

prohibition in § 391.41(b)(8), applicants must meet the criteria in the 2007 Recommendations of the Agency's Medical Expert Panel (78 FR 3069).

III. Qualifications of Applicants

Keith Dohrmann

Keith Dohrmann is a 38-year-old class D license holder in Minnesota. They have a history of epilepsy and have been seizure free since January 2012. They take anti-seizure medication with the dosage and frequency remaining the same since October 2018. Their physician states that they are supportive of Keith Dohrmann receiving an exemption.

Wallace Ferguson

Wallace Ferguson is a 61-year-old class R license holder in Colorado. They have a history of partial onset epilepsy and have been seizure free since 2011. They take anti-seizure medication with the dosage and frequency remaining the same since 2012. Their physician states that they are supportive of Wallace Ferguson receiving an exemption.

Derek Jazdzewski

Derek Jazdzewski is a 33-year-old class D license holder in Wisconsin. They have a history of seizure disorder and have been seizure free since September 2013. They take anti-seizure medication with the dosage and frequency remaining the same since 2016. Their physician states that they are supportive of Derek Jazdzewski receiving an exemption.

Charles E. Johnson

Charles E. Johnson is a 47-year-old class A license holder in Kansas. They have a history of non-intractable absence epilepsy and have been seizure free since 2011. They take anti-seizure medication with the dosage and frequency remaining the same since 2015. Their physician states that they are supportive of Charles E. Johnson receiving an exemption.

Michael Littleton

Michael Littleton is a 47-year-old class R license holder in Colorado. They have a history of epilepsy and have been seizure free since January 2014. They take anti-seizure medication with the dosage and frequency remaining the same since January 2014. Their physician states that they are supportive of Michael Littleton receiving an exemption.

Robert Newhand

Robert Newhand is a 32-year-old class D license holder in New York. They have a history of partial symptomatic

epilepsy and have been seizure free since 2015. They take anti-seizure medication with the dosage and frequency remaining the same since 2015. Their physician states that they are supportive of Robert Newhand receiving an exemption.

Kristopher Pettitt

Kristopher Pettitt is a 42-year-old class C license holder in California. They have a history of epilepsy and have been seizure free since November 2011. They take anti-seizure medication with the dosage and frequency remaining the same since 2011. Their physician states that they are supportive of Kristopher Pettitt receiving an exemption.

Taylor Ramey

Taylor Ramey is a 32-year-old class C license holder in Texas. They have a history of epilepsy and have been seizure free since 2013. They take anti-seizure medication with the dosage and frequency remaining the same since May 2013. Their physician states that they are supportive of Taylor Ramey receiving an exemption.

Herbert Spike

Herbert Spike is a 49-year-old class D license holder in Connecticut. They have a history of generalized epilepsy and have been seizure free since 2009. They take anti-seizure medication with the dosage and frequency remaining the same since 2014. Their physician states that they are supportive of Herbert Spike receiving an exemption.

Scott Stone

Scott Stone is a 50-year-old class BM commercial driver's license holder in Wyoming. They have a history of epilepsy and have been seizure free since 2004. They take anti-seizure medication with the dosage and frequency remaining the same since 2004. Their physician states that they are supportive of Scott Stone receiving an exemption.

Andrew Toler

Andrew Toler is a 33-year-old class D license holder in Virginia. They have a history of a single unprovoked seizure and have been seizure free since 2012. They have not taken anti-seizure medication. Their physician states that they are supportive of Andrew Toler receiving an exemption.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in

this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2022-0084]

Advancing High-Speed Rail Projects Intended for Operations Over 160 Miles Per Hour Through Domestic Sourcing Plans and Buy America Compliance

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

ACTION: Notice.

SUMMARY: The Federal Railroad Administration (FRA) is issuing this notice to encourage development of high-speed rail (HSR) system projects intended for operations over 160 miles per hour by establishing a streamlined process for reviewing domestic sourcing and workforce plans. Specifically, this notice summarizes FRA's intent to invite HSR project sponsors to voluntarily submit for review, in advance of receipt of DOT funding, their domestic sourcing and workforce plans. This notice provides further clarification to the December 7, 2022, Notice of Funding Opportunity for the Federal-State Partnership for Intercity Passenger Rail Program, which stated that FRA expects all applicants to comply with Buy America requirements without needing a waiver. However, to obtain a waiver, an applicant must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

If an applicant anticipates it may need a waiver, the applicant should indicate the need in its application and submit materials necessary for such requests together with its application. This notice provides further detail on the recommended content of these materials. This notice also serves as an RFI to assist with planning a U.S. domestic content High Speed Rail Industry Exchange Day (Industry Day). **DATES:** Applicable on March 22, 2023.

ADDRESSES: Comments should refer to docket number FRA-2022-0084 and be submitted at <https://www.regulations.gov>. Search by using

the docket number and follow the instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number (FRA–2022–0084) for this Notice and subsequent RFI to assist with planning a U.S. domestic content High Speed Rail Industry Exchange Day.

