

- Committee Purpose and Guidelines
- Committee Member Introductions
- Selection of the Committee Chair

### III. Public Participation

This meeting will be open to the public. We are committed to providing equal access to this meeting for all participants. Persons with disabilities in need of an accommodation should send a request to the individual in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than May 17, 2023.

Members of the public may also submit written materials, questions, and comments to the Committee in advance to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than May 17, 2023.

All advance submissions will be reviewed by the Designated Federal Officer. If approved, advance submissions shall be circulated to the ACUP representatives for review prior to the meeting. All advance submissions will become part of the official record of the meeting.

**Authority:** The Committee is established as a statutory committee under the authority of section 23011 of the Infrastructure Investment and Jobs Act, Public Law 117–58 (2021), and in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. app. 2.

Issued in Washington, DC, under authority delegated in 49 CFR 501.5.

**Sophie Shulman,**

*Deputy Administrator.*

[FR Doc. 2023–08810 Filed 4–25–23; 8:45 am]

**BILLING CODE 4910–59–P**

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0102; Notice 1]

#### Hercules Tire & Rubber Company, Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of petition.

**SUMMARY:** Hercules Tire & Rubber Company, (Hercules), has determined that certain Hercules Power ST2 radial trailer tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds)*. Hercules filed an original noncompliance report dated October 5, 2022. Hercules subsequently petitioned

NHTSA on October 21, 2022, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Hercules' petition.

**DATES:** Send comments on or before May 26, 2023.

**ADDRESSES:** Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- **Mail:** Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

- **Electronically:** Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to [https://www.regulations.gov](https://www.regulations.gov/), including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting

materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

**FOR FURTHER INFORMATION CONTACT:** Jayton Lindley, Safety Compliance Engineer, Office of Vehicle Safety Compliance, NHTSA, (325) 655–0547.

#### SUPPLEMENTARY INFORMATION:

**I. Overview:** Hercules determined that certain Hercules Power ST2 radial trailer tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds)*. Hercules filed an original noncompliance report dated October 5, 2022, pursuant to FMVSS 119, S6.5(b), *New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds)* (49 CFR 571.119). Hercules petitioned NHTSA on October 21, 2022, 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*.

This notice of receipt of Hercules' petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

**II. Tires Involved:** Approximately 700 Hercules Power ST2 radial trailer tires, size ST175/80R13, manufactured between October 4, 2021, and October 10, 2021, were reported by the manufacturer.

**III. Noncompliance:** Hercules explains that the noncompliance is that the date code portion of the Tire Identification Number (TIN) on the subject tires was inverted, and, therefore, do not comply with the requirements specified in paragraph S6.5(b) of FMVSS No. 119.

**IV. Rule Requirements:** Paragraph S6.5(b) of FMVSS No. 119 includes the requirements relevant to these petitions. S6.5(b) provides that the TIN must meet the requirements as stated in 49 CFR 574 and may be marked on only one sidewall. 49 CFR 574.5(a) requires, in relevant part, that each new tire

manufacturer must conspicuously label on one sidewall of each tire its manufacturer, by permanently molding into or onto the sidewall, a TIN consisting of 13 symbols that contains the plant code, manufacturer's code, and date code, as described in paragraphs (b)(1) through (b)(3) of 49 CFR 574.5.

*V. Summary of Hercules's Petition:*

The following views and arguments presented in this section, "V. Summary of Hercules Petition," are the views and arguments provided by Hercules. They have not been evaluated by the Agency and do not reflect the views of the Agency. Hercules describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Hercules states that although the date code is inverted, the subject tires are clearly marked and contain the correct date code that specifies the correct week and year of manufacture. Hercules says that consumers can easily read the date code and if needed rotate the tire so that the date code "appears perceptually upright."

Hercules also states that the TIN on the subject tires complies with the TIN marking requirements and "otherwise conform to the performance requirements applicable to trailer tires."

