

Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

##### Exemption Decision

This notice addresses 12 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 12 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Johnny Becerra	John B. Ethridge	Michael B. McClure
Ross E. Burroughs	Larry J. Folkerts	Francis M. McMullin
Lester W. Carter	Paul W. Hunter	Norman Mullins
Christopher L. DePuy	Ray P. Lenz	David Triplett

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the

certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was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.

##### Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 12 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (69 FR 64806; 70 FR 2705; 72 FR 1056; 73 FR 76349). Each of these 12 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

##### Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by January 18, 2011.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by

interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 12 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

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, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: December 13, 2010.

**Larry W. Minor,**

*Associate Administrator, Office of Policy.*

[FR Doc. 2010-31772 Filed 12-16-10; 8:45 am]

**BILLING CODE 4910-EX-P**

#### DEPARTMENT OF TRANSPORTATION

##### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2010-0353; Notice No. 10-9]

##### Notice and Request for Comments on the Clarification of the Fireworks Approvals Policy

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice.

**SUMMARY:** PHMSA is seeking comment on its intent to clarify its fireworks approvals policy whereby the Office of Hazardous Materials Safety (OHMS), Approvals and Permits Division will only accept fireworks approvals applications from manufacturers and grant approvals only to manufacturers of fireworks devices.

**DATES:** *Comments Due Date:* January 18, 2011.

**ADDRESSES:** You may submit comments by identification of the docket number

(PHMSA–2010–0353 (Notice No. 10–9)) by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1–202–493–2251.

- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the agency name and docket number for this notice at the beginning of the comment. All comments received will be posted without change to the Federal Docket Management System (FDMS), including any personal information.

*Docket:* For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov> or DOT's Docket Operations Office (see ADDRESSES).

**FOR FURTHER INFORMATION CONTACT:** Mr. Ryan Paquet, Director, Approvals and Permits Division, Office of Hazardous Materials Safety, (202) 366–4512, PHMSA, 1200 New Jersey Avenue, SE., Washington, DC 20590.

## Background

The pyrotechnic industry is a global logistics supply chain comprised of mostly foreign fireworks manufacturers and domestic importers, retailers, distributors, and consumers. The transportation of a firework requires the issuance of an EX number approval by PHMSA. An EX number is a PHMSA-issued unique identifier that is more specific than just a hazard classification; an EX number applies to a particular explosive formula, device, and its packaging.

PHMSA understands that typically a fireworks device made by one manufacturer is packaged and marketed under a variety of different names according to the specifications of the various U.S. importers. Under the current approval process, before the fireworks device enters the U.S., each individual importer, retailer, and distributor, in addition to the original manufacturer, has been requesting separate and unique EX numbers for what are essentially identical fireworks devices. This results in multiple

approval applications for functionally indistinguishable fireworks devices.

For at least ten years, PHMSA has been accepting these fireworks approval applications and issuing fireworks approvals to members of the pyrotechnic industry regardless of their actual position in the supply chain. It is unclear as to what was the justification for this action. Regardless, this redundant and burdensome process does not promote the safe transportation of fireworks devices, but rather has negative impacts on process efficiency and impedes the conduct of business for both the fireworks industry and PHMSA.

In this notice, PHMSA is seeking comment on its intent to only accept fireworks approval applications from, and issue fireworks approvals to, fireworks manufacturers. In addition, PHMSA is also seeking comment on its intent to consider a fireworks manufacturer to be an entity that formulates and produces a firework (for the definition of a firework, see § 173.59) or has previously produced a firework device but has made a change in the formulation, design, or process so as to alter the properties of the firework. After the comments received to this notice have been considered, PHMSA will issue a final notice responding to any comments received. PHMSA believes that by issuing fireworks approvals only to manufacturers, as described in this notice, it will enhance safety by ensuring uniform classification of fireworks devices, eliminating application duplicity, and minimizing the potential risks of the shipment of unapproved fireworks.

Issued in Washington, DC, on December 13, 2010 under authority delegated in 49 CFR part 1.

### Magdy El-Sibaie,

*Associate Administrator for Hazardous Materials Safety Pipeline and Hazardous Materials Safety Administration.*

[FR Doc. 2010–31703 Filed 12–16–10; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 1003 (Sub-No. 1X)]

### Mohall Central Railroad, Inc.— Abandonment Exemption—in Cavalier County, ND

Mohall Central Railroad, Inc. (MCR) filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 5.4-mile line of railroad extending between milepost 67.5 near Calvin,

N.D., and milepost 72.9 at Sarles, N.D.<sup>1</sup> The line traverses United States Postal Service Zip Codes 58323 and 58372.

MCR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 15, 2011, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December

<sup>1</sup> In *Northern Plains Railroad—Operation Exemption—Rail Line of Mohall Central Railroad*, FD 34780 (STB served Dec. 29, 2005), Northern Plains Railroad, Inc. (NPR) was authorized to operate a 69.15-mile line of railroad that includes this portion of the rail line. Applicant states that because NPR never instituted service on the line, MCR does not need NPR to obtain discontinuance authority before MCR seeks abandonment authority here. See *Mohall Cent. R.R.—Aban. Exemption—in Nelson, Ramsey, and Cavalier Counties, ND*, AB 1003X, slip op. at 1 n.1 (STB served Oct. 29, 2007). MCR has certified to the Board that it has notified NPR of its plans to abandon the 5.4-mile portion of the line and has served a copy of its notice on NPR.

<sup>2</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>3</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 CFR 1002.2(f)(25).