

airport properties at the Lakefield Airport located in Celina, Ohio from its obligations to be maintained for aeronautical purposes. Approval does not constitute a commitment by the FAA to financially assist in the change in use of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

### Legal Description

#### Parcel 11a—3.489 Acres

Being part of a 35.58 acres tract as recorded in Deed Volume 208 Page 153 in the Southwest Quarter of Section 30, Town 6 South, Range 3 East, Franklin Township, Mercer County, Ohio, and described as follows:

Commencing at an Iron Pin Found marking the Southwest corner of Section 30;

Thence North 89°50'30" East along the South line of the Southwest Quarter of Section 30, a distance of one thousand eight hundred thirty-eight and seventy-nine hundredths feet (1838.79') to an Iron Pin Found, marking the TRUE POINT OF BEGINNING;

Thence North 00°04'57" West along the East line of tracts as recorded in Instrument #202000006905, Instrument #201900000583 and Franklin Drive right-of-way, a distance of seven hundred seventy and zero hundredths feet (770.00') to an Iron Pin Found;

Thence North 89°50'30" East a distance of one hundred ninety-seven and forty-three hundredths feet (197.43') to an Iron Pin Found;

Thence South 00°04'40" East a distance of seven hundred seventy and zero hundredths feet (770.00') to an Iron Pin Found;

Thence South 89°50'30" West along the South line of the Southwest Quarter of Section 30 a distance of one hundred ninety-seven and thirty-six hundredths feet (197.36') to the TRUE POINT OF BEGINNING, containing 3.489 acres of land more or less.

Said tract to be subject to all highways and any other easements or restrictions of record.

#### Parcel 13a—3.581 Acres

Being part of a 28.6 acres tract as recorded in Instrument #200300002194 in the Southwest Quarter of Section 30, Town 6 South, Range 3 East, Franklin Township, Mercer County, Ohio, and described as follows:

Commencing at an Iron Pin Found marking the Southwest corner of Section 30;

Thence North 89°50'30" East along the South line of the Southwest Quarter of Section 30, a distance of two thousand thirty-six and fifteen hundredths feet

(2036.15') to an Iron Pin Found, marking the TRUE POINT OF BEGINNING;

Thence North 00°04'40" West along the East line of a tract as recorded in Deed Volume 208 Page 153, a distance of seven hundred seventy and zero hundredths feet (770.00') to an Iron Pin Set;

Thence North 89°50'30" East a distance of two hundred two and fifty-seven hundredths feet (202.57') to an Iron Pin Set;

Thence South 00°04'57" East a distance of seven hundred seventy and zero hundredths feet (770.00') to an Iron Pin Set;

Thence South 89°50'30" West along the South line of the Southwest Quarter of Section 30 a distance of two hundred two and sixty-four hundredths feet (202.64') to the TRUE POINT OF BEGINNING, containing 3.581 acres of land more or less.

Said tract to be subject to all highways and any other easements or restrictions of record.

Issued in Romulus, Michigan, on January 25, 2023.

**John L. Mayfield Jr.,**

*Manager, Detroit Airports District Office, FAA, Great Lakes Region.*

[FR Doc. 2023-01863 Filed 1-30-23; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Property at the Colorado Springs Airport, Colorado Springs, Colorado

**AGENCY:** Federal Aviation Administration, (FAA), DOT.

**ACTION:** Notice of request to release airport property.

**SUMMARY:** The FAA proposes to rule and invite public comment on the release and sale of a 13.5 acre parcel of land at the Colorado Springs Airport.

**DATES:** Comments are due within 30 days of the date of the publication of this notice in the **Federal Register**. Emailed comments can be provided to Mr. Michael Matz, Project Manager/ Compliance Specialist, Denver Airports District Office, [michael.b.matz@faa.gov](mailto:michael.b.matz@faa.gov), (303) 342-1251.

