

the equivalent of at least 10 consecutive hours off duty. Under 49 CFR 395.3(a)(2)—commonly referred to as the 14-hour “driving window”—a driver has 14 consecutive hours in which to drive up to 11 hours after being off duty for 10 or more consecutive hours. Section 395.3(b)(1) prohibits drivers for a motor carrier that does not operate CMVs every day of the week from driving a CMV after being on duty for 60 hours during any 7 consecutive days, and section 395.3(b)(2) prohibits drivers for a motor carrier that operates CMVs every day of the week from driving a CMV after being on duty for 70 hours in any 8 consecutive days. The ELD regulations in 49 CFR part 395, subpart B, specify minimum performance and design standards and requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status.

#### *Applicant's Request*

Ronnie Brown III requests a five-year exemption from 49 CFR 395.3(a)(1), section 395.3(a)(3)(i), section 395.3(a)(2), section 395.3(b)(1) and (2), and the ELD regulations in 49 CFR part 395 subpart B. The applicant is a CMV operator who drives for Gray Transportation in Waterloo, Iowa, and has been driving for 15 years. The requested exemption is solely for Mr. Brown. The applicant states that the HOS regulations create “safety concerns” because they do not always coincide with his natural sleep patterns and are a “one size fits all set of rules.” He further adds that he “can safely drive . . . no matter the amount of sleep [he] get[s] or the length of drive time.”

#### **IV. Method To Ensure an Equivalent or Greater Level of Safety**

The applicant believes that his level of safety under the exemption, if granted, would be better than he could achieve by complying with the HOS and ELD regulations because he will receive the proper rest needed when he needs it. He states that he can safely drive and knows when he is tired and does not push beyond his limits of safety, regardless of the amount of sleep he gets or the length of drive time. He states that he always maintains a safe distance from other vehicles, has an excellent driving record, and has never been involved in a preventable crash.

#### **V. Public Comments**

On August 19, 2022, FMCSA published Mr. Brown's application and requested public comment [87 FR 51189]. The Agency received 1,223 comments, nearly all filed by individual drivers and owner-operators. Of that

total, 587 comments supported the request, 119 opposed it, and another 515 commenters offered no position either for or against the request, but instead submitted general comments on the HOS and ELD regulations. Joint comments in opposition to the exemption were filed by the Truck Safety Coalition, Citizens for Reliable and Safe Highways (CRASH), and Parents Against Tired Truckers (PATT). The AFL-CIO/Transportation Trades Division (TTD) also opposed the exemption request. The Truck Safety Coalition stated: “[we] strongly request this inadequately justified exemption to HOS and ELD requirements be denied in full. Large truck crash fatalities continue to increase at an alarming pace, and it is incumbent on the Department of Transportation and FMCSA to take every measure possible to reverse this trend and affirm life safety as its top priority by denying the request.” The AFL-CIO/TTD urged FMCSA to reject the request, stating, “While we are sensitive to the needs of drivers, it is simply irresponsible to address concerns with HOS and ELD regulations by wholesale exempting particular individuals from these important safeguards.”

Other general “themes” from those who opposed the request included that: (1) there is no data provided for an equivalent level of safety; (2) HOS rules do save lives and are there for everyone's safety; (3) this request cannot be granted for individuals; (4) if the Agency granted this exemption for one individual, then FMCSA must grant it for everyone; and (5) drivers can utilize the provision in 49 CFR 392.3 if they feel ill or fatigued. Many of the commenters said that if the exemption were granted, they and numerous others would apply for a similar exemption. Others provided general comments requesting changes to many facets of the HOS and ELD regulations.

#### **VI. FMCSA Safety Analysis and Decision**

FMCSA evaluated Mr. Brown's application and the public comments and denies the exemption request. Mr. Brown failed to establish that he would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption. The Agency established and enforces the HOS regulations to keep fatigued drivers off the public roadways. Research studies demonstrate that long work hours reduce sleep and harm driver health and that crash risk increases with work hours. The HOS regulations impose limits on when and how long an individual may drive to ensure that

drivers stay awake and alert and to reduce the possibility of cumulative fatigue. The Agency agrees with commenters that if it exempts one individual from the HOS regulations, it could open the door for a huge number of similar exemption requests. Such a result would be inconsistent with a primary goal of the HOS regulations.

For the above reasons, FMCSA denies Ronnie Brown's exemption application.

**Robin Hutcheson,**  
*Administrator.*

[FR Doc. 2023-00975 Filed 1-18-23; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Maritime Administration**

[Docket No. MARAD 2023-0010]

#### **Request for Comments on the Approval of a Previously Approved Information Collection: Requirements for Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement**

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** 60-Day Federal Register notice.

