

may be revised due to the consideration of public comments.

### Anticipated Permits and Other Authorizations

Permits and authorizations anticipated for the project include a Section 401 water quality certification and a Section 404 permit under the Clean Water Act (33 U.S.C. 1344). FHWA and WisDOT will prepare evaluations under Section 4(f) of the USDOT Act of 1966 (23 U.S.C. 138 and 49 U.S.C. 303) and Section 6(f) of the Land and Water Conservation Fund Act of 1965 (54 U.S.C. 200302); will perform consultation under Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 300101–307108) concurrently with the NEPA environmental review process; and will consult with the USFWS in accordance with Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*). FHWA and WisDOT will also work with Cooperating and Participating Agencies, to determine if additional permits or authorizations are required under these or other authorities.

### Schedule for the Decision-Making Process

After this NOI is issued, WisDOT will coordinate with the Participating and Cooperating agencies to develop study documentation and the Draft EIS. The Draft EIS is anticipated to be issued in Spring 2024. The combined Final EIS and Record of Decision is anticipated to be issued in Fall 2024, within 24 months of the publication of this NOI. Per 23 U.S.C. 139(d)(10), permits and authorizations should be completed by no later than 90 days after the issuance of the Record of Decision. However, for this project WisDOT has requested in accordance with 23 U.S.C. 139(d)(10)(C)(ii) that the 404 permit and 401 water quality certification follow a different timeline because the construction date is not expected until 2026 or later.

### Description of Agency and Public Review and Scoping Process

FHWA and WisDOT held public involvement meetings on September 13 and 14, 2022, to introduce the corridor study. The agencies also hosted an early coordination meeting with potential Cooperating and Participating Agencies on September 13, 2022. During both the public and agency meetings FHWA and WisDOT provided a study overview, the preliminary NEPA milestone schedule, and reviewed the preliminary study purpose and need and alternatives anticipated to be evaluated during the

NEPA process. At the agency coordination meeting, FHWA and WisDOT also included a discussion of the anticipated roles and responsibilities of Cooperating and Participating Agencies. FHWA and WisDOT provided a 30-day comment period for public and agency input on preliminary study information provided in those meetings.

FHWA and WisDOT held a second agency coordination meeting with invited Cooperating and Participating Agencies on January 30, 2023, to present the range of alternatives and preliminary impacts associated with mainline and interchange alternatives. WisDOT forwarded summaries of the purpose and need statement and range of alternatives, as well as a draft Coordination Plan for Agency and Public Involvement and draft Impact Analysis Methodology for a 30-day comment period between April 26, 2023, and May 26, 2023.

FHWA and WisDOT held a second round of public involvement meetings on April 12 and 13, 2023, to present the range of alternatives and preliminary impacts for the interstate mainline and interchanges, as well as two new potential interchanges at Hoepker Road on I–39/90/94 and an extension of Milwaukee Street on I–94, both in the city of Madison, Dane County.

The public and agency scoping process is continuing with the publication of this NOI. WisDOT will announce the NOI on the study website and provide a link to a narrated presentation explaining the scoping process and opportunities to provide comments during the scoping process. Comments from the agencies and the public are requested within this NOI comment period; the study purpose and need and/or the study alternatives may be revised based on comments received, as noted below.

Meetings with Cooperating and Participating Agencies will be held throughout the environmental review process. The draft Coordination Plan for Agency and Public Involvement included within the NOI Additional Information document describes how the public and agencies will continue to be engaged during EIS development. The Draft EIS will be available for public and agency review and comment prior to the Public Hearing.

### Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

The NOI Additional Information document includes the preliminary purpose and need statement,

preliminary range of alternatives and the draft Coordination Plan for Agency and Public Involvement, including the NEPA milestones and permit schedules. With this notice, FHWA and WisDOT request and encourage State, tribal, and local agencies, and the public to review the NOI and NOI Additional Information document and submit comments on any aspect of the study. Specifically, agencies and the public are asked to identify and submit potential alternatives for consideration and any information, such as anticipated significant issues or environmental impacts and analyses, relevant to the proposed study for consideration by the Lead and Cooperating Agencies in developing the Draft EIS. Any information presented herein, including the purpose and need, alternatives, and anticipated impacts may be revised after consideration of the comments. Comments must be received August 17, 2023.

