

CFR 1150.31 to acquire and operate the following railroad track and other assets of the San Luis & Rio Grande Railroad, Inc. (SLRG): (1) from milepost 299.30 near Derrick, Colo., to milepost 180.00 near Walsenburg, Colo., comprising SLRG's Alamosa Subdivision, and (2) between milepost 251.7 at Alamosa, Colo., and milepost 281.78 at Antonito, Colo. (the Antonito Subdivision), a total distance of approximately 149.38 miles (collectively, the Line).<sup>1</sup> According to the verified notice, CP Rio Grande is also acquiring incidental trackage rights conveyed to SLRG by UP in the vicinity of Walsenburg between milepost 180.00 and milepost 175.00.

According to the verified notice, the proposed transaction is the culmination of involuntary Chapter 11 bankruptcy proceedings before the United States Bankruptcy Court for the District of Colorado. The verified notice states that, on November 17, 2022, KCVN LLC (KCVN) was the successful bidder at auction for substantially all the assets of SLRG, and an Asset Purchase Agreement was executed between SLRG and KCVN "or its permitted assignee." The verified notice further states that the Bankruptcy Court approved the sale to KCVN or its permitted assignee pursuant to the Asset Purchase Agreement on November 29, 2022. According to the verified notice, on December 19, 2022, KCVN assigned all of its rights in the Asset Purchase Agreement to CP Rio Grande.<sup>2</sup>

CP Rio Grande certifies that its projected annual revenues from this transaction will not exceed \$5 million and will not result in CP Rio Grande becoming a Class II or Class I rail carrier. CP Rio Grande further certifies that the transaction involves an interchange commitment that would limit future interchange with a third-party carrier other than UP in Walsenburg Yard,<sup>3</sup> and CP Rio Grande

has provided additional information regarding the interchange commitment as required by 49 CFR 1150.33(h).

The transaction may be consummated on or after January 19, 2023, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than January 12, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36656, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on SLRG's representative: Thomas W. Wilcox, Law Office of Thomas W. Wilcox, LLC, 1629 K Street NW, Suite 300, Washington, DC 20006.

According to CP Rio Grande, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: December 30, 2022.

By the Board,

**Mai T. Dinh,**

*Director, Office of Proceedings.*

**Stefan Rice,**

*Clearance Clerk.*

[FR Doc. 2022-28644 Filed 1-4-23; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2022-1739]

#### Agency Information Collection

#### Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Airport Grants Program

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

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB)

approval to renew an information collection. The collection involves gathering data from airport sponsors and planning agencies to determine eligibility, ensure compliance with Federal requirements, and ensure proper use of Federal funds and project accomplishments for the Airport Improvement Program. Submission is required to receive funds.

**DATES:** Written comments should be submitted by March 6, 2023.

**ADDRESSES:** Please send written comments:

*By Electronic Docket:*  
[www.regulations.gov](http://www.regulations.gov) (Enter docket number into search field).

*By mail:* Carlos Fields, Office of Airports Planning and Programming, APP, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

*By fax:* 202-267-5302.

#### FOR FURTHER INFORMATION CONTACT:

Carlos Fields by email at: [Carlos.Fields@faa.gov](mailto:Carlos.Fields@faa.gov); phone: 202-267-8826.

#### SUPPLEMENTARY INFORMATION:

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*OMB Control Number:* 2120-0569.

*Title:* Airport Grants Program.

*Form Numbers:* FAA Forms 5100-100, 5100-101, 5100-108, 5100-110, 5100-126, 5100-127, 5100-128, 5100-129, 5100-130, 5100-131, 5100-132, 5100-133, 5100-134, 5100-135, 5100-136, 5100-137, 5100-138, 5100-139, 5100-140, 5100-141, 5100-142, 5100-143, 5100-144, 5100-145, 5370-1.

*Type of Review:* Renewal of an information collection.

*Background:* Codification of certain U.S. Transportation laws at 49 U.S.C., repealed the Airport and Airway Improvement Act of 1982, as amended, and the Aviation Safety and Noise Abatement Act of 1979, as amended, and re-codified them without substantive change at Title 49 U.S.C., which is referred to as the "Act." The Act provides funding for airport planning and development projects at airports included in the National Plan of Integrated Airport Systems. The Act also authorizes funds for noise compatibility

<sup>1</sup> The verified notice states that SLRG acquired the Line from the Union Pacific Railroad Company (UP) in 2003. See *San Luis & Rio Grande R.R.—Acquis. & Operation Exemption—Union Pac. R.R.*, FD 34350 (STB served July 18, 2003).

<sup>2</sup> KCVN is the parent company of Colorado Pacific Railroad, LLC (CRX), a Class III carrier. CP Rio Grande is an independent entity that is not owned or controlled by KCVN. According to the verified notice, the intention is for CP Rio Grande to continue the operations of the SLRG separate and apart from KCVN and CRX.

<sup>3</sup> According to the verified notice, the incidental trackage rights being acquired by CP Rio Grande are subject to an existing interchange commitment between SLRG and UP that was created when UP conveyed the Line to SLRG. However, the existence of the interchange commitment was not disclosed in the verified notice of exemption for that transaction because the regulations at 49 CFR 1150.33(h) requiring such disclosure were not in effect yet. See *San Luis & Rio Grande R.R.*, Docket No. FD 34350.

planning and to carry out noise compatibility programs. The Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA) (Pub. L. 116–260) (PDF), signed into law on December 27, 2020, authorizes funds to be awarded as economic relief to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID–19) pandemic. The Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748, Pub. L. 116–136) (PDF), signed into law on March 27, 2020, authorizes funds to be awarded as economic relief to eligible U.S. airports affected by the prevention of, preparation for, and response to the COVID–19 pandemic. The information required by these programs is necessary to protect the Federal interest in safety, efficiency, and utility of the Airport. Data is collected to meet report requirements of 2 CFR part 200 for certifications of domestic preferences and representations, financial management and performance measurement.

**Respondents:** Approximately 13,000 applicants.

**Frequency:** Information is collected on occasion.

**Estimated Average Burden per Response:** Approximately 9.5 hours.

**Estimated Total Annual Burden:** Approximately 123,000 hours.

Issued in Washington, DC, on December 29, 2022.

**Carlos N. Fields,**

*Management & Program Analyst, Airports Financial Assistance Division, APP–520.*

[FR Doc. 2022–28597 Filed 1–4–23; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0037]

### 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 nine 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 December 30, 2022. The exemptions expire on December 30, 2024.

**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–2022–0037) 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 (FDMS)), 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 November 17, 2022, FMCSA published a notice announcing receipt of applications from nine 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 69076). The public comment period ended on December 19, 2022, and one comment was 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 one comment in this proceeding. An individual anonymously commented that they are in favor of “granting exemptions for the applicants provided the applicants are otherwise qualified to drive CMVs in interstate traffic.” However, they believe that the exemption should not be necessary for individuals who are hearing impaired as these individuals do not pose any risk to safety. The individual notes that based on FMCSA’s continued decisions to grant exemptions to individuals who are hearing impaired and studies that support hearing impaired individuals are not a risk to safety, and that “Congress does not have a legitimate interest in disallowing persons with hearing impairments from obtaining CDLs without first applying for an exemption and being submitted to the lengthy public comment process.” They go on to ask why there is a general law from 1971 banning CMV drivers who are deaf or hard of hearing from driving that requires the driver to appeal to a bureaucratic process. The majority of their comment falls outside the scope of this notice. FMCSA grants exemptions based on an individual assessment of each applicant that focuses on whether an equal or greater level of safety would likely be achieved by permitting each of these drivers to drive in interstate commerce.