**FOR FURTHER INFORMATION CONTACT:** Mr. Troy Stover, Assistant Director of Aviation for Economic Development, Colorado Springs Airport, 7770 Milton E. Proby Parkway Suite 50, Colorado Springs, CO 80916, [Troy.Stover@coloradosprings.gov](mailto:Troy.Stover@coloradosprings.gov), (719) 238-0398; or Michael Matz, Project Manager/

Compliance Specialist, Denver Airports District Office, 26805 E. 68th Ave. Suite 224, Denver, CO, 80249, [michael.b.matz@faa.gov](mailto:michael.b.matz@faa.gov), (303) 342-1251. Documents reflecting this FAA action may be reviewed at the above locations.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release property at the Colorado Springs Airport under the provisions of 49 U.S.C. 47107(h)(2). The proposal consists of 13.5 acres of land located on the South side of the airport, shown as Parcel 20A-B on the Airport Layout Plan. The parcel lies inside the Peak Innovation Business Park, South of Milton E. Proby Parkway. The FAA concurs that the parcel is no longer needed for airport purposes. The proposed use of this property is compatible with existing airport operations in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, as published in the **Federal Register** on February 16, 1999.

Issued in Denver, Colorado on January 26, 2023.

**Marc Miller,**

*Acting Manager, Denver Airports District Office.*

[FR Doc. 2023-01943 Filed 1-30-23; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA-2022-0032]

#### Renewal Package From the State of Alaska to the Surface Transportation Project Delivery Program and Proposed Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State

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

**ACTION:** Notice; request for comments.

**SUMMARY:** This notice announces that FHWA has received and reviewed a renewal package from the Alaska Department of Transportation & Public Facilities (DOT&PF) requesting renewed participation in the Surface Transportation Project Delivery Program (Program). This Program allows for FHWA to assign, and States to assume, responsibilities under the National Environmental Policy Act (NEPA), and all or part of FHWA's responsibilities for environmental review, consultation, or other actions required under any

Federal environmental law with respect to one or more Federal highway projects within the State. The FHWA determined the renewal package to be complete and developed a draft renewal MOU with DOT&PF outlining how the State will implement the Program with FHWA oversight. The public is invited to comment on DOT&PF's renewal package, which includes the draft renewal MOU that describes the proposed assignments and assumptions of environmental review, consultation, and other activities.

**DATES:** Please submit comments by March 3, 2023.

**ADDRESSES:** You may submit comments, identified by DOT Document Management System (DMS) Docket Number FHWA–2022–0032, by any of the methods described below. To ensure that you do not duplicate your submissions, please submit them by only one of the means below. Electronic comments are preferred because Federal offices experience intermittent mail delays from security screening.

- **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for submitting comments.
- **Facsimile (Fax):** 1–202–493–2251.
- **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC 20590.
- **Hand Delivery:** West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE, Washington, DC 20590 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

**Instructions:** You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:**

For FHWA: Melissa Parker by email at: [Melissa.Parker@dot.gov](mailto:Melissa.Parker@dot.gov) or by telephone at (907) 586–7430. The FHWA Alaska Division office's normal business hours are 8 a.m. to 4:30 p.m. Alaska Time, Monday–Friday, except for Federal holidays. For the State of Alaska: Douglas Kolwaite, by email at: [Douglas.Kolwaite@alaska.gov](mailto:Douglas.Kolwaite@alaska.gov) or by telephone at (907) 465–8413. State business hours are the same as above although State holidays may not completely coincide with Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

Internet users may reach the Office of the Federal Register's home page at: <https://www.archives.gov/> and the Government Publishing Office's database at: <https://www.govinfo.gov/>. An electronic version of the proposed renewal MOU may be downloaded by accessing the DOT DMS docket, as described above, at <https://www.regulations.gov>.

**Background**

Section 327 of Title 23, United States Code (U.S.C.), allows the Secretary of the DOT to assign, and a State to assume, the responsibilities under the NEPA (42 U.S.C. 4321 *et seq.*) and all or part of the responsibilities for environmental review, consultation, or other actions required under certain Federal environmental laws with respect to one or more Federal-aid highway projects within the State. The FHWA is authorized to act on behalf of the Secretary with respect to these matters.

The DOT&PF entered the Program on November 13, 2017, after submitting its application to FHWA, obtaining FHWA's approval, and entering into a MOU in accordance with 23 U.S.C. 327 and FHWA's application regulations for the Program (23 CFR part 773).