There are several methods to submit comments as described in the **ADDRESSES** section of this notice. Any questions concerning this proposed action, including comments relevant to alternatives, information, and analyses, should be directed to FHWA or WisDOT at the physical addresses, email addresses, or phone numbers provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**Authority:** 42 U.S.C. 4321 *et seq.*; 23 U.S.C. 139; 23 CFR part 771.

**Glenn D. Fulkerson,**

*Division Administrator, FHWA Wisconsin Division, Madison, Wisconsin.*

[FR Doc. 2023–15199 Filed 7–17–23; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2023–0051]

### Hours of Service of Drivers: John Olier; Application for Exemption

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), (DOT).

**ACTION:** Notice of final disposition; denial of application for exemption.

**SUMMARY:** FMCSA announces its decision to deny the application from John Olier requesting an exemption from certain hours of service (HOS) regulations including the 11-, 14-, and 70-hour rules with all “mandatory break” periods which would include the 10-hour and 30-minute break requirements. The applicant requests a

permanent exemption for himself and believes that his safe driving record and experience demonstrate an equivalent level of safety. FMCSA analyzed the application and public comments and determined that the exemption would not likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearlie Robinson, Driver and Carrier Operations Division; Office of Carrier, Driver, and Vehicle Safety Standards; FMCSA; 202-366-4225;

[pearlie.robinson@dot.gov](mailto:pearlie.robinson@dot.gov). If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation**

*Viewing Comments and Documents*

To view comments, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number “FMCSA-2023-0051” in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “View Related Comments.”

To view documents mentioned in this notice as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number “FMCSA-2023-0051” in the keyword box, click “Search,” and choose the document to review.

If you do not have access to the internet, you may view the docket by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, 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.

**II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from certain Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely maintain a level of safety equivalent to, or greater than, the level that would be achieved by the

current regulation (49 CFR 381.305(a)). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)). If the exemption is denied, the notice will explain the reasons for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

**III. Background**

*Current Regulatory Requirements*

To reduce the possibility of driver fatigue, FMCSA’s HOS regulations in 49 CFR part 395 limit the time drivers of commercial motor vehicles (CMVs) may drive and require certain off-duty periods to ensure that individuals stay awake and alert while driving. The HOS regulations in 49 CFR 395.3(a)(1) prohibit an individual from continuing to drive after 11 hours driving. Further, under 49 CFR 395.3(a)(2) drivers may not drive after having been on duty for a period of 14 consecutive hours until they have been off duty for a minimum of 10 consecutive hours, or the equivalent of at least 10 consecutive hours off duty. Section 395.3(a)(3)(ii) mandates that drivers take a 30-minute break after driving for a period of 8 cumulative hours without at least a 30-minute interruption. The break may be satisfied by any non-driving period of 30 consecutive minutes (*i.e.*, on-duty not driving, off duty, sleeper berth, or any combination of these taken consecutively). 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.

**IV. Applicant’s Request**

The applicant requests a permanent exemption from 49 CFR 395.3(a)(1), section 395.3(a)(2), section 395.3(a)(3), section 395.3(a)(3)(ii), and section 395.3(b)(2). The proposed exemption is solely for the applicant. He states that the current regulatory requirements which include limitations on driving time and on-duty time and require certain rest periods, force him to drive outside of his body’s healthy circadian rhythm. The applicant asserts that the HOS rules create unsafe driving

conditions for him, other drivers, and the public.

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

The applicant states that he has never had an accident or incident involving safety. He asserts that his prior military experience, which trained him to work with little or no sleep periods enables him to recognize the warning signs of fatigue and respond appropriately. He implies that this training combined with his extensive driving experience enable him to safely operate a CMV without complying with the HOS regulations. He further asserts that operating under various exemptions, such as the exemption for agricultural commodities, for more than 75% of his driving time has resulted in less stress, fewer disruptions to his schedule, improved health, and improved productivity.

**VI. Public Comments**

On March 3, 2023, FMCSA published Mr. Olier’s application for exemption and requested public comment (88 FR 13492). The Agency received 113 comments. Although 13 comments focused more on eliminating or relaxing the HOS rules than the exemption application, 83 comments supported the exemption.

