

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2018–0054; FMCSA–2018–0057; FMCSA–2020–0045]

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 three 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 May 15, 2023. The exemptions expire on May 15, 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. 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–2018–0054, FMCSA–2018–0057, or FMCSA–2020–0045) 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 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 May 1, 2023, FMCSA published a notice announcing its decision to renew exemptions for three 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 26647). The public comment period ended on May 31, 2023, and one comment was 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 one comment in this proceeding. The commenter believes applicants should take a seizure trigger education class as an additional requirement for applying.

FMCSA has granted these exemptions on the basis that all applicants have maintained their medical monitoring

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>.

and have not exhibited any medical issues that would compromise their ability to safely operate a CMV. In addition, these applicants have been consistently monitored throughout their time of holding an exemption showing the maintenance of their conditions

IV. Conclusion

Based on its evaluation of the three 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 May 15, 2023, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three 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 26647):

Kevin Addington (PA); Jose F.J. Maciel (CA); and John Shainline (PA).

The drivers were included in docket number FMCSA–2018–0054, FMCSA–2018–0057, or FMCSA–2020–0045. Their exemptions were applicable as of May 15, 2023 and will expire on May 15, 2025.

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.

[FR Doc. 2023–12588 Filed 6–12–23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. NHTSA–2022–0015; Notice 1]

AGC Automotive Americas Co., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: AGC Automotive Americas Co., (AGC), has determined that certain

glass backlites and sidelites manufactured as replacement parts do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials*. AGC filed an original noncompliance report dated March 11, 2020. AGC petitioned NHTSA on April 7, 2020, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of AGC's petition.

DATES: Send comments on or before July 13, 2023.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- **Mail:** Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

- **Electronically:** Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477-78).

FOR FURTHER INFORMATION CONTACT: Jack Chern, Safety Compliance Engineer, Office of Vehicle Safety Compliance, NHTSA, (202) 366-0661.

SUPPLEMENTARY INFORMATION:

I. *Overview:* AGC determined that certain glass backlites and sidelites manufactured as replacement parts do not fully comply with paragraph S6.2 of FMVSS No. 205, *Glazing Materials* (49 CFR 571.205).

AGC filed an original noncompliance report dated March 11, 2020, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. AGC petitioned NHTSA on April 7, 2020, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

This notice of receipt of AGC's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. *Equipment Involved:* Approximately 1,843 glass backlites and sidelites manufactured as replacement parts between February 1, 2008, and July 31, 2018, were reported by the manufacturer.

III. *Noncompliance:* AGC explains that the subject replacement glass does not have the required "DOT" certification marking and manufacturer code, and therefore does not comply with paragraph S6.2 of FMVSS No. 205. Specifically, the subject equipment is missing the marking "DOT 24" indicating DOT certification and AGC's assigned manufacturer code.

IV. *Rule Requirements:* Paragraph S6.2 of FMVSS No. 205 includes the

requirements relevant to this petition. A prime glazing manufacturer must certify its glazing by adding to the marks required by section 7 of ANSI/SAE Z26.1-1996, in letters and numerals of the same size, the symbol "DOT" and a manufacturer's code mark that is assigned to the manufacturer. NHTSA will assign a code mark to a manufacturer after the manufacturer submits a written request that must include the company name, address, and a statement from the manufacturer certifying its status as a prime glazing manufacturer.

V. *Summary of AGC's Petition:* The following views and arguments presented in this section, "V. Summary of AGC's Petition," are the views and arguments provided by AGC. They have not been evaluated by the Agency and do not reflect the views of the Agency. AGC describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

AGC explains that the subject replacement glass inadvertently entered the U.S. market through Automotive Replacement Glass (ARG), a business unit in Europe. The shipment was made to satisfy a replacement glass order for the U.S. market. AGC states that the subject replacement glass was manufactured without the "DOT" certification marking and manufacturer code because they were not intended to be sold in the U.S.

After investigating the issue, AGC states that it blocked shipments of the noncompliant replacement glass, tested the affected replacement glass to confirm that it met the applicable FMVSS performance requirements, and destroyed extant stock. AGC believes that the missing "DOT" symbol on glazing does not create a risk to motor vehicle safety and is therefore, inconsequential, based on its finding that no test indicated any issue with the glass.

AGC believes that the subject noncompliance is inconsequential to motor vehicle safety because the subject replacement glass met the performance requirements as stated in FMVSS No. 205. Furthermore, AGC states that it has not received "reports of any noncompliance either for any of these parts produced during this time including parts shipped with and without the required DOT number," nor have there been any customer complaints related to the subject replacement glass.