On May 15, 2016, prior to submittal of its application to FHWA, DOT&PF published in the Alaska Administrative Register and solicited public comment on its draft application to participate in the Program. After considering and addressing public comments, DOT&PF submitted its application to FHWA on July 12, 2016. The application served as the basis for developing the MOU identifying the responsibilities and obligations DOT&PF would assume. The FHWA published a notice of the draft MOU in the **Federal Register** on August 25, 2017, soliciting the views of the public and Federal agencies on FHWA's preliminary decision to approve the application. Following the comment period, FHWA and DOT&PF considered comments and proceeded to execute the MOU (2017 MOU). Effective November 13, 2017, DOT&PF assumed FHWA's responsibilities under NEPA, and the responsibilities for reviews under other Federal environmental requirements. The MOU was amended on August 20, 2020, to clarify the categories of excluded projects and to reflect that DOT&PF had assumed responsibility for the environmental review of the three projects (Gravina Access, Juneau Access, and Sterling Highway) that were excluded from assignment in the 2017 MOU.

On May 11, 2022, after coordination with FHWA, DOT&PF submitted a renewal package in accordance with the renewal regulations in 23 CFR 773.115. On September 13, 2022, DOT&PF sent a letter requesting further discussion on additional language in the renewal MOU. In a letter dated October 14, 2022, FHWA granted an extension of the MOU until March 13, 2023.

Under the proposed renewal MOU, FHWA would assign to the State, through DOT&PF, the responsibility for making decisions on highway projects within the State of Alaska that are proposed to be funded with Title 23 funds or otherwise require FHWA approval, and that require preparation of a categorical exclusion determination, environmental assessment (EA), or environmental impact statement (EIS). Excluded from assignment are any Federal Lands Highway projects authorized under 23 U.S.C. 202, 203, 204, and Section 1123 of the Fixing America's Surface Transportation Act (Pub. L. 114–94), unless such projects will be designed and constructed by DOT&PF; any project that crosses or is adjacent to international boundaries; projects under the Recreational Trails Program (23 U.S.C. 206); Denali Commission projects; Shakwak Program projects; any projects advanced by direct recipients other than DOT&PF; privately funded or other Agency funded projects requiring NEPA review as part of Interstate access approvals, unless such projects will be designed and constructed by DOT&PF; NEPA review for private requests for changes in controlled access, unless such projects will be designed and constructed by DOT&PF; and projects designed and constructed by FHWA under a 23 U.S.C. 308 agreement between the FHWA Western Federal Lands Highway Division and DOT&PF.

The assignment also would give DOT&PF the responsibility to conduct the following environmental review, consultation, and other related activities:

*Air Quality*

- Clean Air Act, 42 U.S.C. 7401–7671q, with the exception of project level conformity determinations

*Alaska Specific*

- Alaska National Interest Lands Conservation Act (ANILCA), Public Law 96–487, except any responsibilities under 16 U.S.C. 410hh(4)(d)

### *Executive Orders (E.O.) Relating to Highway Projects*

- E.O. 11593, Protection and Enhancement of the Cultural Environment
- E.O. 11988, Floodplain Management (except approving design standards determinations that a significant encroachment is the only practicable alternative under 23 CFR parts 650.113 and 650.115)
- E.O. 11990, Protection of Wetlands
- E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- E.O. 13007, Indian Sacred Sites
- E.O. 13112, Invasive Species, as amended by E.O. 13751, Safeguarding the Nation from the Impacts of Invasive Species
- E.O. 13175, Consultation and Coordination with Indian Tribal Governments
- E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- E.O. 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis
- E.O. 14008, Tackling the Climate Crisis at Home and Abroad
- Other Executive Orders not listed, but related to highway projects

### *FHWA-Specific*

- Efficient Project Reviews for Environmental Decision Making, 23 U.S.C. 139
- Environmental Impact and Related Procedures, 23 CFR part 771
- Planning and Environmental Linkages, 23 U.S.C. 168, with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135
- Programmatic Mitigation Plans, 23 U.S.C. 169, with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135

### *Hazardous Materials Management*

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675
- Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k
- Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C. 9671–9675

### *Historic and Cultural Resources*

- Archeological Resources Protection Act of 1979, 16 U.S.C. 470(aa)-(mm)
- Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001–3013; 18 U.S.C. 1170