Note: All comments received, including any personal information, will be posted without change to the docket and will be accessible to the public at <https://www.regulations.gov>. You should not include information in your comment that you do not want to be made public. Input submitted online via <https://www.regulations.gov> is not immediately posted to the site. It may take several business days before your submission is posted.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. David Valenstein, Office of Railroad Development, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38–314, Washington, DC 20590; email: david.valenstein@dot.gov; 202–493–6368; Mr. Ryan Arbuckle, Office of Rail Program Development, Federal Railroad Administration, email: ryan.arbuckle@dot.gov; 202–617–0212; Mr. John Johnson, Office of Chief Counsel, 1200 New Jersey Avenue SE, Room W31–208, Washington, DC 20590; email: john.johnson@dot.gov; 202–384–2421.

SUPPLEMENTARY INFORMATION: FRA is inviting sponsors of high-speed, steel wheel on steel rail electrically powered passenger railroad projects intended for operations over 160 miles per hour to voluntarily submit for review their domestic sourcing and workforce plans associated with FRA's Buy America requirements¹ under 49 U.S.C. 22905(a) and section 70914 of the Build America, Buy America Act included in the Infrastructure Investment and Jobs Act (Pub. L. 117–58). Project sponsors may begin working with FRA regarding the plans in connection with applying for federal financial assistance, including the Federal-State Partnership for Intercity Passenger Rail Program (FSP-National), Railroad Rehabilitation and Improvement Financing (RRIF), or other applicable USDOT programs. FRA recognizes that the domestic manufacturing ecosystem for high-speed rail will require investment and HSR project sponsors may plan to seek a waiver for certain goods, products, and materials used in safety- and performance-critical HSR technology systems (e.g., track, power supply, train

control, rolling stock). Typically, project sponsors wait until after their project has been selected for award before requesting potential Buy America waivers. However, the complexity and size of HSR projects necessitates aligning any waiver and associated implementation plan with application evaluation processes. In the FSP-National NOFO, FRA indicated that if an applicant to that program anticipates it may need a waiver, the applicant should indicate the need in its application and submit materials necessary for such requests with its application. FRA has followed a similar approach with certain RRIF applicants such that Buy America waivers have been considered early in the loan application process. This notice provides clarification on what materials should be submitted to support parallel review of a grant application and waiver request.

FRA's "Buy America: Answers to Frequently Asked Questions" (FAQs) describe FRA's procedures for applying Buy America, including issuing waivers, to programs such as FSP-National and RRIF (<https://railroads.dot.gov/legislation-regulations/buy-america/buy-america-fras-high-speed-intercity-passenger-rail-program>). On January 25, 2021, President Biden signed Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers, to ensure that federal financial assistance awards maximize the use of goods, products, and materials produced in the United States. On April 18, 2022, the Office of Management and Budget issued Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure (M–22–11). This guidance states that to the greatest extent possible, waivers should be issued at the project level and be product specific. Also, the guidance encourages agencies to use the principles of time-limited, targeted, and conditional for any necessary waivers so that federal financial assistance drives increasing demand for production of domestically manufactured goods and products. In accordance with the Build America, Buy America Act, Executive Order, OMB Guidance, and FRA's FAQs, FRA will expect potential applicants to FRA- and USDOT-funded financial assistance programs to:

- Comply with Build America, Buy America Act and FRA Buy America requirements, including final assembly in the United States and appropriate domestic content thresholds.
- Maximize the use of domestically produced goods, products, and

materials. Where domestically produced goods, products, and materials are not currently available in sufficient quantities or of an acceptable quality to meet demand, applicants are expected to provide robust evidence of non-availability or unreasonable cost.

- Prepare and implement a domestic sourcing plan for their HSR projects. The plan should describe how recipients will maximize the use of available domestic content, or, if such content does not currently exist, how they will work with suppliers to build production capacity and the plan should provide justification regarding the use of the imported goods, products, and materials. If a waiver is needed, the applicant should describe the associated implementation plan and expected timeline to reach full FRA Buy America and BABA compliance. The plan may include—

- Detail on the extent to which HSR system goods, products, and materials are not available in the United States; the extent to which the goods, products, and materials for the HSR project can be sourced domestically; and the justification for imported items supported by robust evidence and analysis of industry supply relative to project demand.

- An explanation of how the recipient anticipates meeting full FRA Buy America and BABA compliance.

- An explanation of how the recipient anticipates using domestic sources for maintenance and replacement of initially imported goods and materials used in the project and/or how the recipient will scale domestic content over time by supporting new or expanded domestic production of initially imported goods and materials.

- An explanation of how the applicant, and, if applicable, its domestic suppliers, plan to support the creation of high-quality American jobs consistent with Good Jobs Principles. The Department intends to use the HSR program to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs consistent with Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335). These provisions will be considered in conjunction with domestic sourcing plans so that, when taken together, the domestic sourcing and workforce plans present a commitment to create high-quality jobs for the communities in which the project will operate.

¹Buy America requirements include both FRA Buy America requirements and Buy America, Build America requirements.

