

including UPS, to prepare their respective training programs and comply with the rule's new implementation date.

CVTA reaffirmed its original opposition to UPS' exemption request. CVTA referenced its "Pre-CDL Instructor Certification Program" designed to train the trainer, and while it agreed that the skills needed to effectively teach versus the skills of being a driver acquired by holding a CDL for 2 years are different, CVTA believes the uniform application of the ELDT regulation for all training providers should be established and followed by anyone training pre-CDL students. It is CVTA's belief that reconsideration, if granted, would set a bad precedent.

Two other individuals opposed reconsideration. Other reasons presented by commenters included the assertion that the lowering of the requirements specified for driver training instructors would open the door for similar requests or even require a change to the ELDT rule.

Most comments supporting reconsideration were from individuals including UPS drivers and current or former UPS driver trainers. Most of these commenters cited the excellence of the UPS driver training program and the overall company safety record. They argued that the UPS training program is one of the most comprehensive in the industry, that its driver trainers are put through an intense training program and are required to follow strict methods and procedures.

## VII. FMCSA Safety Analysis and Decision

FMCSA has evaluated UPS' request for reconsideration and the public comments and has decided to deny the request. The UPS reconsideration request indicated that the company had encountered challenges filling new trainer positions in compliance with the provisions of the ELDT final rule. UPS stated that its internal Driver Trainer School has produced what the company believes to be the best trainers in the industry and that its training provides a consistently high standard through a comprehensive, consistent training format throughout the organization, both for initial training and recurrent annual training.

When the Agency established the rules mandating ELDT, it relied upon research indicating that the rules improve CMV safety. The Moving Ahead for Progress Act of the 21st Century mandated that the FMCSA issue regulations to establish minimum entry-level training requirements for

interstate and intrastate applicants obtaining a CDL for the first time, CDL holders seeking license upgrades, and those seeking various CDL endorsements. In response to that statutory mandate, the Agency published a final rule on "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators," on December 8, 2016 [81 FR 88732]. The "framework" for this rule was based on the ELDTAC's consensus recommendations "to the maximum extent possible consistent with its legal obligations" as required under the Negotiated Rulemaking Act (5 U.S.C. 563(a)(7)). These final regulations outlined new eligibility standards that training providers must meet to deliver ELDT, including the qualification and experience requirements for BTW and Theory or Classroom instructors. As OOIDA and CVTA indicated in their opposing comments, the UPS application does not provide an analysis of the safety impacts that reconsideration of the denial may cause. It also does not provide countermeasures to be undertaken to ensure that the request would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the ELDT regulations.

The Agency cannot ensure that the exemption would achieve the requisite level of safety. The ELDT rule, mandated by Congress, is based on the "framework" of the ELDTAC's consensus recommendations, including the instructor requirements. The UPS request for reconsideration must be judged based on the exemption standards in 49 CFR part 381. As indicated above, UPS' application fails to meet those standards. The request for reconsideration of the original application for exemption is therefore denied.

**Robin Hutcheson,**  
Deputy Administrator.

[FR Doc. 2022-19133 Filed 9-2-22; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No: PHMSA-2022-0060]

### Pipeline Safety: Information Collection Activities: Voluntary Adoption of API RP 1173 for Gas Distribution Systems

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, PHMSA invites public comments on its intent to request Office of Management and Budget (OMB) approval of a new, one-time information collection titled: "Voluntary Adoption of API RP 1173 for Gas Distribution Systems." The proposed information collection would provide data necessary to prepare the report required by Section 205 of the Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020 for gas distribution systems.

**DATES:** Interested persons are invited to submit comments on or before November 7, 2022.

**ADDRESSES:** Comments may be submitted in the following ways:

*E-Gov Website:* <http://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

*Fax:* 1-202-493-2251.

*Mail:* Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590-0001.

*Hand Delivery:* Room W12-140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., ET, Monday through Friday, except federal holidays.

*Instructions:* Identify the docket number, PHMSA-2022-0060 at the beginning of your comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. You should know that anyone is able to 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.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or visit <http://www.regulations.gov> before submitting any such comments.

