

Noel A. Rodriguez

Mr. Rodriguez holds a class A CDL from New Hampshire.

James Schubin

Mr. Schubin holds a class A CDL from California.

Benton Scott

Mr. Scott holds a class A CDL from Mississippi.

Morris W. Townsend

Mr. Townsend holds a class A CDL from North Carolina.

#### E. Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the hearing standard in 49 CFR 391.41(b)(11) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. With the exemption, applicants can drive in interstate commerce. Thus, the Agency's analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce. Based on its review of each driver's record, the Agency has concluded that allowing these applicants to drive in interstate commerce will achieve an equal level of safety. Each driver must comply with the terms and conditions of the exemption. This includes reporting any crashes or accidents as defined in 49 CFR 390.5 and reporting all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391.

#### Conclusion

The Agency is granting exemptions from the hearing standard, 49 CFR 391.41(b)(11), to 20 individuals based on a thorough evaluation of each driver's qualifications and safety experience. Safety analysis of information relating to these 20 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. By granting the exemptions, the CMV industry will gain 20 additional CMV drivers. In accordance with 49 U.S.C. 31315, each exemption will be valid for 2 years from the effective date with annual recertification required unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (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 prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

FMCSA exempts the following 20 drivers for a period of 2 years from the physical qualification standard concerning hearing: Johsua Arango (FL); Alan Brown (NJ); Mark Canoyer (MN); Nelson De Leon (FL); Jerry Ferguson (TX); Anthony Gray (KY); Sue H. Gregory (UT); David Hoffman (SD); Christopher Jayne (MO); Valerie Johnson (CA); William Larson (NC); Roy Lloyd, Sr. (VA); Ray Norris (TX); Gilbert Partida (TX); Johnny Pierson (AL); James Queen (FL); Noel Rodriguez (NH); James Schubin (CA); Benton Scott (MS); and Morris Townsend (NC).

Dated: January 7, 2014.

**Anne S. Ferro,**  
Administrator.

[FR Doc. 2014-00411 Filed 1-10-14; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA-2003-15268; FMCSA-2011-0275; FMCSA-2011-0298; FMCSA-2011-0299]**

#### Qualification of Drivers; Exemption Applications; Vision

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

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

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 9 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective January 24, 2014. Comments must be received on or before February 12, 2014.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA-2003-15268; FMCSA-2011-0275; FMCSA-2011-

0298; FMCSA-2011-0299], using any of the following methods:

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

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

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

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

**Instructions:** Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

**Privacy Act:** Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

**FOR FURTHER INFORMATION CONTACT:** Elaine M. Papp, Chief, Medical Programs Division, 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 9 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 9 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Morris R. Beebe, II (CO)  
 Marion J. Coleman, Jr. (KY)  
 Mark A. Ferris (IA)  
 Herman Martinez (NM)  
 Gilford J. Whittle (GA)  
 Adam O. Carson (MS)  
 Lex A. Fabrizio (UT)  
 Roger W. Hammack (AL)  
 Greg W. Story (NC)

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 requirements 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 9 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (68 FR 37197; 68 FR 48989; 70 FR 42615; 72 FR 40360; 74 FR 34632; 76 FR 64164; 76 FR 73769; 76 FR 75940; 76 FR 78729; 77 FR 541; 77 FR 3547). Each of these 9 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement 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 requirements. 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 February 12, 2014.

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 9 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.

## Submitting Comments

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 <http://www.regulations.gov> and in the search box insert the docket numbers FMCSA-2003-15268; FMCSA-2011-0275; FMCSA-2011-0298; FMCSA-2011-0299 and click the search button. When the new screen appears, click on the blue “Comment Now!” button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

## Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2003-15268; FMCSA-2011-

0275; FMCSA–2011–0298; FMCSA–2011–0299 and click “Search.” Next, click “Open Docket Folder” and you will find all documents and comments related to the proposed rulemaking.

Dated: December 17, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–00363 Filed 1–10–14; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Notice and Request for Comments

**AGENCY:** Surface Transportation Board.

**ACTION:** 30-day notice of request for approval: complaints and petitions.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3519 (PRA), the Surface Transportation Board (STB or Board) gives notice that it has submitted a request to the Office of Management and Budget (OMB) for approval of the following information collections: (1) Complaints under 49 U.S.C. 721, 10701–10707, 11101–11103, 11701–11707 (rail), and 14701–14707 (motor, water & intermediaries), and 15901–15906 (pipelines) and 49 CFR 1111;<sup>1</sup> (2) petitions for declaratory orders under 5 U.S.C. 554(e) and 49 U.S.C. 721; and (3) “catch all” petitions (for relief not otherwise specified) under 49 U.S.C. 721 and 49 CFR 1117. Under these statutory and regulatory sections, the Board provides procedures for persons to make a broad range of claims and to seek a broad range of remedies before the Board. The Board previously published a notice about this collection in the *Federal Register* on April 22, 2013, at 78 FR 23826 (60-day notice). That notice allowed for a 60-day public review and comment period. No comments were received.

