

• Drivers must provide their specific consent to pre-employment queries electronically through the Clearinghouse.

Estimated Total Annual Burden: 1,761,149.

Background: Agency regulations at 49 Code of Federal Regulations (CFR) part 382 apply to persons and employers of such persons who operate CMVs in commerce in the United States and who are subject to the CDL requirements in 49 CFR part 383 or the equivalent CDL requirements for Canadian and Mexican drivers operating in the U.S. (49 CFR 382.103(a)). Part 382 requires that employers conduct pre-employment drug testing; random, post-accident, and reasonable suspicion drug and alcohol testing; and RTD testing and follow-up testing for those drivers who test positive or otherwise violate DOT drug and alcohol program requirements. Motor carrier employers are prohibited from allowing an employee to perform safety-sensitive functions, which include operating a CMV, if the employee tests positive on a DOT drug or alcohol test, refuses to take a required test, or otherwise violates FMCSA's drug and alcohol testing regulations.

Section 32402 of the Moving Ahead for Progress in the 21st Century Act requires that the Secretary of Transportation establish, operate, and maintain a national clearinghouse for records relating to alcohol and controlled substances testing of CMV operators to improve compliance with the DOT's alcohol and controlled substances testing program and to enhance the safety of our roadways by reducing crashes and injuries involving the misuse of alcohol or use of controlled substances by operators of CMVs. As noted above, FMCSA published a final rule on December 5, 2016, with an effective date of January 4, 2017, and a compliance date of January 6, 2020, to implement the requirements of the Clearinghouse. In September 2019 FMCSA first began collecting data in September 2019 relating to authorized users' registration in the Clearinghouse. On January 6, 2020, FMCSA began collecting data related to drivers' drug and alcohol program violations and associated return to duty process, as well as allowing queries conducted by employers on CDL or CLP holders.

The Clearinghouse functions as a repository for records relating to the positive test results and test refusals of CMV operators and violations by such operators of prohibitions set forth in Part 382, Subpart B, of title 49, CFR. An employer utilizes the Clearinghouse to determine whether current and

prospective employees have incurred a drug or alcohol program violation that would prohibit them from performing safety-sensitive functions, including operating a CMV.

The Clearinghouse provides FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV and ensure that such drivers receive the required evaluation and treatment before resuming safety-sensitive functions. Specifically, information maintained in the Clearinghouse will ensure that drivers who commit a drug or alcohol program violation while working for one employer and attempt to find work with another employer, can no longer conceal their drug and alcohol violations merely by moving on to the next job or the next state. Drug and alcohol violation records maintained in the Clearinghouse will follow the driver regardless of how many times he or she changes employers, seeks employment, or applies for a CDL in a different State.

The information in the Clearinghouse is used by FMCSA and its State partners for enforcement purposes:

- Ensure employers are meeting their pre-employment investigation and reporting requirements.
- Place drivers out of service if drivers are found to be operating a CMV without completing the RTD process.
- Ensure MROs and SAPs meet their reporting requirements.

Only authorized users, including employers and their service agents, Federal and State enforcement personnel, and SDLAs may register and access the Clearinghouse for designated purposes. State enforcement personnel may also receive the driver's eligibility status to operate a CMV, based on Clearinghouse information, when they check Query Central, the Commercial Driver's License Information System, or The National Law Enforcement Telecommunications System for driver information. FMCSA will share a driver's drug and alcohol violation information with the National Transportation Safety Board when it is investigating a crash involving that driver.

Drivers may access their own information, but not information of other drivers. The Clearinghouse meets all relevant Federal security standards and FMCSA continuously monitors compliance with applicable security regulations.

On November 4, 2022, FMCSA published a **Federal Register** notice announcing its plan to renew this ICR (87 FR 66769). The Agency received three anonymous comments in response to this ICR renewal but none of the

submitted comments are relevant to the subject matter of the ICR.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0294; FMCSA-2013-0443; FMCSA-2013-0444; FMCSA-2014-0212; FMCSA-2014-0213; FMCSA-2014-0382; FMCSA-2015-0321; FMCSA-2015-0323; FMCSA-2018-0028; FMCSA-2018-0050; FMCSA-2018-0051; FMCSA-2018-0052; FMCSA-2018-0054; FMCSA-2019-0034; FMCSA-2020-0046; FMCSA-2020-0049; FMCSA-2020-0050]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 28 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on October 24, 2022. The exemptions expire on October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200

New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001, (202) 366–4001, fmcsamedical@dot.gov. Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number (FMCSA–2012–0294, FMCSA–2013–0443, FMCSA–2013–0444, FMCSA–2014–0212, FMCSA–2014–0213, FMCSA–2014–0382, FMCSA–2015–0321, FMCSA–2015–0323, FMCSA–2018–0028, FMCSA–2018–0050, FMCSA–2018–0051, FMCSA–2018–0052, FMCSA–2018–0054, FMCSA–2019–0034, FMCSA–2020–0046, FMCSA–2020–0049, or FMCSA–2020–0050) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov. As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

II. Background

On January 26, 2023, FMCSA published a notice announcing its decision to renew exemptions for 28 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (88 FR 906). The public comment period ended on

February 6, 2023, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the 28 renewal exemption applications and comments received, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of October 24, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 28 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (88 FR 906):

Lee Anderson (MA)
Jay Asack (MA)
Peter Bender (MN)
Kenneth Boglia (NC)
Jeremy Bradford (AL)
Brian Duncan (IL)
Steven Ford (WI)
Terry Hamby (NC)
Eric Hilmer (WI)
Clint Honea (AL)
Gerald Klein, Jr. (ID)
Thomas Kline (PA)
James Klucas (KS)
Jeffrey Kuper (IL)
Jeffrey T. Lang (PA)
Jose Lara-Ramirez (NV)
Ty Martin (WV)
Roland Mezger (PA)
Troy Nichols (TX)

¹ These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

Domenick Panfile (NJ)
Nicholas Ramirez (CA)
Michael Ranalli (PA)
Bryan Sheehan (FL)
Matthew Staley (CO)
Joshua Thomas (MN)
Robert Thomas, Jr. (NC)
Peter Thompson (FL)
Trever William (MN)

The drivers were included in docket number FMCSA–2012–0294, FMCSA–2013–0443, FMCSA–2013–0444, FMCSA–2014–0212, FMCSA–2014–0213, FMCSA–2014–0382, FMCSA–2015–0321, FMCSA–2015–0323, FMCSA–2018–0028, FMCSA–2018–0050, FMCSA–2018–0051, FMCSA–2018–0052, FMCSA–2018–0054, FMCSA–2019–0034, FMCSA–2020–0046, FMCSA–2020–0049, or FMCSA–2020–0050. Their exemptions were applicable as of October 24, 2022 and will expire on October 24, 2024.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0174]

Agency Information Collection Activities; Approval of a New Information Collection Request: Effectiveness of Third-Party Testing and Minimum Standards for Commercial Driver’s License (CDL) Knowledge and Skills Tests

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of