

mechanics on the required weekly payroll submissions is discussed in Section IV.3.b.(1). Payrolls and basic records, excluding weekly payroll submissions, shall include social security numbers and addresses of the laborers and mechanics as discussed in Section IV.3.a. This is consistent with the U.S. Department of Labor's (DOL) regulatory requirements titled *Contract provisions and related matters* in 29 CFR 5.5. The provisions in 29 CFR 5.5(a)(3)(i) prohibit contractors from including full social security numbers and home addresses on the required weekly payroll submission and the provisions of 29 CFR 5.5(a)(3)(i) require full social security numbers and home addresses on payrolls and basic records.

Subsequent to the November 11, 2016, **Federal Register** notice and request for comments announcing FHWA's intent to revise Form FHWA-1273, DOL issued several rulemakings regarding the *Contract Provisions and Related Matters* in 29 CFR 5.5. The FHWA is incorporating these provisions in Form FHWA-1273 with minor editorial changes to match the outline structure and context of Form FHWA-1273. The DOL regulatory revisions provided for an inflation-based adjustment of the liquidated damage rate in 29 CFR 5.5(b)(2) from \$10 to \$26. Form FHWA-1273, Section V.2 also includes a note to see 29 CFR 5.5(b)(2) for future updates to the liquidated damage rate.

#### *Section IX. Implementation of Clean Air Act and Federal Water Pollution Control Act*

**Comment:** The Minnesota DOT (MnDOT) recommended identifying the party responsible for reporting violations by adding "(T)he contracting agency must report violations." Since EPA may delegate authority to a State agency, MnDOT also recommended adding "a state authority delegated by EPA" to the list of enforcing authorities. Additionally, MnDOT suggested that the final paragraph related to flow-down requirements be retained.

**FHWA Response:** While FHWA understands Minnesota DOT concerns regarding reporting entities, the proposed language for this section is consistent with the provisions in Appendix II to 2 CFR part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards and will remain unchanged. The FHWA agrees with Minnesota DOT regarding the flow-down paragraph and the following sentence will be added to the final document: "The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take

such action as the contracting agency may direct as a means of enforcing such requirements."

#### *Section X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion*

**Comment:** The MnDOT commented that the term "in a timely manner" was too subjective to administer properly and suggested providing, instead, "whose payments under an obligation to a tax authority are not current."

**FHWA Response:** The FHWA does not agree with this suggestion and no revisions are made in the final document. The terms "agreement" and "obligation" do not have the same meaning. The language used in the proposed text was structured to conform to the definition of "tax liability" in the DOT Order 4200.6, *Appropriations Act Requirements for Procurement and Non-Procurement Regarding Tax Delinquency and Felony Convictions*, and is designed to track that definition as closely as possible.

#### *Attachment A—Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts*

**Comment:** The Alabama DOT requested clarification on the applicability of the Appalachian preference provisions.

**FHWA Response:** The employment and materials preference provisions in Attachment A apply to all construction projects funded under the Appalachian Development Highway Program. Fiscal Year 2012 was the final authorization year for this program; however, some States may have available program balances that have not been obligated or have not lapsed. Therefore, it is necessary to retain Attachment A.

#### **Final Form FHWA-1273**

Pursuant to 23 CFR 633.104(a), FHWA has updated Form FHWA-1273 to be consistent with existing regulatory requirements. The FHWA published the proposed revised Form FHWA-1273 for public comment on November 28, 2016. After considering all the comments, FHWA has incorporated all appropriate edits into the revised Form FHWA-1273. As such, and in accordance with 23 CFR part 633, subpart A, the revised Form FHWA-1273, which can be found at [www.fhwa.dot.gov/construction/cqit/form1273.cfm](http://www.fhwa.dot.gov/construction/cqit/form1273.cfm), must be used by recipients and contractors, as applicable under the regulations.

**Authority:** 23 U.S.C. 315; 23 CFR 633.104; 49 CFR 1.85.

**Stephanie Pollack,**

*Deputy Administrator, Federal Highway Administration.*

[FR Doc. 2022-14256 Filed 7-1-22; 8:45 am]

**BILLING CODE 4910-22-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2013-0109; FMCSA-2013-0442; FMCSA-2013-0444; FMCSA-2013-0445; FMCSA-2014-0381; FMCSA-2015-0320; FMCSA-2015-0323; FMCSA-2015-0326; FMCSA-2017-0252; FMCSA-2017-0253; FMCSA-2018-0050; FMCSA-2019-0033; FMCSA-2019-0206; FMCSA-2020-0046; FMCSA-2020-0047]

### **Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders**

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 18 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before August 4, 2022.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System Docket No. FMCSA-2013-0109, Docket No. FMCSA-2013-0442, Docket No. FMCSA-2013-0444, Docket No. FMCSA-2013-0445, Docket No. FMCSA-2014-0381, Docket No. FMCSA-2015-0320, Docket No. FMCSA-2015-0323, Docket No. FMCSA-2015-0326, Docket No. FMCSA-2017-0252, Docket No. FMCSA-2017-0253, Docket No. FMCSA-2018-0050, Docket No. FMCSA-2019-0033, Docket No.

