

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. FMCSA may issue a final determination at any time after the close of the comment period.

#### V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA–2016–0034 and click “Search.” Next, click “Open Docket Folder” and you will find all documents and comments related to the proposed rulemaking.

Issued on: March 10, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–05905 Filed 3–15–16; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0262]

#### Hours of Service of Drivers: National Star Route Mail Contractors Association; Application for Exemption

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

**ACTION:** Notice of final disposition; denial of application for exemption.

**SUMMARY:** FMCSA announces that it has denied the National Star Route Mail Contractors Association (NSRMCA) application to exempt its contract carrier members from the “14-hour rule” of the Agency’s hours-of-service (HOS) regulations. NSRMCA requested that a driver of a commercial motor vehicle (CMV) transporting U.S. mail be allowed to follow an alternative HOS regimen consisting of no more than 10 hours of driving following 8 consecutive hours off duty; the driver would also be prohibited from driving after having been on duty for 15 non-consecutive hours following 8 consecutive hours off duty. FMCSA reviewed NSRMCA’s application and the public comments received, and denied the application because available information did not allow the Agency to conclude that the

proposed exemption would achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained absent the exemption.

**DATES:** FMCSA denied the application for exemption by letter dated January 12, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA; Telephone: 202–366–4325. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

##### NSRMCA Application for Exemption

NSRMCA is a national trade association representing contractors transporting mail for the United States Postal Service (USPS) in all 50 States as well as U.S. territories.

On behalf of its members employing “split-shift” contract CMV drivers, NSRMCA requested an exemption from the “14-hour rule” in 49 CFR 395.3(a)(2), which prohibits a property-carrying driver from driving a CMV after 14 hours after coming on duty following 10 consecutive hours off duty. Under NSRMCA’s proposal, a driver transporting U.S. mail could drive a CMV no more than 10 (instead of the

normal 11) hours following 8 (instead of the normal 10) consecutive hours off duty; and not drive after having been on duty 15 hours following 8 consecutive hours off duty.

#### Public Comments

On August 20, 2015, FMCSA published in the **Federal Register** notice of the NSRMCA application and requested public comment (80 FR 50711). The Agency received 562 comments, 542 of which opposed the exemption request. The commenters objected to the extension of the duty day, which they said would lead to more fatigued drivers and, potentially, an increase in CMV crashes. Several commenters saw this request as a cost-cutting measure which would enable NSRMCA members to reduce the number of CMV drivers they employed while performing the same level of mail-delivery service. Others noted that FMCSA had denied an identical request for the same exemption filed by the USPS (74 FR 23467, May 19, 2009). USPS had failed to demonstrate that the exemption would maintain a level of safety equal to, or greater than, the level of safety established by the current HOS rules.

Only 10 comments supported the exemption request, and two of them were filed by the original petitioner, NSRMCA.

#### FMCSA Decision

The Agency’s decision is based upon the information provided by the applicants, review of comments received in response to the **Federal Register** notice, and the substantial body of HOS research the FMCSA relied upon to implement the 14-hour rule (68 FR 22473, April 28, 2003). The Agency concluded that the NSRMCA application failed to demonstrate how it would ensure that the operations of its members under the exemption would achieve a level of safety that would be obtained in the absence of the exemption. NSRMCA’s exemption would allow drivers to operate for more hours and obtain less restorative rest. FMCSA has denied the same request on two previous occasions. NSRMCA did not provide any data, studies or research supporting its recommendations or sufficient specific information about these operations. Therefore, the Agency cannot determine that NSRMCA’s proposed exemption would meet the statutory requirement to maintain the current levels of safety. Accordingly, FMCSA denied NSRMCA’s application for exemption by letter dated January 12, 2016.

Issued on: March 10, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016-05904 Filed 3-15-16; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0350]

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

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

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

**SUMMARY:** FMCSA announces receipt of applications from 30 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. 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. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

**DATES:** Comments must be received on or before April 15, 2016. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2015-0350 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <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:* 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 numbers for this notice. Note that all comments received will be posted without change to <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 <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 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 of 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, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-113, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., e.t., 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. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations 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.” FMCSA can renew exemptions at the end of each 2-year period. The 30 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

## II. Qualifications of Applicants

### Gary L. Bartels

Mr. Bartels, 60, has had a retinal detachment in his left eye since 2009. The visual acuity in his right eye is 20/30, and in his left eye, 20/100. Following an examination in 2015, his optometrist stated, “In my opinion, Gary Bartels has sufficient vision in his right eye and with both eyes but not with his left eye, and has sufficient field of vision in his right eye but not his left eye, to perform the driving tasks required to operate a commercial vehicle.” Mr. Bartels reported that he has driven tractor-trailer combinations for 35 years, accumulating 2.45 million miles. He holds a Class AM CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

### Christopher Benavidez

Mr. Benavidez, 54, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, “In my medical opinion he has more than sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Benavidez reported that he has driven straight trucks for 25 years, accumulating 350,000 miles and tractor-trailer combinations for 15 years, accumulating 150,000 miles. He holds a Class A CDL from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

### William H. Brence

Mr. Brence, 47, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2015, his optometrist stated, “It is my opinion that Mr. Brence has sufficient visual acuity, color vision, and field of vision to perform the driving tasks required to operate any vehicle safely, but specifically to operate a commercial vehicle safely.” Mr. Brence reported that he has driven tractor-trailer combinations for 15 years, accumulating 1.95 million miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

### Dean B. Carrick

Mr. Carrick, 72, has had ptisis bulbi in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception.