by Wednesday, October 12, 2022. Requests to submit written materials for consideration during the meeting must be received no later than Wednesday, October 12, 2022.

**ADDRESSES:** The meeting will be held virtually for its entirety. Please register in advance of the meeting at [www.fmcsa.dot.gov/mrb](http://www.fmcsa.dot.gov/mrb). Copies of the MRB task statement relating to review of medical examiner certification test questions and an agenda for the entire meeting will be made available at [www.fmcsa.dot.gov/mrb](http://www.fmcsa.dot.gov/mrb) at least 1 week in advance of the meeting. Copies of the meeting minutes will be available at the website following the meeting. You may visit the MRB website at [www.fmcsa.dot.gov/mrb](http://www.fmcsa.dot.gov/mrb) for further information on the committee and its activities.

**FOR FURTHER INFORMATION CONTACT:** Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 360–2925, [mrb@dot.gov](mailto:mrb@dot.gov). Any committee-related request should be sent to the person listed in this section.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

MRB was created under the Federal Advisory Committee Act (FACA) in

<sup>7</sup> The FAA typically determines an airport's average adjusted runway capacity or typical throughput for Level 2 airports by reviewing hourly data on the arrival and departure rates that air traffic control indicates could be accepted for that hour, commonly known as "called" rates. The FAA also reviews the actual number of arrivals and departures that operated in the same hour. Generally, the FAA uses the higher of the two numbers, called or actual, for identifying trends and schedule review purposes. Some dates are excluded from analysis, such as during periods when extended airport closures or construction could affect capacity.

<sup>8</sup> 83 FR 21335 (May 9, 2018).

accordance with section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users<sup>1</sup> to provide FMCSA “with medical advice and recommendations on medical standards and guidelines for the physical qualifications of operators of commercial motor vehicles, medical examiner education, and medical research” (49 U.S.C. 31149(a)(1)). MRB operates in accordance with FACA under the terms of the MRB charter, filed November 25, 2021.

## II. Agenda

The agenda will cover the following topics:

- Wednesday, October 19, 9:30 a.m. to 12 p.m. (Closed Session): Review of test questions to be used to determine eligibility of healthcare professionals to be certified as medical examiners and be listed on the National Registry of Certified Medical Examiners.
- Wednesday, October 19, 1 to 4:30 p.m. (Public Session):
  1. An update by FMCSA’s Office of Research on examining the seizure standard for CMV drivers.
  2. An update by FMCSA’s Office of Research on the effect of the length of medical certification on safety.

## III. Public Participation

The morning of the meeting will be closed to the public due to the discussion of specific test questions to be used to certify medical examiners, which are not available for release to the public. Premature disclosure of secure test information would compromise the integrity of the examination and therefore exemption 9(B) of section 552b(c) of Title 5 of the United States

Code justifies closing this portion of the meeting pursuant to 41 CFR 102–3.155(a). The afternoon of the meeting will be open to the public via virtual platform. Advance registration via the website is encouraged.

DOT is committed to providing equal access to this meeting for all participants. If you need alternative formats or services due to a disability, such as sign language interpretation or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by Wednesday, October 12, 2022.

Oral comments from the public will be heard during designated comment periods at the discretion of the MRB Chairman and Designated Federal Officer. To accommodate as many speakers as possible, the time for each commenter may be limited. Speakers are requested to submit a written copy of their remarks for inclusion in the meeting records and for circulation to MRB members. All prepared remarks submitted on time will be accepted and considered as part of the record. Any member of the public may present a written statement to the committee at any time.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910–EX–P**

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## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and a vessel that have been placed on OFAC’s List of Specially Designated Nationals and Blocked Persons (SDN List) based on OFAC’s determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC’s website (<https://www.treasury.gov/ofac>).

#### Notice of OFAC Actions

On September 29, 2022, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

**BILLING CODE 4810–AL–P**

<sup>1</sup> Public Law 109–59, 119 Stat. 1144, 1726 (2005).