

a CMV under the exemption, if the renewal is granted. It states that allowing the CLP drivers to operate under the exemption would not result in a degradation of safety because “there is no material difference between the skill of a new driver that has passed the required skills testing as part of their entry-level driver training and a new driver that has just received their DMV-issued CDL document.” CRST assesses that the exemption will improve safety because new CDL holders are allowed to drive unsupervised immediately after receiving their documentation whereas CLP drivers operating under this exemption will be accompanied by an experienced CDL holder providing some guidance.

A copy of CRST’s request has been placed in the docket to this notice.

#### IV. Equivalent Level of Safety

FMCSA determined in 2016 and again in 2018 that CRST drivers would likely achieve a level of safety equivalent to, or greater than, the level of safety achieved without the exemption. FMCSA noted in its October 19, 2018, notice that because these drivers have already met all the requirements for a CDL, but have yet to pick up the CDL document from their State of domicile, their safety performance is expected to be the same as any other newly credentialed CDL holder. Additionally, having a CDL driver accompany the CLP driver who has successfully passed all required CDL skills testing and prerequisites, provides some additional supervision that is otherwise not required for newly credentialed CDL drivers in physical possession of the CDL document.

FMCSA is unaware of any evidence of a degradation of safety attributable to the current exemption for CRST drivers. There is no indication of an adverse impact on safety while CRST drivers have been operating under the terms and conditions specified in the initial exemption or 2018 exemption renewal.

FMCSA therefore concludes that provisionally renewing the exemption granted on October 19, 2018, for another five years, under the terms and conditions listed below, will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

#### V. Exemption Decision

##### A. Grant of Exemption

FMCSA provisionally renews the exemption for a period of five years subject to the terms and conditions of this decision and the absence of adverse

public comments that would cause the Agency to terminate the exemption. The exemption from the requirements of 49 CFR 383.25(a)(1), is otherwise effective September 24, 2023, through September 23, 2028, 11:59 p.m. local time, unless renewed or revoked.

##### B. Applicability of Exemption

The exemption relieves CRST from the requirement that a driver accompanying a CLP holder be physically present in the front seat of a CMV on the condition that the CLP holder (i) has successfully passed a CDL skills test administered by the testing State and (ii) possesses supporting documentation from that State.

##### C. Terms and Conditions

When operating under this exemption, CRST and its drivers are subject to the following terms and conditions:

(1) CRST and its drivers must comply with all other applicable Federal Motor Carrier Safety Regulations (49 CFR parts 350–399);

(2) The drivers must be in possession of a valid State driver’s license, a CLP with the required endorsements, and documentation from the testing State that they have passed the CDL skills test;

(3) The drivers must not be subject to any out-of-service order or suspension of driving privileges; and

(4) The drivers must be able to provide this exemption document to enforcement officials.

##### D. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

##### E. Notification to FMCSA

CRST must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5) involving any of its CMVs operating under the terms of this exemption. The notification must include the following information:

(a) Name of the exemption: “CRST”.

(b) Date of the accident.

(c) City or town, and State, in which the accident occurred, or closest to the accident scene.

(d) Driver’s name and license number.

(e) Vehicle number and State license number.

(f) Number of individuals suffering physical injury.

(g) Number of fatalities.

(h) The police-reported cause of the accident.

(i) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations.

(j) The driver’s total driving time and total on-duty time prior to the accident.

Reports filed under this provision shall be emailed to [MCPSPD@DOT.GOV](mailto:MCPSPD@DOT.GOV).

##### F. Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. The exemption will be rescinded if: (1) CRST and drivers operating under the exemption fail 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 objects of 49 U.S.C. 31136(e) and 31315(b). FMCSA further reserves the right to terminate this exemption in the event it is no longer necessary due to revised regulatory requirements.

#### VI. Request for Comments

FMCSA requests public comment from all interested persons on CRST’s application for a renewal of the exemption. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption.

**Robin Hutcheson,**  
Administrator.

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BILLING CODE 4910–EX–P

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD–2023–0162]

#### Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ELLAKAI (Motor); Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice.

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**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry

no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before September 6, 2023.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2023-0162 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2023-0162 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2023-0162, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**Note:** If you mail or hand-deliver your comments, 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.

**Instructions:** All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

**FOR FURTHER INFORMATION CONTACT:** Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-461, Washington, DC 20590. Email: [patricia.hagerty@dot.gov](mailto:patricia.hagerty@dot.gov), 202 366-0903.

**SUPPLEMENTARY INFORMATION:** As described in the application, the intended service of the vessel ELLAKAI is:

—*Intended Commercial Use of Vessel:* “The vessel is intended to be used as a charter vessel for commercial hire to carry passengers for tours and fishing.”

—*Geographic Region Including Base of Operations:* “Alaska” (Base of Operations: Juneau, AK)

—*Vessel Length and Type:* 28’7”

The complete application is available for review identified in the DOT docket as MARAD 2023-0162 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

#### Public Participation

##### *How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

##### *Where do I go to read public comments, and find supporting information?*

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD-2023-0162 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

##### *Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

##### *May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to [SmallVessels@dot.gov](mailto:SmallVessels@dot.gov).

Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

#### Privacy Act

Anyone can 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.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2023-0164]

#### Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: BLUE LAGOON (Motor); Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief