

of State for Management the authority to notify the appropriate congressional committees of any such waiver and to submit to appropriate congressional committees reports under the same sections of the SECCA of 1999.

2. There will be a notification to Congress at least two days prior to any waiver's implementation. This delegation of authority shall not apply to posts designated as High Threat/High Risk posts consistent with section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4803).

3. The functions delegated herein may be exercised by the Secretary, the Deputy Secretary, and the Deputy Secretary for Management and Resources. This delegation does not modify any other delegation currently in force.

4. This delegation of authority will be published in the **Federal Register**.

Dated: February 27, 2023.

**Antony Blinken**,  
Secretary of State.

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BILLING CODE 4710-10-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of limitation on claims for judicial review.

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final. The actions relate to a proposed highway project, on State Route (SR 37) between postmiles 2.9–6.2 in Sonoma County, postmiles 0.0–R7.4 in Solano County, and postmiles 0.0–0.2 in Napa County, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before August 21, 2023. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Maxwell Lammert, Office

Chief, California Department of Transportation, 111 Grand Avenue, MS-8B, Oakland, CA 94612. Office hours: Monday through Friday 8 a.m.–5 p.m. Contact Information: [Maxwell.Lammert@dot.ca.gov](mailto:Maxwell.Lammert@dot.ca.gov) and (510) 506-9862.

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the Federal Highway Administration assigned, and the California Department of Transportation assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Caltrans, in partnership with the Metropolitan Transportation Commission (MTC) and the north bay partner agencies of Sonoma County Transportation Authority (SCTA), Solano Transportation Authority (STA), and Napa Valley Transportation Authority (NVTA), proposes the Sears Point to Mare Island Improvement Project to address existing recurring congestion along State Route (SR) 37 where the highway narrows to one lane in each direction between SR 121 and the Mare Island Interchange (approximately 10 miles). The selected alternative will widen SR 37 to provide four full-time lanes (two in each direction), widen the Tolay Creek Bridge, widen the Sonoma Creek Bridge, and provide 8-foot shoulders (except at Sonoma Creek Bridge which would have 4-foot shoulders). In each direction of SR 37 in the project limits, the existing lane would be converted to full-time High Occupancy Vehicle (HOV) lanes and the newly added lanes would be toll lanes. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI), approved on February 8, 2023 and in other documents in the Caltrans project records. The FEA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans FEA and FONSI can be viewed and downloaded from the project website at <https://dot.ca.gov/caltrans-near-me/district-4/d4-popular-links/d4-environmental-docs#district-wide>.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality Regulations

2. National Environmental Policy Act (NEPA) of 1969 [42 U.S.C. 4321–4351]
3. Federal-Aid Highway Act of 1970 [23 U.S.C. 109 and 23 U.S.C. 128]
4. Clean Air Act Amendments of 1990 (CAAA) [42 U.S.C. 7401–7671(q)]
5. Clean Water Act of 1977 and 1987 (Section 404 and Section 401)
6. Section 106 of the National Historic Preservation Act of 1966, as amended
7. Historic Sites Act of 1935
8. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
9. Paleontological Resources Preservation Act of 2009 (PRPA)
10. Antiquities Act [54 U.S.C. 320301–320303]
11. Noise Control Act of 1972
12. Safe Drinking Water Act of 1944, as amended
13. Toxic Substances Control Act
14. Comprehensive Environmental Response, Compensation and Liability Act
15. Resource Conservation and Recovery Act (RCRA) of 1976
16. Endangered Species Act of 1973
17. Executive Order 11990, Protection of Wetlands
18. Executive Order 13112, Invasive Species
19. Executive Order 13186, Migratory Birds
20. Fish and Wildlife Coordination Act of 1934, as amended
21. Migratory Bird Treaty Act
22. Marine Mammal Protection Act
23. Water Bank Act Wetlands Mitigation Banks, ISTEA 1991, Sections 1006–1007
24. Wildflowers, Surface Transportation & Uniform Relocation Act of 1987 Section 130
25. Coastal Zone Management Act of 1972 (CZMA)
26. Coastal Zone Management Act Reauthorization Amendments of 1990
27. Executive Order 11988, Floodplain Management
28. Department of Transportation (DOT) Executive Order 5650.2—Floodplain Management and Protection (April 23, 1979)
29. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10
30. Title VI of the Civil Rights Act of 1964, as amended
31. Executive Order 12898, Federal Actions to Address Environmental Justice and Low-Income Populations

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372

regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1))

Dated: March 16, 2023.

**Antonio Johnson,**

*Director, Planning, Environment, and Right of Way, Federal Highway Administration, California Division.*

[FR Doc. 2023-05830 Filed 3-21-23; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2023-0017]

#### Qualification of Drivers; Exemption Applications; Hearing

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 10 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

**DATES:** The exemptions are applicable on March 22, 2023. The exemptions expire on March 22, 2025.

**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](mailto: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](http://www.regulations.gov). Insert the docket number (FMCSA-2023-0017) 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 requests. 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 (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 February 13, 2023, FMCSA published a notice announcing receipt of applications from 10 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (88 FR 9314). The public comment period ended on March 15, 2023, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals 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)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

##### III. Discussion of Comments

FMCSA received no comments in this proceeding.

##### IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statutes also allow the Agency to renew exemptions at the end of the 5-year period. However, FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on relevant scientific information and literature, and the 2008 Evidence Report, "Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety." The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System, for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety would likely be achieved by permitting each of these drivers to drive in interstate commerce, the Agency finds the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds further that in each case exempting these applicants from the hearing standard in § 391.41(b)(11) would likely achieve a level of safety equal to that existing without the exemption, consistent with the applicable standard in 49 U.S.C. 31315(b)(1).

##### V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document