FMCSA–2019–0206, Docket No. FMCSA–2020–0046, or Docket No. FMCSA–2020–0047 using any of the following methods:

- *Federal eRulemaking Portal*: Go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number, FMCSA–2013–0109, FMCSA–2013–0442, FMCSA–2013–0444, FMCSA–2013–0445, FMCSA–2014–0381, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2015–0326, FMCSA–2017–0252, FMCSA–2017–0253, FMCSA–2018–0050, FMCSA–2019–0033, FMCSA–2019–0206, FMCSA–2020–0046, or FMCSA–2020–0047 in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail*: Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery*: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, 20590–0001 between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax*: (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. 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. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2013–0109, Docket No. FMCSA–2013–0442, Docket No. FMCSA–2013–0444, Docket No. FMCSA–2013–0445, Docket No. FMCSA–2014–0381, Docket No. FMCSA–2015–0320, Docket No. FMCSA–2015–0323, Docket No. FMCSA–2015–0326, Docket No. FMCSA–2017–0252, Docket No. FMCSA–2017–0253, Docket No. FMCSA–2018–0050, Docket No.

FMCSA–2019–0033, Docket No. FMCSA–2019–0206, Docket No. FMCSA–2020–0046, or Docket No. FMCSA–2020–0047), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number, FMCSA–2013–0109, FMCSA–2013–0442, FMCSA–2013–0444, FMCSA–2013–0445, FMCSA–2014–0381, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2015–0326, FMCSA–2017–0252, FMCSA–2017–0253, FMCSA–2018–0050, FMCSA–2019–0033, FMCSA–2019–0206, FMCSA–2020–0046, or FMCSA–2020–0047 in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

#### *B. Viewing Comments*

To view comments go to [www.regulations.gov](http://www.regulations.gov/). Insert the docket number, FMCSA–2013–0109, FMCSA–2013–0442, FMCSA–2013–0444, FMCSA–2013–0445, FMCSA–2014–0381, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2015–0326, FMCSA–2017–0252, FMCSA–2017–0253, FMCSA–2018–0050, FMCSA–2019–0033, FMCSA–2019–0206, FMCSA–2020–0046, or FMCSA–2020–0047 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.

#### *C. Privacy Act*

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

## **II. Background**

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The 18 individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits

<sup>1</sup> These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

and decided to extend each exemption for a renewable 2-year period.

### III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

### IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 18 applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 18 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, for commercial driver's license (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of July and are discussed below.

As of July 1, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 14 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

David F. Bigler (MN)  
Ronald Bohr (IA)  
David P. Crowe (VA)  
Heath Crowe (LA)  
Michael Davis (ME)  
Nathan Dermer (AK)

John Johnson (WI)  
Anthony Kornuszko (PA)  
Raymond Lobo (NJ)  
Lucas Meeker (OH)  
David Pamperin (WI)  
Kevin Sprinkle (NC)  
Stephen Soden (LA)  
Michael Vitch (MS)

The drivers were included in docket number FMCSA–2013–0109, FMCSA–2013–0442, FMCSA–2013–0444, FMCSA–2014–0381, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2015–0326, FMCSA–2017–0252, FMCSA–2017–0253, FMCSA–2018–0050, FMCSA–2019–0033, FMCSA–2019–0206, or FMCSA–2020–0046. Their exemptions are applicable as of July 1, 2022 and will expire on July 1, 2024.

As of July 14, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Ronald Blount (GA) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers. This driver was included in docket number FMCSA–2013–0445. The exemption is applicable as of July 14, 2022 and will expire on July 14, 2024.

As of July 21, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Sonny Chase (MN); Jason Miller (WI); and Michael Morris (OR).

The drivers were included in docket number FMCSA–2020–0047. Their exemptions are applicable as of July 21, 2022 and will expire on July 21, 2024.

### V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be

rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

### VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

### VII. Conclusion

Based on its evaluation of the 18 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

*Associate Administrator for Policy.*

[FR Doc. 2022–14227 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0026]

### Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillator (ICD)

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

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its decision to deny the applications from two individuals treated with an Implantable Cardioverter Defibrillator (ICD) who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting operation of a commercial motor vehicle (CMV) in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (transient loss of consciousness), dyspnea (shortness of breath), collapse, or congestive heart failure.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical