

<http://www.regulations.gov> and in the search box insert the docket number "FMCSA-2014-0215" and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to the proposed rulemaking.

Summary of Applications

Thomas Avery, Jr.

Mr. Avery is a 45 year-old class B CDL holder in New York. He has a history of seizure and has remained seizure free since 1998. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted an exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Avery receiving an exemption.

Michael G. Berthiaume

Mr. Berthiaume is a 54 year-old driver in Minnesota. He has a history of seizure and has remained seizure free since 2006. He takes anti-seizure medication with the dosage and frequency remaining the same since November 2013. If granted an exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Berthiaume receiving an exemption.

Brian L. Bose

Mr. Bose is a 49 year-old class B CDL holder in Illinois. He has a history of Right Frontal Lobe Epilepsy secondary to a right frontal meningioma which was resected in 1997 and required reoperation in 2014. He had a single postoperative seizure after the reoperation in 2014. He takes anti-seizure medication since 1997. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Bose receiving an exemption.

Aimee-Christine M. Bjornstad

Ms. Bjornstad is a 28 year-old driver in Indiana. She has a history of post traumatic partial epilepsy and has remained seizure free since 2008. She takes anti-seizure medication with a recent change medication in August 2014. If granted the exemption, she would like to drive a CMV. Her physician states that he is supportive of Ms. Bjornstad receiving an exemption.

Leo Kurt Clemens

Mr. Clemens is a 59 year-old class B CDL holder in Pennsylvania. He has a history of seizure and has remained seizure free for more than 25 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 3 years. If granted the

exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Clemens receiving an exemption.

Danny Lee Crafton

Mr. Crafton is a 65 year-old class A CDL holder in Idaho. He has a history of seizure and has remained seizure free since 1974. He takes anti-seizure medication with the dosage and frequency remaining the same since 2001. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Crafton receiving an exemption.

Kenneth D. Peachey

Mr. Peachey is a 72 year-old class A CDL holder in Pennsylvania. He has a history of seizure and has remained seizure free since 1984. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Peachey receiving an exemption.

Todd W. Riel

Mr. Riel is a 45 year-old class A CDL holder in Ohio. He has a history of a seizure disorder and has remained seizure free since 2011. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Riel receiving an exemption.

Tory Shuler

Mr. Shuler is a 45 year-old driver in New York. He has a history of seizure and has remained seizure free since 2012. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Shuler receiving an exemption.

Philip Neil Stewart

Mr. Stewart is a 43 year-old class A CDL holder in California. He has a history of a seizure disorder and has remained seizure free for 30 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 15 years. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Stewart receiving an exemption.

Keith T. White

Mr. White is a 59 year-old class A CDL holder in Pennsylvania. He has a

history of seizure and has remained seizure free since 1994. He takes anti-seizure medication with the dosage and frequency remaining the same since 2004. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. White receiving an exemption.

Alan T. Von Lintel

Mr. Von Lintel is a 60 year-old driver in Kansas. He has a history of a seizure disorder and has remained seizure free since 2004. He takes anti-seizure medication with the dosage and frequency remaining the same since July 2012. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Von Lintel receiving an exemption.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: August 28, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014-21421 Filed 9-8-14; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0007]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 52 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions were granted on August 8, 2014. The exemptions expire on August 8, 2016.

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, R.N., Chief, Medical Programs Division, (202) 366-4001, 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. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/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.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's 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, or other entity). 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).

II. Background

On July 28, 2014, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (79 FR 38652). That notice listed 52 applicants' case histories. The 52 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10) for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-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 2-year period. Accordingly, FMCSA has evaluated the 52 applications on their merits and made a determination to grant exemptions to each of them.

III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 52 exemption applicants listed in this notice are unable to meet the vision requirement in one eye for various reasons, including central retinal vein occlusion, amblyopia, histoplasmosis, misshapen pupil, detached retina, prosthetic eye, strabismus, high myopia, vision loss, optic nerve atrophy, central scar, corneal scar, refractive amblyopia, complete loss of vision, macular scar, macular hole, glaucoma, chronic central serous chorioretinopathy, early polypoidal choroidal vasculopathy, subfoveal choroidal neovascular membrane, bilateral intermediate uveitis, optic nerve hypoplasia, aphakia, optic nerve pallor, cellophane retinopathy, iris rupture, macular degeneration, longstanding optic nerve atrophy, optic atrophy, and strabismic amblyopia. In most cases, their eye conditions were not recently developed. Twenty-nine of the applicants were born with their vision impairments or have had them since childhood.

The 23 individuals that sustained their vision conditions as adults have had them for a period of 2 to 50 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 52 drivers have been authorized to drive a CMV in intrastate commerce, although their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging from 2 to 48 years. In the past 3 years, none of the drivers was involved in crashes and four were convicted for moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the July 8, 2014 notice (79 FR 38652).

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our 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.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA-1998-3637.

FMCSA believes that it can properly apply the principle to monocular drivers because data from the Federal Highway Administration's (FHWA)

former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., “Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,” Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 52 applicants, none of the drivers was involved in crashes and four were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairments demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants’ ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants’ intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate

commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 52 applicants listed in the notice of July 8, 2014 (79 FR 38652).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 52 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency’s vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement 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 provide 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, or keep a copy in his/her driver’s qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Discussion of Comments

FMCSA received two comments in this proceeding. The comments are discussed below.

Gary Baumfalk, Herb Mattson, and Brenda Mattson are in favor of granting Ronnie L. Henry an exemption.