- Preservation of Historical and Archeological Data, 54 U.S.C. 312501–312508
- Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108

### *Noise*

- Compliance with the noise regulations in 23 CFR part 772
- Noise Control Act of 1972, 42 U.S.C. 4901–4918

### *Parklands and Other Special Land Uses*

- Land and Water Conservation Fund (LWCF) Act, 54 U.S.C. 200302–200310
- Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138, 49 U.S.C. 303 and implementing regulations at 23 CFR part 774

### *Social and Economic Impacts*

- American Indian Religious Freedom Act, 42 U.S.C. 1996
- Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209

### *Water Resources and Wetlands*

- Clean Water Act, 33 U.S.C. 1251–1387
- Section 319, 33 U.S.C. 1329
- Section 401, 33 U.S.C. 1341
- Section 402, 33 U.S.C. 1342
- Section 404, 33 U.S.C. 1344
- Emergency Wetlands Resources Act, 16 U.S.C. 3901 and 3921
- Flood Disaster Protection Act, 42 U.S.C. 4001–4130
- Mitigation of Impacts to Wetlands and Natural Habitat, 23 CFR part 777
- Rivers and Harbors Appropriation Act of 1899, 33 U.S.C. 401, 403, and 408
- Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–26
- Wetlands Mitigation, 23 U.S.C. 119(g)
- Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287

### *Wildlife*

- Anadromous Fish Conservation Act, 16 U.S.C. 757a–757f
- Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668–668c
- Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d
- Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801–1891d
- Marine Mammal Protection Act, 16 U.S.C. 1361–1423h
- Migratory Bird Treaty Act, 16 U.S.C. 703–712
- Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536.

The proposed renewal MOU would allow DOT&PF to continue to act in the place of FHWA in carrying out the environmental review-related functions

described above, except with respect to government-to-government consultations with federally recognized Indian Tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian Tribes, which is required under some of the listed laws and E.O.s. The DOT&PF will continue to handle routine consultations with the Tribes and understands that a Tribe has the right to direct consultation with FHWA upon request. The DOT&PF also may assist FHWA with formal consultations, with consent of a Tribe, but FHWA remains responsible for the consultation. The DOT&PF also will not assume FHWA's responsibilities for conformity determinations required under Section 176 of the CAA (42 U.S.C. 7506) or any responsibility under 23 U.S.C. 134 or 135, or under 49 U.S.C. 5303 or 5304.

The MOU content reflects DOT&PF's desire to continue its participation in the Program. The FHWA and DOT&PF have agreed to modify some of the provisions in the MOU to, among other things: clarify the categories of projects excluded from assignment; designate a Senior Agency Official at DOT&PF consistent with 40 CFR 1508.1(dd); remove auditing requirements; revise monitoring requirements; update record retention requirements; provide for enhanced reporting to FHWA on issues including environmental justice analysis and associated mitigation, where applicable; revise provisions related to data and information requests; and revise provisions related to FHWA-initiated withdrawal of assigned projects.

A copy of the proposed renewal MOU and renewal package may be viewed on the DOT DMS Docket, as described above, or may be obtained by contacting FHWA or the State at the addresses provided above. A copy also may be viewed on DOT&PF's website at <https://dot.alaska.gov/stwddes/desenviron/resources/nepa.shtml>. The FHWA Alaska Division, in consultation with FHWA Headquarters, will consider the comments submitted when making its decision on the proposed MOU revision. Any final renewal MOU approved by FHWA may include changes based on comments and consultations relating to the proposed renewal MOU and will be made publicly available.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

*Authority:* 23 U.S.C. 327; 42 U.S.C. 4331, 4332; 23 CFR part 773; 40 CFR 1507.3, 1508.4.

Issued on: January 26, 2023.

**Andrew Rogers,**  
Chief Counsel, Federal Highway  
Administration.

[FR Doc. 2023-01991 Filed 1-30-23; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0038]

#### 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 15 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 January 30, 2023. The exemptions expire on January 30, 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-2022-0038) 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 December 20, 2022, FMCSA published a notice announcing receipt of applications from 15 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 (87 FR 77915). The public comment period ended on January 19, 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 and include the following: (1) each driver must report any crashes or accidents as defined in § 390.5T; (2) each driver must report all citations and