AGC claims that the following petitions for similar noncompliances have previously been granted by NHTSA:

- Pilkington North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance; 78 FR 22942 (April 17, 2003)
- Fuji Heavy Industries USA, Inc., Grant of Petition for Decision of Inconsequential Noncompliance; 78 FR 59088 (September 25, 2013)
- Toyota Motor Corporation., Grant of Petition for Decision of Inconsequential Noncompliance; 68 FR 10307 (March 4, 2003)
- Mitsubishi Motors North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance; 80 FR 72482 (August 27, 2015)¹
- Custom Glass Solutions Upper Sandusky Corp., Grant of Petition for Decision of Inconsequential Noncompliance; 80 FR 3737 (January 23, 2015)
- Supreme Corporation, Grant of Petition for Decision of Inconsequential Noncompliance; 81 FR 72850 (October 21, 2016)
- Ford Motor Company, Grant of Petition for Decision of Inconsequential Noncompliance; 78 FR 32531 (May 30, 2013)
- Ford Motor Company, Grant of Petition for Decision of Inconsequential Noncompliance; 80 FR 11259 (March 2, 2015)
- General Motors, LLC, Grant of Petition for Decision of Inconsequential Noncompliance; 79 FR 23402 (September 25, 2015)²

AGC concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject equipment that AGC no longer controlled at the time it determined that the noncompliance existed. However, any decision on this

petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant equipment under their control after AGC notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke, III,
Director, Office of Vehicle Safety Compliance.
[FR Doc. 2023-12566 Filed 6-12-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2023-0092]

Potential Research and Development Areas of Interest for the Advanced Research Projects Agency—Infrastructure (ARPA-I); Request for Information

AGENCY: Department of Transportation (DOT).

ACTION: Notice; request for information (RFI).

SUMMARY: The Advanced Research Projects Agency—Infrastructure (ARPA-I) is a newly-designated agency within the U.S. Department of Transportation (DOT) that was authorized by the Infrastructure Investment and Jobs Act of 2021 (IIJA) November 15, 2021 (also known as the Bipartisan Infrastructure Law). ARPA-I was established by Congress “to support the development of science and technology solutions that overcomes long-term challenges and advances the state of the art for United States transportation infrastructure.” ARPA-I will have a single overarching goal and focus: to fund external innovative advanced research and development (R&D) programs that develop new technologies, systems, and capabilities to improve transportation infrastructure in the United States. The purpose of this Request for Information (RFI) is to obtain input from interested parties on potential areas for future innovative advanced research and development programs to be funded and managed by ARPA-I, subject to the availability of appropriations.

DATES: Written submissions must be received within 45 days of the publication of this RFI.

ADDRESSES: Please submit any written comments to Docket Number DOT-OST-2023-0092 electronically through the Federal eRulemaking Portal at <https://regulations.gov>. Go to <https://regulations.gov> and select “Department

of Transportation (DOT)” from the agency menu to submit or view public comments. Note that, except as provided below, all submissions received, including any personal information provided, will be posted without change and will be available to the public on <https://www.regulations.gov>. You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or at <https://www.transportation.gov/privacy>. **FOR FURTHER INFORMATION CONTACT:** For questions about this RFI, please email ARPA-I@dot.gov. You may also contact Mr. Timothy A. Klein, Director, Technology Policy and Outreach, Office of the Assistant Secretary for Research and Technology (202-366-0075) or by email at timothy.klein@dot.gov.

SUPPLEMENTARY INFORMATION: The Advanced Research Projects Agency—Infrastructure (ARPA-I) is a newly-designated agency within the U.S. Department of Transportation (DOT) that was established by Congress “to support the development of science and technology solutions that overcomes long-term challenges and advances the state of the art for United States transportation infrastructure.” (Pub. L. 117-58, Section 25012, November 15, 2021; 49 U.S.C. 119). ARPA-I is modeled after the Defense Advanced Research Projects Agency (DARPA) within the U.S. Department of Defense, and ARPA-E (Energy) within the U.S. Department of Energy. It will offer a once-in-a-generation opportunity to improve our nation’s transportation infrastructure, both physical and digital, and will support DOT’s strategic goals of Safety, Economic Strength and Global Competitiveness, Equity, Climate and Sustainability, and Transformation. ARPA-I will focus on developing and implementing technologies, rather than developing policies and processes or providing regulatory support. An ARPA-I funded technology should have a clear pathway to commercialization and widespread cross-modal deployment within 5–10 years, to have a substantial and transformative beneficial impact on DOT’s priorities. A typical ARPA-I program might run for multiple years, have a significant budget, and include multiple actively-managed R&D projects within that single program.

ARPA-I will augment and complement existing R&D activities within DOT’s Office of the Assistant Secretary for Research and Technology (OST-R) and DOT’s Operating Administrations, and will not supplant or duplicate those efforts. Those efforts

¹ AGC included the incorrect date of the cited **Federal Register** notice. 80 FR 72482 was published on November 19, 2015.

² AGC included the incorrect date of the cited **Federal Register** notice. 79 FR 23402 was published on April 28, 2014.