FRA acknowledges that domestic sourcing plans may contain material the submitter considers to be confidential commercial information or trade secrets (collectively, CCI), and not customarily released to the public. Project sponsors should indicate as such domestic sourcing plans they consider to be CCI and not customarily released to the public, and request that the information be protected from release. To the extent permitted by law, FRA will not release such information. FRA will handle subsequent Freedom of Information Act, 5 U.S.C. 552, requests for the information according to the regulatory process described at 49 CFR part 7.

Industry Day

High speed rail manufacturing, assembly, installation, and maintenance all have the potential to not only support policies on sustainability and climate, but also to create good-paying, union jobs in the United States. DOT is interested in hearing from the public, including stakeholders (such as State and local agencies, the rail manufacturing industry, component suppliers, labor unions, related associations, and transportation advocates), to gather information on manufacturing and assembly processes in the United States for high-speed rail.

Issued in Washington, DC.

Amitabha Bose,
Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2020-0063; Notice 2]

Daimler Trucks North America, LLC, Denial of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition.

SUMMARY: Daimler Trucks North America, LLC (DTNA), has determined that certain model year (MY) 2020-2021 Freightliner Cascadia motor vehicles (heavy trucks) do not fully comply with Federal Motor Vehicle Safety Standard

(FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. DTNA filed a noncompliance report dated May 12, 2020, and amended the report on December 23, 2021. DTNA subsequently petitioned NHTSA (the "Agency") on June 4, 2020, and later amended its petition on July 13, 2020, and again on January 19, 2022, for a decision that the subject noncompliances are inconsequential as they relate to motor vehicle safety. This notice announces the denial of DTNA's petition.

FOR FURTHER INFORMATION CONTACT: Leroy Angeles, Office of Vehicle Safety Compliance, NHTSA, (202) 366-5304.

SUPPLEMENTARY INFORMATION:

I. Overview

DTNA has determined that certain MY 2020-2021 Freightliner Cascadia heavy trucks do not fully comply with the requirements of paragraphs S4, S6.1.5.1, S9.6.2, S14.9.3.9.3, and Figure 2 of FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment* (49 CFR 571.108). DTNA filed a noncompliance report dated May 12, 2020, and amended the report on December 23, 2021, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. DTNA subsequently petitioned NHTSA on June 4, 2020, and later amended its petition on July 13, 2020,¹ and again on January 19, 2022, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that these noncompliances are inconsequential as they relate to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of DTNA's petition was published with a 30-day public comment period, on April 13, 2022, in the **Federal Register** (87 FR 22019). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2020-0063."

II. Trucks Involved

Approximately 24,282 MY 2020-2021 Freightliner Cascadia heavy trucks

manufactured between January 16, 2019, and March 27, 2020, are potentially involved.

III. Noncompliances

DTNA identified two noncompliances pertaining to the subject trucks' hazard warning signal lamps. First, the hazard warning signal lamps do not meet the flash rate required by paragraph S6.1.5.1 of FMVSS No. 108 under all operating conditions. Specifically, if a subject vehicle is operated at a speed of 20 miles per hour² (MPH) or more during the emergency braking (EB) phase of an Active Brake Assist (ABA) event, the subject trucks' hazard warning signal lamps are actuated at a flash rate of 140 flashes per minute when the flash rate should be between 60 and 120 flashes per minute. Second, the subject truck automatically activates the hazard warning signal lamps during certain operating conditions, specifically, when the subject truck has progressed to the third phase of an ABA event. Automatic activation of the hazard warning signal lamps is contrary to the definition of the "vehicular hazard warning signal operating unit," which states it is a driver-controlled device.

IV. Rule Requirements

Paragraphs S4, S6.1.5.1, S9.6.2, S14.9.3.9.3, and Figure 2 of FMVSS No. 108 include the requirements relevant to this petition. Paragraph S4 defines the "vehicular hazard warning signal operating unit" as a driver-controlled device that causes all required turn signal lamps to flash simultaneously to indicate to approaching drivers the presence of a vehicular hazard. Paragraph S6.1.5.1 requires that "[i]n all passenger cars, multipurpose passenger vehicles, trucks, and buses, the activation of the vehicular hazard warning signal operating unit must cause to flash simultaneously sufficient turn signal lamps to meet, as a minimum, the turn signal photometric requirements of this standard." Paragraph S9.6.2, in part, requires that the vehicular hazard warning signal operating unit must provide a means for actuating all switches simultaneously by a single driver action. Paragraph S14.9.3.9.3, in part, requires that the flash rate cannot exceed 120 flashes per minute under the conditions shown in Figure 2.

¹ DTNA initially amended its petition on July 13, 2022, and DTNA subsequently resubmitted that amended petition on July 22, 2022, due to an incorrect date on the top of the amended petition.

² DTNA's initial petition cited a number in kilometers per hour. However, documents that DTNA provided to NHTSA at later dates cited numbers in miles per hour and, therefore, the

Agency uses miles per hour in this section. Regardless, the activation speed threshold was not a factor in NHTSA's decision since the activation in general was the concern.