For example, Richard Fuller wrote, “As a former US Air Force Member myself I think he does deserve the permanent exemption but i also think anyone who meets the record with a career as a professional driver with a clean slate such as myself since 1990 33 years clean and still going deserves this opportunity to work freely in a messed up world!” Jeff Pack wrote, “As another special operations veteran, we have to be in sync with what our body is telling us. Please grant his hos application.” An anonymous individual said, “You do for one you better do all but yeah, I agree with him, your body, you should know how your body operate.”

Seventeen commenters opposed the exemption. An anonymous individual, for example, wrote: “Granting an individual person a waiver opens up an area for everyone to seek deregulations of hours of service. The rules are in place for a reason and should be enforced uniformly.” Maxwell McManus wrote, “I implore FMCSA to consider that Mr. [Olier] has failed to provide sufficient evidence that his operations exempted from the hours of service rules are safer in nature or provide a higher level of safety to himself, the general public, and the trucking industry as a whole.”

Joint comments were filed by the Truck Safety Coalition (TSC), Citizens

for Reliable and Safe Highways, and Parents Against Tired Truckers. In the joint comment TSC “strongly requests this inadequately justified exemption to HOS 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 in full.”

#### VII. FMCSA Safety Analysis and Decision

FMCSA evaluated Mr. Olier’s application and public comments. FMCSA denies the exemption request. Mr. Olier failed to establish that he would likely 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 and reduce the risk of crashes. 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 concurs 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, which is to prevent crashes arising out of fatigued driving.

For the above reasons, John Olier’s exemption application is denied.

**Earl Stanley Adams, Jr.,**  
Deputy Administrator.

[FR Doc. 2023–15170 Filed 7–17–23; 8:45 am]

**BILLING CODE 4910–EX–P**

#### DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0696]

#### Agency Information Collection Activity: Availability of Educational Licensing and Certification Records

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain

information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before September 18, 2023.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov). Please refer to “OMB Control No. 2900–0696” in any correspondence. During the comment period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:** Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20420, (202) 266–4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to “OMB Control No. 2900–0696” in any correspondence.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA’s functions, including whether the information will have practical utility; (2) the accuracy of VBA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

**Authority:** 10 U.S.C.16136, 38 U.S.C. 3034, 3241, 3323, 3673(d), 3689, 3690 and 38 CFR 21.4209.

**Title:** Availability of Educational Licensing and Certification Records, OMB #2900–0696.

**OMB Control Number:** 2900–0696.

**Type of Review:** Revision of a currently approved collection.

**Abstract:** The VA uses this information to decide whether Veterans and beneficiaries of educational assistance have been properly paid, and whether educational institutions and organizations, or entities offering approved licensing and certification tests are following the applicable sections of 10 U.S.C. 16136, 38 U.S.C. 3034, 3241, 3323, 3673(d), 3689, 3690 and 38 CFR 21.4209.

**Affected Public:** Educational Institutions and Organizations or Entities.

**Estimated Annual Burden:** 5,242 hours.

**Estimated Average Burden Time per Respondent:** 2 hours (120 minutes).

**Frequency of Response:** On occasion.

**Estimated Number of Respondents:** 2,621.

By direction of the Secretary.

**Maribel Aponte,**

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2023–15149 Filed 7–17–23; 8:45 am]

**BILLING CODE 8320–01–P**

#### DEPARTMENT OF VETERANS AFFAIRS

#### National Research Advisory Council; Reestablishment

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice of intent.

**SUMMARY:** We are giving notice that the Secretary of Veterans Affairs intends to reestablish the National Research Advisory Council for a 2-year period. The Secretary has determined that the Committee is necessary and in the public interest.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Moragne, Committee Management Office, Department of Veterans Affairs, Advisory Committee Management Office (00AC), 810 Vermont Avenue NW, Washington, DC 20420; email at [Jeffrey.Moragne@va.gov](mailto:Jeffrey.Moragne@va.gov) or (202) 714–1578.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Secretary of Veterans Affairs intends to reestablish the National Research Advisory Council for two (2) years from the filing date of the charter’s reestablishment. The Committee advises the Secretary of Veterans Affairs and the Under Secretary for Health (USH) and makes recommendations on the nature and scope of research and development sponsored and/or conducted by the