The information collections relevant to these complaints and petitions are described separately below. Regarding any of these collections, comments may now be submitted to OMB concerning: (1) The accuracy of the Board’s burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of

information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility.

#### Description of Collections

##### Collection Number 1

*Title:* Complaints Under 49 CFR 1111.

*OMB Control Number:* 2140–00XX.

*STB Form Number:* None.

*Type of Review:* Existing collection in use without an OMB control number.

*Respondents:* Affected shippers, carriers, communities, and other persons that seek redress for alleged violations related to unreasonable rates, unreasonable practices, service issues, and other statutory claims.

*Number of Respondents:* 4.

*Frequency:* On occasion. In Fiscal Year (FY) 2012, there were 5 complaints of this type filed with the Board by respondents.

*Total Burden Hours* (annually including all respondents): 2,335 hours (estimated hours per complaint (467) × number of FY 2012 complaints (5)).

*Total “Non-Hour Burden” Cost* (such as printing, mailing, and messenger costs): \$7,310 (estimated “non-hour burden” cost per complaint (\$1,462) × number of FY 2012 responses (5)).

*Needs and Uses:* Under the Board’s regulations, persons may file complaints before the Board seeking redress for alleged violations of provisions of the ICA. In the last few years, the most significant complaints filed at the Board have alleged that a railroad is charging unreasonable rates or that it is engaging in an unreasonable practice. *See, e.g.,* 49 U.S.C 10701, 10704, 11701, 14701, 15901. The collection by the Board of these and other complaints, and the agency’s action in conducting proceedings and ruling on the complaints, enables the Board to meet its statutory duty to grant relief from statutory violations (i.e., unreasonable rates and practices).

##### Collection Number 2

*Title:* Petitions for Declaratory Orders.

*OMB Control Number:* 2140–00XX.

*STB Form Number:* None.

*Type of Review:* Existing collection in use without an OMB control number.

*Respondents:* Affected shippers, carriers, communities, and other persons that seek a declaratory order from the Board to terminate a controversy or remove uncertainty.

*Number of Respondents:* 7.

*Frequency:* On occasion. In FY 2012, there were 7 petitions of this type filed with the Board by respondents.

*Total Burden Hours* (annually including all respondents): 1,281 hours (estimated hours per petition (183) × number of petitions (7)).

*Total “Non-Hour Burden” Cost* (such as printing, mailing, and messenger costs): \$8,652 (estimated “non-hour burden” cost per petition (\$1,236) × number of petitions (7)).

*Needs and Uses:* Under 5 U.S.C. 554(e) and 49 U.S.C. 721, the Board may issue a declaratory order to terminate a controversy or remove uncertainty. Petitions for declaratory order cover a broad range of requests. In recent years, petitions filed with the Board have sought declaratory orders on issues such as whether the provisions of the ICA and the Board’s regulations preempt state and local laws (i.e., local permitting and land use laws) and even whether certain railroad practices are appropriate and legal. The collection by the Board of these petitions for declaratory order helps the Board to more efficiently meet its statutory duty to regulate the rail industry.

##### Collection Number 3

*Title:* Petitions for relief not otherwise provided.

*OMB Control Number:* 2140–00XX.

*STB Form Number:* None.

*Type of Review:* Existing collections in use without an OMB control number.

*Respondents:* Affected shippers, carriers, communities, and other persons that seek relief from violations of the ICA that are not otherwise specifically provided for under the Board’s other regulatory provisions.

*Number of Respondents:* 6.

*Frequency:* On occasion. In FY 2012, there were 9 petitions of this type filed with the Board by respondents.

*Total Burden Hours* (annually including all respondents): 220.5 hours (estimated hours per petition (24.5) × number of petitions (9)).

*Total “Non-Hour Burden” Cost* (such as printing, mailing, and messenger costs): \$630 (estimated “non-hour burden” cost per petition (\$70) × number of petitions (9)).

*Needs and Uses:* Under 49 U.S.C. 721 and 49 CFR 1117 (the Board’s catch all petition provision), shippers, carriers, and the public in general may seek relief (such as waivers of the Board’s regulations) not otherwise specifically provided for under the Board’s other regulatory provisions. Under § 1117.1, such petitions should contain three items: (a) A short, plain statement of jurisdiction, (b) a short, plain statement of petitioner’s claim, and (c) request for relief. The collection by the Board of these petitions enables the Board to more fully meet its statutory duty to

<sup>1</sup> In its 60-day notice, the Board inadvertently failed to include the statutory sections 49 U.S.C. 11101–11103, 14701–14707 and 15901–15906. Under these sections of the Interstate Commerce Act (49 U.S.C. 10101–16106) (ICA), persons may bring complaints against non-rail carriers.