

letters could be a problem and recommended that FHWA streamline the process to bring new MASH products to market. There was also concern about States' delay in adding devices to Qualified Products List. Although FHWA recognizes the commenters' interest in these subjects, these are issues outside the scope of this notice and request for comment. The FHWA is currently working with AASHTO to develop an update to the MASH 2009 Implementation Plan. The FHWA will continue to work on streamlining the process to seek Federal-aid eligibility for MASH tested devices. Finally, the General Material Requirements in 23 CFR 635.411 permits a State to specify sole-source products if it certifies that no equally suitable alternate exists.

Another commenter suggested that FHWA eliminate "approvals" based on engineering analysis or finite element analysis. Although FHWA recognizes the commenters' interest in this subject, this is an issue outside the scope of this notice and request for comment. However, FHWA would like to clarify that the agency does not have the authority to "approve" safety hardware. Approval, installation and maintenance of safety devices on Federal-aid projects is a State responsibility.

One commenter stated that FHWA should prohibit conflict of interest between labs and manufacturers. Although FHWA recognizes the commenters' interest in this subject, this is an issue outside the scope of this notice and request for comment. The FHWA only issues Federal-aid eligibility letters for roadside hardware devices that have been crash tested at accredited laboratory facilities, pursuant to [23 CFR 637.209(a)(5)].

There was one comment regarding the availability of the MASH to the public. The MASH is neither a Federal regulation nor guidance. The MASH was developed through the National Academy of Science's National Cooperative Highway Research Program and can be purchased from the AASHTO Web site (<http://www.transportation.org/>).

Lastly, a commenter said that FHWA is avoiding its responsibility for "approving" safety hardware. The FHWA issues Federal-aid eligibility letters for devices that meet the applicable crash test criteria. While these letters are the most common way for roadside safety hardware to qualify for Federal-aid reimbursement, FHWA eligibility letters are not a requirement for these devices to be eligible for reimbursement on Federal-aid highway projects. The FHWA is charged with

implementing the Federal-aid highway program in cooperation with the States and local government. Therefore, FHWA relies on its relationships with State DOTs to ensure roadside hardware satisfies crash test criteria. The FHWA has established strong guidelines and policies in order to encourage all State DOTs to use roadside safety hardware that has successfully met the applicable crash test criteria.

In an effort to facilitate the implementation of the MASH, FHWA intends to discontinue issuing eligibility letters for requests received after December 31, 2015, for modified NCHRP 350-tested devices that do not involve full scale crash testing to the MASH. Modifications to NCHRP 350-tested devices that have, in the past, been based on engineering analysis or finite element modeling will no longer receive FHWA eligibility letters. Effective January 1, 2016, all changes to NCHRP 350-tested devices will require testing under MASH in order to receive a Federal-aid eligibility letter from FHWA.

**Authority:** 23 U.S.C. 148 and 315.

**Dated:** October 28, 2015.

**Gregory G. Nadeau,**  
*Administrator, Federal Highway Administration.*

[FR Doc. 2015-28753 Filed 11-12-15; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0326]

#### Qualification of Drivers; Application for Exemptions; Hearing

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

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

**SUMMARY:** FMCSA announces that 15 individuals have applied for a medical exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). In accordance with the statutory requirements concerning applications for exemptions, FMCSA requests public comments on these requests. The statute and implementing regulations concerning exemptions require that exemptions must provide an equivalent or greater level of safety than if they were not granted. If the Agency determines the exemptions would satisfy the statutory requirements and decides to grant these requests after reviewing the

public comments submitted in response to this notice, the exemptions would enable these 15 individuals to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before December 14, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2015-0326 using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov). Follow the on-line 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., ET, Monday through Friday, except Federal Holidays.

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

Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. Please see the Privacy Act heading below for further information.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](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., ET, Monday through Friday, except Federal holidays. The 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 on-line.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. 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 records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Christine A. Hydock, 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

The Federal Motor Carrier Safety Administration has authority to grant exemptions from many of the Federal Motor Carrier Safety Regulations (FMCSRs) under 49 U.S.C. 31315 and 31136(e), as amended by Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, June 9, 1998, 112 Stat. 107, 401). FMCSA has published in 49 CFR part 381, subpart C final rules implementing the statutory changes in its exemption procedures made by section 4007, 69 FR 51589 (August 20, 2004).<sup>1</sup> Under the rules in part 381, subpart C, FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted and any research reports, technical papers and other publications referenced in the application. The Agency must also provide an opportunity to submit public comment on the applications for exemption.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved without the exemption. The decision of the Agency must be published in the **Federal Register**. If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed.

The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person

first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to

American National Standard (formerly ASA Standard) Z24.5-1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA also issues instructions for completing the medical examination report and includes advisory criteria on the report itself to provide guidance for medical examiners in applying the hearing standard. See 49 CFR 391.43(f). The current advisory criteria for the hearing standard include a reference to a report entitled "Hearing Disorders and Commercial Motor Vehicle Drivers" prepared for the Federal Highway Administration, FMCSA's predecessor, in 1993.<sup>2</sup>

##### FMCSA Requests Comments on the Exemption Applications

FMCSA requests comments from all interested parties on whether a driver who cannot meet the hearing standard should be permitted to operate a CMV in interstate commerce. Further, the Agency asks for comments on whether a driver who cannot meet the hearing standard should be limited to operating only certain types of vehicles in interstate commerce, for example, vehicles without air brakes. The statute and implementing regulations concerning exemptions require that the Agency request public comments on all applications for exemptions. The Agency is also required to make a determination that an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption before granting any such requests.