*Docket:* For access to the docket or to read background documents or comments, go to <http://www.regulations.gov> at any time or to Room W12-140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., ET, Monday through Friday, except federal holidays. If you wish to receive confirmation of

receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on: PHMSA-2022-0060." The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

**Privacy Act Statement:** DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**Confidential Business Information:** Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the Agency by taking the following steps: (1) mark each page of the original document submission containing CBI as "Confidential"; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Submissions containing CBI should be sent to Angela Hill, DOT, PHMSA, 1200 New Jersey Avenue SE, PHP-30, Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

**FOR FURTHER INFORMATION CONTACT:** Angela Hill by telephone at 202-366-1246 or by email at [Angela.Hill@dot.gov](mailto:Angela.Hill@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In July 2015, the American Petroleum Institute (API) published Recommended Practice (RP) 1173, Pipeline Safety

Management Systems (SMS). The Pipeline SMS recommended practice was the culmination of a two-year effort by pipeline operators, state and federal regulators, and other stakeholders.

On September 13, 2018, a low-pressure gas distribution system owned and operated by Columbia Gas of Massachusetts was over pressured in Lawrence, Andover, and North Andover, MA (Merrimack Valley) resulting in a series of structure fires and explosions causing 1 fatality, 22 persons injured, 131 structures destroyed or damaged, and approximately 11,000 customers without gas service for months. NTSB investigated the incident and determined that the probable cause of the Merrimack Valley incident was Columbia Gas of Massachusetts' weak engineering management that did not adequately plan, review, sequence, and oversee the construction project that led to the abandonment of a cast iron main without first relocating regulator sensing lines to the new polyethylene main.

After the Merrimack Valley incident, Senator Ed Markey (MA) hosted a Senate Commerce Committee field hearing on November 26, 2018, with Senator Elizabeth Warren (MA), Senator Maggie Hassan (N.H.), then-Congresswoman Niki Tsongas (MA-03), Congressman Seth Moulton (MA-06), and Congresswoman Lori Trahan. In April 2019, Senators Markey and Warren and Representative Lori Trahan (MA-03) introduced the "Leonel Rondon Pipeline Safety Act". The bill in the Senate was sponsored by Senators Markey, Warren, and Richard Blumenthal (D-Conn.); Congresswoman Trahan introduced companion legislation in the House of Representatives. The bill aimed at establishing regulations that would improve gas pipeline operators' risk management plans, improve emergency response coordination with the public and first responders, institute best industry practices for holistic safety management, and mandate use of accurate and reliable maps and records. The resulting language through Section 205 of the PIPES Act of 2020 directed PHMSA to submit, by December 27, 2023, a report to Congress describing:

- the number of operators of natural gas distribution systems who have implemented a Pipeline SMS in accordance with API RP 1173;
- the progress made by operators of natural gas distribution systems who have implemented, or are in the process of implementing a Pipeline SMS; and
- the feasibility of an operator of a natural gas distribution system implementing a Pipeline SMS based on

the size of the operator as measured by the number of customers the operator has and the amount of natural gas the operator transports.

PHMSA needs certain information from natural gas distribution operators to prepare the mandated report. While the PIPES Act mandate pointed specifically to API RP 1173, there are other SMS program variations available to natural gas distribution operators. Some operators may be using API RP 1173 as written to develop their SMS framework. Others may be using a modified version of API RP 1173, adding elements specific to their operations, or using a completely customized SMS program.

PHMSA may also use the information collected to assess the cost impacts of proposed changes in the pipeline safety regulations mandated by the Leonel Rondon Pipeline Safety Act (2137-AF53). For example, implementing an SMS program based on API RP 1173 requires the operator to maintain procedures for Management of Change (MOC) to be applied to significant technology, equipment, procedural, and organizational changes. Section 204 of the PIPES Act directs PHMSA to update regulations to ensure that gas distribution operators include a detailed MOC process in their procedural manual for operations, maintenance, and emergencies. The regulation update will have to also address emergency response plans and record keeping requirements which are two of elements of API RP 1173.

PHMSA has created a form for this information collection. A draft of this form, along with the associated instructions, can be found at [www.regulations.gov](http://www.regulations.gov) under docket number PHMSA-2022-0060. Upon the collection of this information, PHMSA will analyze the data and prepare a report for Congress.

**II. Summary of Impacted Collection**

Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected entities an opportunity to comment on information collection and recordkeeping requests. This notice identifies a one-time information collection that PHMSA will submit to OMB for approval.