**SUMMARY:** The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collection OMB 2133-0530 (Requirements for Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement) is necessary for MARAD to determine if a particular vessel is owned and controlled by United States citizens and is eligible to receive a fishery endorsement to its documentation. A minor change request to include privacy act statements for the collection of personally identifiable information will be added to the affidavits for this collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Comments must be submitted on or before March 20, 2023.

**ADDRESSES:** You may submit comments identified by Docket No. MARAD-2019-0156 through one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search using the above DOT docket number and follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.

• *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 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.

Comments are invited on: (a) whether the proposed collection of information is necessary for the Department’s performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Pucci, (202) 366-5167, Division of Maritime Programs, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *michael.pucci@dot.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Requirements for Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement.

*OMB Control Number:* 2133-0530.

*Type of Request:* Renewal of a previously approved information collection.

*Abstract:* In accordance with the American Fisheries Act of 1998, owners of vessels of 100 feet or greater who wish to obtain a fishery endorsement are required to file an Affidavit of United States Citizenship with the Maritime Administration (MARAD). The information collected will be used by MARAD to determine if a vessel is owned and controlled by citizens of the United States in accordance with the requirements of the American Fisheries Act (AFA) of 1998 and, therefore, is eligible to be documented with a fishery endorsement to its documentation.

*Respondents:* Certain vessel owners, vessel operators, financial institutions, and professional trusts.

*Affected Public:* Vessel owners, charterers, mortgagees, mortgage trustees and managers of vessels of 100 feet or greater who seek a fishery endorsement for the vessel.

*Estimated Number of Respondents:* 500.

*Estimated Number of Responses:* 500.  
*Annual Estimated Total Annual Burden Hours:* 2,950.

*Frequency of Response:* Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administrator.  
**Gabriel Chavez,**  
*Secretary, Maritime Administration.*  
[FR Doc. 2023-00914 Filed 1-18-23; 8:45 am]  
**BILLING CODE 4910-81-P**

**DEPARTMENT OF THE TREASURY**

**Community Development Financial Institutions Fund**

Capital Magnet Fund; 2023 Funding Round.

*Funding Opportunities:* Capital Magnet Fund; 2023 Funding Round.

*Funding Opportunity Title:* Notice of Funds Availability (NOFA) inviting Applications for the fiscal year (FY) 2023 Funding Round of the Capital Magnet Fund (CMF) and waiver of the requirement to verify tenant income annually for CMF Recipients who used their CMF Awards to finance or support rental housing Projects with an Affordability Period covering the dates of April 1, 2020 through December 31, 2021.

*Announcement Type:* Announcement of funding opportunity.

*Funding Opportunity Number:* CDFI-2023-CMF.

*Catalog of Federal Domestic Assistance (CFDA) Number:* 21.011.

*Dates:*

TABLE 1—FY 2023 CAPITAL MAGNET FUND FUNDING ROUND CRITICAL DEADLINES FOR APPLICANTS

Description	Deadline	Time (eastern time—ET)	Submission method
Last day to create an Awards Management Information System (AMIS) Account (if Applicant doesn’t have one).	February 23, 2023.	11:59 p.m. ET.	Electronically via Awards Management Information System (AMIS).
Last day to enter or update the Employer Identification Number (EIN) and Unique Entity Identifier (UEI) numbers in AMIS (all Applicants).	February 23, 2023.	11:59 p.m. ET.	Electronically via AMIS.
Last day to submit SF-424 Mandatory Form (Application for Federal Assistance).	February 23, 2023.	11:59 p.m. ET.	Electronically via <i>Grants.gov</i> .
<i>For Applicants using a Consortium Approach only:</i> Applicants are asked to submit a Service Request in AMIS notifying the CMF Program of the organization’s intent to apply as a Consortium Member using the Consortium Approach.	February 23, 2023.	11:59 p.m. ET.	Submit Service Request via AMIS using “Capital Magnet Fund” for the program.
Last day to contact Capital Magnet Fund Staff .....	March 17, 2023.	5:00 p.m. ET	Submit Service Request via AMIS using “Capital Magnet Fund” for the program; call CDFI Fund Helpdesk: 202-653-0421; or email <i>cmf@cdfi.treas.gov</i> .
Last day to contact CDFI Fund with questions about Compliance or CDFI Certification.	March 17, 2023.	5:00 p.m. ET	Submit Service Request via AMIS using “Compliance and Reporting” or “Certification”; call CCME Helpdesk: 202-653-0423; or email <i>ccme@cdfi.treas.gov</i> .
Last day to contact AMIS-IT Help Desk (regarding AMIS technical problems only).	March 21, 2023.	5:00 p.m. ET	Submit Service Request via AMIS using “Technical Issues” for the program; call AMIS Helpdesk: 202-630-0422; or email <i>amis@cdfi.treas.gov</i> .
Last day to submit CMF Application and Required Attachments.	March 21, 2023.	11:59 p.m. ET.	Electronically via AMIS.