

I. Background

The Commercial Space Transportation Advisory Committee was created under the Federal Advisory Committee Act (FACA), in accordance with Public Law 92–463. Since its inception, industry-led COMSTAC has provided information, advice, and recommendations to the U.S. Department of Transportation through FAA regarding technology, business, and policy issues relevant to oversight of the U.S. commercial space transportation sector.

II. Proposed Agenda

Welcome Remarks
COMSTAC Chair
COMSTAC Report
Additional Clarification on part 450
Public Comment Period
Closing Comments
Adjournment

III. Public Participation

The meeting listed in this notice will be open to the public, virtually. Please see the website no later than five working days before the meeting for details on viewing the meeting on YouTube.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section at least 10 calendar days before the meeting. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

Interested members of the public may submit relevant written statements for the COMSTAC members to consider under the advisory process. Statements may concern the issues and agenda items mentioned above and/or additional issues that may be relevant for the U.S. commercial space transportation industry. Interested parties wishing to submit written statements should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section in writing (mail or email) by July 7, 2023 so that the information can be made available to COMSTAC members for their review and consideration before the meeting. Written statements should be supplied in the following formats: One hard copy with original signature and/or one electronic copy via email. Portable Document Format (PDF) attachments are preferred for email submissions. A detailed agenda will be posted on the FAA website at https://www.faa.gov/space/additional_information/comstac/.

Issued in Washington, DC.

James A. Hatt,

Designated Federal Officer, Commercial Space Transportation Advisory Committee, Federal Aviation Administration, Department of Transportation.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Regulatory Guidance: Clarification of Reissuance Dates

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

ACTION: Regulatory guidance; notice of reissuance dates.

SUMMARY: On March 3, 2020, the Department announced the availability of a regulatory guidance portal to provide public access to the Department’s guidance documents. This notice clarifies the reissuance date of FMCSA guidance published in FMCSA’s guidance portal (“Guidance Portal” or “Portal”) as of March 3, 2020. This notice also clarifies the reissuance dates for guidance posted between March 4 and June 27, 2020, during the “grace period.”

DATES: This clarification of prior reissuance dates is applicable on June 20, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Anna Winkle, Attorney-Advisor, Office of Chief Counsel, FMCSA, 1200 New Jersey Ave. SE, Washington, DC 20590–0001; 202–366–5257; anna.winkle@dot.gov.

SUPPLEMENTARY INFORMATION:

Executive Order (E.O.) 13891 and the Announcement of the DOT and FMCSA Guidance Portals

On March 3, 2020, the Department announced the availability of a portal for regulatory guidance (85 FR 12663). As explained in the introductory text on the DOT Guidance Portal, each operating administration maintains a guidance portal available through a link on the DOT Guidance Portal website.¹ The guidance portals were originally established to comply with section 3(a) of E.O. 13891,² which required each

¹ <https://www.transportation.gov/guidance/operating-administration-guidance-portals>. FMCSA’s Guidance Portal may also be accessed through a direct link: www.fmcsa.dot.gov/guidance.

² See “Promoting the Rule of Law Through Improved Agency Guidance Documents.” 84 FR 55235 (Oct. 15, 2019), available at: <https://www.federalregister.gov/documents/2019/10/15/2019-22623/promoting-the-rule-of-law-through-improved-agency-guidance-documents>.

Federal agency to establish or maintain on its website a single, searchable, indexed database that contains or links to all guidance documents in effect from that agency or its components. While E.O. 13891 has since been revoked,³ it provides context, along with the Office of Management and Budget (OMB) memorandum⁴ implementing the Order, for the efforts FMCSA undertook to comprehensively review its existing guidance in establishing its Guidance Portal.

The E.O. and implementing memorandum required in part that Federal agencies establish the database mandated by the E.O. no later than February 28, 2020, and permitted agencies a grace period, through June 27, 2020, to reinstate any existing guidance documents not posted by the initial deadline without the need to conduct a formal good faith cost estimate or otherwise review the guidance in accordance with newly-required approval procedures prior to posting it to the relevant database (e.g., the FMCSA Guidance Portal). The E.O. also required each agency to comprehensively review its guidance documents, rescind those it determined should no longer be in effect, and prohibited agencies from either retaining in effect any guidance document not posted to the database or issuing a guidance document without including it in the database. See 84 FR 55236.