##### 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 [www.regulations.gov](http://www.regulations.gov) and in the search box insert the docket number "FMCSA-2015-0326" 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, go to [www.regulations.gov](http://www.regulations.gov) and in the search box insert the docket number "FMCSA-2015-0326" and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to the proposed rulemaking.

##### Information on Individual Applicants

###### *Mebrahtu G. Abai*

Mr. Abai, 59, holds an operator's license in California.

###### *Tonya Lee Bland*

Ms. Bland, 45, holds an operator's license in Maryland.

###### *Robert Dale Burnett*

Mr. Burnett, 59, holds an operator's license in California.

###### *Jackson Paul Cummins*

Mr. Cummins, 32, holds an operator's license in California.

###### *Jerry Merland Doose*

Mr. Doose, 59, holds a class A CDL in Minnesota.

###### *Tiffany Ann Drumel*

Ms. Drumel, 51, holds an operator's license in California.

###### *Raof Hayes*

Mr. Hayes, 38, holds an operator's license in Massachusetts.

###### *Donald G. Howton, Jr.*

Mr. Howton, 51, holds an operator's license in Alabama.

###### *Michael A. Murrah*

Mr. Murrah, 31, holds an operator's license in Georgia.

<sup>1</sup> This action adopted as final rules the interim final rules issued by FMCSA's predecessor in 1998 (63 FR 67600 (Dec. 8, 2008)), and adopted by FMCSA in 2001 [66 FR 49867 (Oct. 1, 2001)].

<sup>2</sup> This report is available on the FMCSA Web site at [http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreport\\_archives.htm](http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreport_archives.htm).

*Nicholas A. Nugent*

Mr. Nugent, 34, holds an operator's license in Louisiana.

*Javier Posada*

Mr. Posada, 27, holds an operator's license in Florida.

*D'Nielle V. Smith*

Ms. Smith, 32, holds an operator's license in Ohio.

*John C. Taylor*

Mr. Taylor, 57, holds an operator's license in Illinois.

*Ramarr James Wadley*

Mr. Wadley, 36, holds an operator's license in Virginia.

*Joseph Albert Woodle, Jr.*

Mr. Woodle, 48, holds an operator's license in Alabama.

#### **Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business December 14, 2015. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: October 29, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015-28902 Filed 11-12-15; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; Mazda Motor Corporation**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This document grants in full the Mazda Motor Corporation's (Mazda) petition for an exemption of the

(confidential) vehicle line in accordance with 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard). Mazda also requested confidential treatment for specific information in its petition. For purposes of this document the confidential information has been redacted until released by the manufacturer.

**DATES:** The exemption granted by this notice is effective beginning with the 2017 model year (MY).

**FOR FURTHER INFORMATION CONTACT:** Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, W43-439, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Ballard's phone number is (202) 366-5222. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** In a petition dated June 18, 2015, Mazda requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Mazda (confidential) vehicle line beginning with MY 2017. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Mazda provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the (confidential) vehicle line. Mazda stated that its MY 2017 (confidential) vehicle line will be equipped with a passive, transponder based, electronic engine immobilizer antitheft device as standard equipment. Key components of its antitheft device will include a powertrain control module (PCM), immobilizer control module, security indicator light, coil antenna, transmitter with transponder key (transponder key), low frequency (LF) antenna, radio frequency (RF) antenna and low frequency unit (LFU). The device will not provide any visible or audible indication of unauthorized vehicle entry (*i.e.*, flashing lights or horn alarm) as standard equipment however, Mazda stated that its device

will incorporate a light-emitting diode (LED) indicator which will provide a visual confirmation of the protection status of the antitheft device.

Mazda's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In addressing the specific content requirements of § 543.6, Mazda provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Mazda conducted tests based on its own specified standards. Mazda provided a detailed list of the tests conducted (*i.e.*, electromagnetic radiation, electric conduction, and climatic, mechanical and chemical environments) and believes that the device is reliable and durable since it complied with its own specified requirements for each test. Additionally, Mazda stated that its device is extremely reliable and durable because it is computer-based and does not rely on any mechanical or moving parts. Mazda further stated that any attempt to slam-pull its vehicle's ignition will have no effect on a thief's ability to start the vehicle without the correct code being transmitted to the electronic control modules.

According to Mazda, there are two methods of initiating the antitheft device operation process. The first process is used when the transponder key can be detected. Specifically, the immobilizer control unit sends a signal to the transponder key using its LF antenna to request a transponder code. The transponder code is then sent through the RF receiver back to the immobilizer control unit to authenticate the code and determine its validity. The second process is used when the transponder key cannot be detected by the immobilizer control unit (*i.e.*, discharged battery). For this process, communication between the transponder key and the immobilizer control unit begins when the transponder key is passed over the coil antenna located in the "Engine Start" pushbutton. The immobilizer control module then communicates with the transponder key to determine key validity. Mazda stated that if the code from the transponder key matches with the code from the immobilizer control module by either process, the immobilizer control module compares its code with the code from the powertrain electronic control module when the "Engine Start" pushbutton is pressed and the brake pedal is depressed simultaneously. Mazda stated