

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket No. FRA–2001–11213, Notice No. 27]

**Drug and Alcohol Testing:
Determination of Minimum Random
Testing Rates for 2023**

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notification of determination.

SUMMARY: This notification of determination announces FRA's minimum annual random drug and minimum annual random alcohol testing rates for employees performing covered service under the hours of service laws (HOS employees), maintenance-of-way (MOW) employees, and mechanical (MECH) employees for calendar year 2023.

DATES: This determination takes effect December 20, 2022.

FOR FURTHER INFORMATION CONTACT:

Gerald Powers, FRA Drug and Alcohol Program Manager, by email: gerald.powers@dot.gov or by telephone: 202–493–6313; or Melissa Van Dermeir, FRA Drug and Alcohol Program Specialist, by email: melissa.vandermeir@dot.gov or by telephone: 312–720–9491.

SUPPLEMENTARY INFORMATION: Each year, FRA sets its minimum annual random testing rates after considering the last two complete calendar years of railroad industry drug and alcohol program data submitted to its Management Information System (MIS). FRA, however, reserves the right to consider factors other than MIS-reported data before deciding whether to lower annual minimum random testing rates. *See* 85 FR 81265 (Dec. 15, 2020).

FRA is announcing that its minimum annual random drug and alcohol testing rates for calendar year 2023 will continue to be as follows:

- HOS employees—25 percent for drugs and 10 percent for alcohol.
- MOW employees—25 percent for drugs and 10 percent for alcohol.
- MECH employees—50 percent for drugs and 25 percent for alcohol.

Because these rates represent minimums, railroads and railroad contractors may conduct FRA random testing at higher rates.

Discussion

Random Testing Rates for HOS Employees

The rail industry's random drug testing positive rate for HOS employees

remained below 1.0 percent for 2020 and 2021. The Administrator has therefore determined the minimum annual random drug testing rate for HOS employees will remain at 25 percent for the period January 1, 2023, through December 31, 2023. The industry-wide random alcohol testing violation rate for HOS employees remained below 0.5 percent for 2020 and 2021. The Administrator has therefore determined the minimum random alcohol testing rate for HOS employees will remain at 10 percent for the period January 1, 2023, through December 31, 2023.

Random Testing Rates for MOW Employees

The rail industry's random drug testing positive rate for MOW employees remained below 1.0 percent for 2020 and 2021. The Administrator has therefore determined the minimum annual random drug testing rate for MOW employees will remain at 25 percent for the period January 1, 2023, through December 31, 2023. The industry-wide random alcohol testing violation rate for MOW employees remained below 0.5 percent for 2020 and 2021. The Administrator has therefore determined the minimum random alcohol testing rate for MOW employees will remain at 10 percent for the period January 1, 2023, through December 31, 2023.

Random Testing Rates for MECH Employees

On February 2, 2022, FRA expanded the scope of its drug and alcohol regulation (49 CFR part 219) to add MECH employees. *See* 87 FR 5719. As it did with HOS employees and MOW employees when they first became subject to random testing, FRA set the initial minimum annual random testing rates for MECH employees at 50 percent for drugs and 25 percent for alcohol. FRA does not yet have the two full years of MIS data required to adjust the random testing rates for MECH employees. The Administrator has therefore determined that the minimum random testing rates for MECH employees will remain at 50 percent for drugs and 25 percent for alcohol for the period January 1, 2023, through December 31, 2023.

Issued in Washington, DC.

Amitabha Bose,
Administrator.

[FR Doc. 2022–27553 Filed 12–19–22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Maritime Administration**

[Docket No. MARAD–2022–0263]

**Coastwise Endorsement Eligibility
Determination for a Foreign-Built
Vessel: JESSIE JAMES (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 description of the proposed service, is listed below.

DATES: Submit comments on or before January 19, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0263 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD–2022–0263 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–2022–0263, 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, 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:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel JESSIE JAMES is:

- Intended Commercial Use of Vessel:* “Charter and pleasure sportfishing.”
- Geographic Region Including Base of Operations:* “New Jersey.” (Base of Operations: Brigantine, NJ)
- Vessel Length and Type:* 35’ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022-0263 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 <http://www.regulations.gov>, keyword search MARAD-2022-0263 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. 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.

[FR Doc. 2022-27574 Filed 12-19-22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2022-0264]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: BELLA ROSA (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 description of the proposed service, is listed below.

DATES: Submit comments on or before January 19, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2022-0264 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2022-0264 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-2022-0264, 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, 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:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the