Hercules says that NHTSA has granted previous inconsequential noncompliance petitions relating to inverted date codes and cited the following:

1. Grant of Petition of Hankook Tire, 87 FR 6941, (February 7, 2022).

2. Grant of Petition of Hankook Tire, 86 FR 49411, (September 2, 2021). [the date code] is properly located in the right-most position and shows the correct week and year of manufacture but has been imprinted upside-down, and the upside-down font cannot be confused with right-side up font. If a consumer reads the label as it is, the fact that the date code is inverted would become self-evident. In such a case, it would not be difficult to rotate the tire to a position where the code could be read and deciphered."

3. Grant of Petition of Cooper Tire & Rubber Company, 81 FR 43708, (July 5, 2016).

Hercules contends that the TIN is located in the "right-most" position and is clearly printed on the subject tires, similar to the previous petitions that NHTSA has granted. Hercules says that the subject noncompliance does not prohibit them from tracking the tire or notifying consumers in the event of a recall.

Hercules concludes by stating its belief that the subject noncompliance is

inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the tires that Hercules no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve commodity distributors of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after Hercules notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8.)

**Otto G. Matheke III,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2023-08734 Filed 4-25-23; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

#### Funding Opportunity: Bond Guarantee Program

*Funding Opportunities:* Bond Guarantee Program, FY 2023; Notice of Guarantee Availability.

*Funding Opportunity Title:* Notice of Guarantee Availability (NOGA) inviting Qualified Issuer Applications and Guarantee Applications for the Community Development Financial Institutions (CDFI) Bond Guarantee Program.

*Announcement Type:* Announcement of opportunity to submit Qualified Issuer Applications and Guarantee Applications.

*Catalog of Federal Domestic Assistance (CFDA) Number:* 21.011.

*Dates:* Qualified Issuer Applications and Guarantee Applications may be submitted to the CDFI Fund starting on the date of publication of this NOGA. In order to be considered for the approval

of a Guarantee in fiscal year (FY) 2023, Qualified Issuer Applications must be submitted by 11:59 p.m. Eastern Time (ET) on June 2, 2023 and Guarantee Applications must be submitted by 11:59 p.m. ET on June 9, 2023. For the 2023 application round the CDFI Fund is not currently accepting new CDFI Certification Applications. An applicant for a Guarantee that is not currently a Certified CDFI must have submitted a CDFI Certification Application by September 30, 2022 to be considered. Under FY 2023 authority, Bond Documents and Bond Loan documents must be executed, and Guarantees will be provided, in the order in which Guarantee Applications are approved or by such other criteria that the CDFI Fund may establish, in its sole discretion, and in any event by December 31, 2023.

*Executive Summary:* This NOGA is published in connection with the CDFI Bond Guarantee Program, administered by the Community Development Financial Institutions Fund (CDFI Fund), the U.S. Department of the Treasury (Treasury). Through this NOGA, the CDFI Fund announces the availability of up to \$500 million of Guarantee Authority in FY 2023. This NOGA explains application submission and evaluation requirements and processes, and provides agency contacts and information on CDFI Bond Guarantee Program outreach. Parties interested in being approved for a Guarantee under the CDFI Bond Guarantee Program must submit Qualified Issuer Applications and Guarantee Applications for consideration in accordance with this NOGA. Capitalized terms used in this NOGA and not defined elsewhere are defined in the CDFI Bond Guarantee Program regulations (12 CFR 1808.102) and the CDFI Program regulations (12 CFR 1805.104).

#### I. Guarantee Opportunity Description

*A. Authority.* The CDFI Bond Guarantee Program was authorized by the Small Business Jobs Act of 2010 (Pub. L. 111-240; 12 U.S.C. 4713a) (the Act). Section 1134 of the Act amended the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701, *et seq.*) to provide authority to the Secretary of the Treasury (Secretary) to establish and administer the CDFI Bond Guarantee Program.

*B. Bond Issue size; Amount of Guarantee authority.* In FY 2023, the Secretary may guarantee Bond Issues having a minimum Guarantee of \$100 million each, and up to an aggregate total of \$500 million, or other amounts authorized by FY 2023 Appropriations.