The following information is provided for this information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8)

Frequency of collection. PHMSA requests comments on the following information:

*Title:* Voluntary Adoption of API RP 1173 for Gas Distribution Systems.

*OMB Control Number:* Will request from OMB.

*Current Expiration Date:* TBD.

*Type of Request:* Approval of an information collection.

*Abstract:* This information collection request covers the collection of data from operators of natural gas distribution pipeline systems to ascertain how many gas distribution operators are voluntarily implementing API RP 1173, progress being made for those that have implemented or are implementing a Pipeline SMS, and feasibility to implement a Pipeline SMS based on size of the operator.

*Affected Public:* Natural gas distribution pipeline operators.

*Annual Burden:*

*Estimated number of responses:* 1,314.

*Estimated annual burden hours:* 1,314.

*Frequency of Collection:* Once.

Comments are invited on:

(a) The need for this information collections for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) The accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques; and

(e) Additional information that would be appropriate to collect to inform the reduction in risk to people, property, and the environment due to excavation damages.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended, and 49 CFR 1.48.

Issued in Washington, DC, on August 26, 2022, under authority delegated in 49 CFR 1.97.

**Alan K. Mayberry,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 2022-19094 Filed 9-2-22; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. DOT-OST-2021-0041]

### Privacy Act of 1974; Systems of Records

**AGENCY:** Office of the Departmental Chief Information Officer, Office of the Secretary of Transportation, DOT.

**ACTION:** Notice of a modified system of records and rescindment of a system of records notice.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Transportation (DOT) intends to modify and re-issue a DOT Federal Aviation Administration (FAA) system of records notice titled, "DOT/FAA 830—Representatives of the Administrator." This system of records notice (hereafter referred to as "Notice") covers FAA records collected and maintained in support of FAA's management and oversight of individuals applying to become or are Representatives of the Administrator "designees." Modification of DOT/FAA 830 is necessary due to changes and consolidation of the systems and processes used to manage designee programs.

**DATES:** Written comments should be submitted on or before 30 days from the date of publication of this notice. The Department may publish an amended Notice to address any comments received. This modified system of records will be effective 30 days after publication of this notice and the DOT/FAA 822 rescinded upon publication of this notice.

**ADDRESSES:** You may submit comments, identified by docket number DOT-OST-2021-0041 by any of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.

- *Instructions:* You must include the agency name and docket number DOT-OST-2021-0041.

- All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Privacy Act:* Anyone is able to search the electronic form of all comments received in 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.). You may review the DOT's complete Privacy Act statement in the **Federal Register** published on January 17, 2008 (73 FR 3316-3317), or you may visit <http://DocketsInfo.dot.gov>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or to the street address listed above. Follow the online instructions for accessing the docket.

**FOR FURTHER INFORMATION CONTACT:** For questions, please contact Karyn Gorman, Acting Departmental Chief Privacy Officer, Privacy Office, Department of Transportation, Washington, DC 20590; [privacy@dot.gov](mailto:privacy@dot.gov); or 202-366-3140.

### SUPPLEMENTARY INFORMATION:

#### Designees

Designees are representatives of the FAA who are authorized to perform certification-related tasks on behalf of the FAA Administrator. In accordance with section 44702 of title 49, United States Code, the FAA may delegate to a qualified private person a matter related to issuing certificates, or related to the examination, testing, and inspection necessary to issue a certificate on behalf of the FAA Administrator as authorized by statute.

#### Rescindment of DOT/FAA 822, Aviation Medical Examiner System

FAA intends to rescind DOT/FAA 822—Aviation Medical Examiner System, (65 FR 19522, April 11, 2000) and incorporate records covered under that notice within the scope of DOT/FAA 830. The rescindment and incorporation is appropriate because the FAA has integrated the management and oversight of the Aviation Medical Examiner (AME) program with that of other designees. These programs are managed using the same FAA policy and information system, and have common processes. Consolidation of the Notices ensures consistency in the Privacy Act management of all designee records.

#### Notice Updates

This Notice updates the system location, system manager, categories of individuals, categories of records, the record source categories, the routine uses of records maintained in the system, policies and practices for storage of records, policies and practices