IV. Conclusion

Based upon its evaluation of the 52 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)):

Don R. Alexander (OR)
 Jimmy A. Baker (TX)
 Robert E. Bebout (OH)
 Frank B. Belenchia, Jr. (TN)
 Ricky W. Bettes (TX)
 Thomas J. Bommer (ND)
 Antonio A. Calixto (MN)
 James W. Carter, Jr. (KS)
 Ronald G. Daniels (MO)
 Larry G. Davis (TN)
 Michael C. Doheny (CT)
 William R. Evridge (KY)
 George P. Ford (NC)
 Lawrence A. Fox (WI)
 Donald H. Fuller (NY)
 Viktor V. Goluda (SC)
 Todd M. Harguth (MN)
 Dennis W. Helgeson (MN)
 Ronnie L. Henry (KS)
 Clarence K. Hill (NC)
 James Holmes (GA)
 Johnny L. Irving (MS)
 Garfield J. Johnson (NC)
 Kevin L. Jones (GA)
 Michael L. Kautz (CA)
 Keith A. Kelley (ME)
 Stetson W. King (FL)
 Bradley E. Loggins (AL)
 Joe C. Mason (AR)
 David L. Miller (OH)
 Earl L. Mokma (MI)
 Timothy W. Nappier (MI)
 Donald L. Nisbet (WA)
 Jace E. Nixon (IA)
 Don R. Padley (MO)
 David T. Perkins (NY)
 Donald W. Rich (IL)
 Joaquin C. Rodriguez (NM)
 Harry W. Root (MN)
 David A. Shaw (CA)
 Kenneth C. Smith (MS)
 Paul W. Sorenson (UT)
 Randall H. Tempel (MT)
 Christopher P. Thornby (MN)
 Cory J. Tivnan (WA)
 Melvin V. VanMeter (PA)
 Kent J. VanRoekel (MN)
 Wilbert Walden (NC)
 Patrick J. Ward (NJ)
 Ricky W. Witt (IA)
 John D. Woods (MI)
 Zachary J. Workman (ID)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked 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 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: August 28, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014-21427 Filed 9-8-14; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Twelve Individuals Pursuant to the Sergei Magnitsky Rule of Law Accountability Act of 2012

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the names of twelve individuals whose property and interests in property are blocked pursuant to the Sergei Magnitsky Rule of Law Accountability Act of 2012 (Pub. L. 112-208, December 14, 2012) (the "Magnitsky Act").

DATES: The designations by the Director of OFAC, pursuant to the Magnitsky Act, of the twelve individuals identified in this notice were effective on May 20, 2014.

FOR FURTHER INFORMATION CONTACT:

Assistant Director, Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622-2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (www.treas.gov/ofac). Certain general information pertaining to OFAC's sanctions programs is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622-0077.

Background

On December 14, 2012, the President signed the Magnitsky Act. The Magnitsky Act requires the President to submit to certain congressional committees a list of each person the President has determined meets certain criteria set forth in the Magnitsky Act.

Pursuant to Section 406 of the Magnitsky Act, the President is required to block, with certain exceptions, all property and interests in property of a person who is on the list required by Section 404(a) of the Magnitsky Act that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person. The President delegated certain functions under the Magnitsky Act to the Secretary of the Treasury, in consultation with the Secretary of State, on April 5, 2013.

On May 20, 2014, the Director of OFAC designated, pursuant to Section 406 of the Magnitsky Act, twelve individuals whose property and interests in property are blocked pursuant to the Magnitsky Act.

The listings for these individuals on OFAC's List of Specially Designated Nationals and Blocked Persons appear as follows:

Individuals

1. ALISOV, Igor Borisovich; DOB 11 Mar 1968 (individual) [MAGNIT].
2. GAUS, Alexandra Viktorovna (a.k.a. GAUSS, Alexandra); DOB 29 Mar 1975 (individual) [MAGNIT].
3. KHLEBNIKOV, Vyacheslav Georgievich (a.k.a. KHLEBNIKOV, Viacheslav); DOB 09 Jul 1967 (individual) [MAGNIT].
4. KLYUEV, Dmitry Vladislavovich (a.k.a. KLYUYEV, Dmitriy); DOB 10 Aug 1967 (individual) [MAGNIT].
5. KRATOV, Dmitry Borisovich; DOB 16 Jul 1964 (individual) [MAGNIT].
6. KRECHETOV, Andrei Alexandrovich; DOB 22 Sep 1981 (individual) [MAGNIT].
7. LITVINOVA, Larisa Anatolievna; DOB 18 Nov 1963 (individual) [MAGNIT].
8. MARKELOV, Viktor Aleksandrovich; DOB 15 Dec 1967; POB Leninskoye village, Uzgenskiy District, Oshkaya region of the Kirghiz SSR (individual) [MAGNIT].
9. STEPANOV, Vladlen Yurievich; DOB 17 Jul 1962 (individual) [MAGNIT].
10. TAGIYEV, Fikret (a.k.a. TAGIEV, Fikhret Gabdulla Ogly; a.k.a. TAGIYEV, Fikhret); DOB 03 Apr 1962 (individual) [MAGNIT].
11. SUGAIPOV, Umar; DOB 17 Apr 1966; POB Chechen Republic, Russia (individual) [MAGNIT].
12. VAKHAYEV, Musa; DOB 1964; POB Urus-Martan, Chechen Republic, Russia (individual) [MAGNIT].

Dated: May 20, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

Editorial Note: This document was received for publication by the Office of the Federal Register on September 4, 2014.

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