

parts 383 and 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was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 before it was 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).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 28 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in § 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0442; FMCSA-2015-0116; FMCSA-2015-0323; FMCSA-2016-0007; FMCSA-2018-0053]

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 six 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: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

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-2013-0442, FMCSA-2015-0116, FMCSA-2015-0323, FMCSA-2016-0007, or FMCSA-2018-0053) 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 12, 2023, FMCSA published a notice announcing its decision to renew exemptions for six 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 2160). The public comment period ended on February 13, 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 six 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).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of December and are discussed below.

As of December 3, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four 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 2160):

Ricky Alegre (NJ)
Michael Grant (SC)
Thomas Mitchell (MS)

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>.

Joseph Thomas (MD)

The drivers were included in docket number FMCSA–2013–0442, FMCSA–2016–0007, or FMCSA–2018–0053. Their exemptions were applicable as of December 3, 2022 and will expire on December 3, 2024.

As of December 16, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two 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 2160):

Charles Gray (OK)
Kyle Loney (WA)

The drivers were included in docket number FMCSA–2015–0116 or FMCSA–2015–0323. Their exemptions were applicable as of December 16, 2022 and will expire on December 16, 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

Maritime Administration

[Docket Number MARAD–2023–0039]

Request for Information: Administration of the Cargo Preference Act of 1954

AGENCY: Maritime Administration (MARAD), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice requests information from the public to assist MARAD in assessing the processes used to implement the Cargo Preference Act of 1954, which directs the use of U.S.-flag vessels to transport certain amounts of civilian federal government agencies' cargo.

DATES: Comments must be received on or before May 1, 2023. DOT will consider comments filed after this date to the extent practicable.

ADDRESSES: Your comments should refer to DOT Docket Number MARAD–2023–0039 and may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Search “MARAD–2023–0039” and follow the instructions for submitting comments.

- *Mail/Hand-Delivery/Courier:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590. If you would like to know that your comments reached the facility, please enclose a stamped, self-addressed postcard or envelope. The Docket Management Facility is open 9:00 a.m. to 5:00 p.m. E.T., Monday through Friday, except on Federal holidays.

To avoid duplication, please use only one of the above methods. See the “Public Participation” section below for instructions on submitting comments.

Unless there is a request for confidential treatment, all comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided.

You may view the public comments at www.regulations.gov. When searching for comments, please use the Docket ID: MARAD–2023–0039. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at www.FederalRegister.gov and the Government Publishing Office's website at www.GovInfo.gov.

Note: If you mail or hand-deliver your input, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission. If you submit your inputs by mail or hand-delivery, they must be submitted in an unbound format, no larger than 8½ by 11 inches, single-sided, suitable for copying and electronic filing.

Instructions: All submissions received must include the agency name and docket number. For detailed instructions on submitting comments and additional information on the rulemaking process, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Lalit Raina, Supervisory Trade Specialist, Office of Cargo & Commercial Sealift, at (202) 366–4610, or via email at cargo.marad@dot.gov. You may send mail to Mr. Raina at Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, W23–469, Washington, DC 20590. If you have questions on viewing

the Docket, call Docket Operations, telephone: (800) 647–5527.

SUPPLEMENTARY INFORMATION: The Cargo Preference Act of 1954 (CPA), codified at 46 U.S.C. 55305, and promulgated by regulation under 46 CFR parts 381 and 382, requires that at least 50% of cargoes procured, furnished, or financed by the U.S. Government, which may be transported on ocean vessels, are transported on privately-owned U.S. commercial vessels, to the extent those vessels are available at fair and reasonable rates. Currently, the 50% compliance minimum is calculated by type of vessel (dry bulk carriers, dry cargo liners, and tankers), as well as by geographic area. These requirements are applied to cargoes resulting from civilian federal agency activities, such as, but not limited to, the movement of humanitarian assistance and the household goods of travelling diplomats. Department of Defense cargoes, such as military equipment and fuel, are subject to separate statutory and regulatory requirements and are not the subject of this request for information (RFI). MARAD is required under 46 U.S.C. 55305(d)(2)(A) to conduct an annual review of the administration of cargo preference programs by civilian federal agencies. MARAD may also direct civilian federal agencies, pursuant to 46 U.S.C. 55305(d)(2)(B), to require transport cargo shipments aboard U.S. vessels in equivalent amounts to cargo that were shipped onboard foreign vessels in violation of section 55305 (remediation efforts known as “make up” cargo shipments). MARAD may also impose civil penalties on any person who willfully and knowingly violates the cargo preference requirements in 46 U.S.C. 55305, pursuant to 46 U.S.C. 55305(d)(2)(C).

MARAD will continue to support, review, and promote compliance with the CPA by civilian federal agencies and their contractors through collaboration and education. Identifying cargoes resulting from civilian federal agency activities that are subject to cargo preference requirements has proven challenging for MARAD as it includes those derived from within layers of subcontracts, contracts, and grants, as well as any consequential transportation stemming from federal financing programs.

This notice requests comments and information from the public to assist MARAD in understanding individuals' experiences with civilian federal agencies' implementation of CPA requirements. Insights gained from this RFI will assist MARAD in its