FMCSA’s Reissuance of Existing Guidance

FMCSA conducted an extensive review of its guidance in response to the requirement in E.O. 13891 to post current guidance and rescind outdated guidance. When FMCSA published current guidance to FMCSA’s Portal, including guidance with a specific expiration date identified in the **Federal Register** notices,⁵ FMCSA effectively

www.federalregister.gov/documents/2019/10/15/2019-22623/promoting-the-rule-of-law-through-improved-agency-guidance-documents.

³ See E.O. 13992, “Revocation of Certain Executive Orders Concerning Federal Regulation.” 86 FR 7049 (Jan. 25, 2021), available at: <https://www.federalregister.gov/documents/2021/01/25/2021-01767/revocation-of-certain-executive-orders-concerning-federal-regulation>.

⁴ See M–20–02, “Guidance Implementing Executive Order 13891, Titled ‘Promoting the Rule of Law Through Improved Agency Guidance Documents,’” (Oct. 31, 2019) available at: <https://www.whitehouse.gov/wp-content/uploads/2019/10/M-20-02-Guidance-Memo.pdf>.

⁵ In both **Federal Register** notices, FMCSA referenced section 5203 of the Fixing America’s Surface Transportation (FAST) Act (Pub. L. 114–94, 129 Stat. 1312, 1535, Dec. 4, 2015). This section does not require that an expiration date be added to guidance but rather instructs, in part, that not later than 5 years after the date on which a guidance

reissued the guidance. The date the Department announced the availability of the regulatory guidance portals,

March 3, 2020, is therefore the reissuance date for all guidance FMCSA published in the Portal as of that date.

Guidance documents with previously identified expiration dates are identified as follows:

FMCSA Guidance Portal unique identifier(s)	Federal Register notice issuing the guidance	Applicability/expiration dates in Federal Register notice
FMCSA-HOS-AG-395.1-Q34, FMCSA-HOS-AG-395.1-Q35, FMCSA-HOS-AG-395.1-Q36, and FMCSA-HOS-AG-395.1-Q37.	83 FR 26374 (June 7, 2018)	Applicable June 7, 2018; Expires June 7, 2023.
FMCSA-HOS-395.8-Q26	83 FR 26377 (June 7, 2018)	Applicable on June 7, 2018; Expires June 7, 2023.

Guidance documents that were posted to the Portal by the initial OMB deadline (February 28, 2020) were publicly reissued on March 3, 2020; however, FMCSA's Guidance Portal will continue to provide the original "issued date" unless substantive updates were subsequently made to the existing guidance. FMCSA believes this approach provides continuity and minimizes risk of confusion as compared with adding new issuance

dates each time a guidance document is reissued.

Reissuance Dates of Grace Period Guidance

This notice also clarifies the reissuance dates of the 53 "grace period" guidance documents, which are the existing guidance documents FMCSA posted to the Guidance Portal between March 4 and June 27, 2020—the grace period established by the OMB

implementing memorandum. As with the guidance posted to the Portal by February 28, 2020, the original "issued date" of all grace period guidance documents remains the same unless substantive updates were made to the existing guidance. However, since the guidance was not in fact posted to the Portal by February 28, 2020, the reissuance dates are the dates they were posted to the Portal, as follows:

Unique identifier	Issued date	Reissuance date
FMCSA-CDL-383.133-Q001	3/1/2019	6/25/2020
FMCSA-ELDT-380.600-Q007	3/1/2020	6/25/2020
FMCSA-ELDT-380.603-Q001	3/1/2019	6/25/2020
FMCSA-ELDT-380.603-Q002	3/1/2019	6/25/2020
FMCSA-ELDT-380.603-Q004	3/1/2019	6/25/2020
FMCSA-ELDT-380.605-Q005	3/1/2019	6/25/2020
FMCSA-ELDT-380.605-Q010	3/1/2019	6/25/2020
FMCSA-ELDT-380.605-Q015	3/1/2019	6/26/2020
FMCSA-ELDT-380.605-Q017	3/1/2019	6/26/2020
FMCSA-ELDT-380.605-Q018	3/1/2019	6/26/2020
FMCSA-ELDT-380.605-Q023	3/1/2019	6/26/2020
FMCSA-ELDT-380.703-Q009	3/1/2019	6/26/2020
FMCSA-ELDT-380.707-Q008	3/1/2019	6/26/2020
FMCSA-ELDT-380.707-Q022	3/1/2019	6/26/2020
FMCSA-ELDT-380.719-Q011	3/1/2019	6/26/2020
FMCSA-ELDT-380.719-Q012	3/1/2019	6/26/2020
FMCSA-ELDT-380.719-Q013	3/1/2019	6/26/2020
FMCSA-ELDT-380.721-Q014	3/1/2019	6/26/2020
FMCSA-ELDT-380.721-Q016	3/1/2019	6/26/2020
FMCSA-ELDT-380-Appendix-Q003	3/1/2019	6/26/2020
FMCSA-ELDT-380-Appendix-Q019	3/1/2019	6/26/2020
FMCSA-ELDT-380-Appendix-Q020	3/1/2019	6/26/2020
FMCSA-ELDT-380-Appendix-Q021	3/1/2019	6/26/2020
FMCSA-ELDT-380-Appendix-Q024	3/1/2019	6/27/2020
FMCSA-ELDT-380-Appendix-Q025	3/1/2019	6/27/2020
FMCSA-ELDT-380-Q026	2/4/2020	6/27/2020
FMCSA-ELDT-383.73-Q006	3/1/2019	6/27/2020
FMCSA-FR-78FR25782.2013.05.02	5/2/2012	6/24/2020
FMCSA-RG-390.23-FAQ001	4/15/2018	6/23/2020
FMCSA-RG-390.23-FAQ002	4/15/2018	6/23/2020
FMCSA-RG-390.23-FAQ003	4/15/2018	6/23/2020
FMCSA-RG-390.23-FAQ004	4/15/2018	6/23/2020
FMCSA-RG-390.23-FAQ005	4/15/2018	6/23/2020
FMCSA-RG-390.23-FAQ006	4/18/2018	6/23/2020
FMCSA-RG-390.23-FAQ007	4/15/2018	6/23/2020
FMCSA-RG-390.23-FAQ008	4/15/2018	6/23/2020
FMCSA-RG-390.23-FAQ009	4/15/2018	6/24/2020
FMCSA-RG-390.23-FAQ010	4/15/2018	6/24/2020
FMCSA-RG-390.23-FAQ011	4/15/2018	6/24/2020
FMCSA-RG-390.23-FAQ012	4/15/2018	6/24/2020
FMCSA-RG-390.23-FAQ013	4/15/2018	6/29/2020
FMCSA-RG-390.23-FAQ014	4/15/2018	6/24/2020
FMCSA-RG-390.23-FAQ015	4/15/2018	6/24/2020

document is published or during a regular review, FMCSA reissue an updated version of any guidance

document for which it was not practicable to incorporate into its regulations. Sec. 5203(a)(3)-(4).

Unique identifier	Issued date	Reissuance date
FMCSA-RG-390.23-FAQ016	3/19/2020	6/24/2020
FMCSA-RG-390.23-FAQ017	3/19/2020	6/24/2020
FMCSA-RG-390.23-FAQ018	3/19/2020	6/25/2020
FMCSA-RG-390.23-FAQ019	3/19/2020	6/25/2020
FMCSA-RG-390.23-FAQ020	3/19/2020	6/25/2020
FMCSA-RG-390.23-FAQ021	3/19/2020	6/25/2020
FMCSA-RG-390.23-FAQ022	3/19/2020	6/25/2020
FMCSA-RG-390.23-FAQ023	3/25/2020	6/25/2020
FMCSA-RG-390.23-FAQ024	3/5/2020	6/24/2020
FMCSA-RG-390.23-Q004	2/28/2020	6/23/2020

Robin Hutcheson,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2023-0034]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 27 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, Department of Transportation, 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 material in the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Comments

To view comments go to www.regulations.gov. Insert the docket number (FMCSA-2023-0034) 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

FMCSA received applications from 27 individuals who requested an exemption from the FMCSRs prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a CMV from operating CMVs in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(8).

III. 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 statute also allows the Agency to renew exemptions at the end of the 5-year period. 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 the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(8). Therefore, the 27 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(8).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 27 applicants do not meet the minimum time requirement for being seizure-free, either on or off of anti-seizure medication:

- Larry Attles (MI)
- Julio Baez-Soto (NY)
- Charles Boman (PA)
- Christopher Carver (TX)
- Ryan Cecchini (WI)
- Joey Cerniglia (GA)
- Jason Ebert (OH)
- Muhammad Elbaba (MN)
- Jonathan Flight (NE)
- Marcus Foster (NJ)
- Deyanira Gonzalez (TX)