

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 22 applicants, no drivers were involved in crashes and no drivers were convicted of a moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, 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 22 applicants listed in the notice of October 20, 2016 (81 FR 72664).

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 22 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. An anonymous commenter stated that they believe the drivers should not be granted the exemptions, citing safety concerns related to their vision loss. The basis for granting exemptions is explained in Section IV of this document, and FMCSA has determined that all drivers listed in this document meet the criteria required for an exemption. Deb Carlson stated that Derrick P. Moore currently holds an intrastate exemption in Minnesota, and that James F. McLaughlin was involved in a motor vehicle crash and cited for an equipment violation in 2016. The motor vehicle crash was in Mr. McLaughlin’s personal vehicle and not a CMV. The equipment violation was not a moving violation. Therefore, neither of these incidents are disqualifying factors for obtaining a vision exemption.

IV. Conclusion

Based upon its evaluation of the 22 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):

Gary A. Behrends (NE)
 Harry R. Brewer (TN)
 Johnnie B. Bush (MS)
 Nathan J. Bute (IN)
 Gary L. Cox (KY)
 Kevin J. Embrey (IL)
 Peter J. Faber (NE)
 Ricky L. Gillum (OH)
 Johnny E. Hill (AL)
 Justin A. Hooper (MO)
 John R. Horst (PA)
 Robert E. Kelley, Jr. (WA)
 David L. Manktelow (MA)
 James F. McLaughlin (MN)
 Derrick P. Moore (MN)
 Richard L. Moores (CO)
 Brian T. Morrison (MO)
 Tad W. Sexsmith (WA)
 Dennis M. Varga, Jr. (OH)
 Michael J. Weber (NJ)
 Mark B. Wilmer (VA)
 Hezekiah Woodrup Sr. (MD)

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: December 8, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–30831 Filed 12–21–16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257, Notice No. 84]

Railroad Safety Advisory Committee; Notice of Meeting Postponement

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: FRA announces the postponement of the fifty-seventh meeting of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process.

DATES: The RSAC meeting scheduled to be held on Thursday, January 26, 2017 is postponed.

FOR FURTHER INFORMATION CONTACT: Kenton Kilgore, RSAC Administrative Officer/Coordinator, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493-6286; or Robert Lauby, Associate Administrator for Railroad Safety and Chief Safety Officer, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493-6474.

SUPPLEMENTARY INFORMATION: Under Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), FRA is giving notice of a postponed meeting of the RSAC. The RSAC meeting scheduled to be held on Thursday, January 26, 2017, at the National Association of Home Builders, National Housing Center, located at 1201 15th Street NW., Washington, DC, is postponed and will be rescheduled via another **Federal Register** Notice.

The RSAC was established to provide advice and recommendations to FRA on railroad safety matters. The RSAC is composed of 59 voting representatives from 38 member organizations, representing various rail industry perspectives. In addition, there are non-voting advisory representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, the National Transportation Safety Board, and the Federal Transit Administration. The diversity of the RSAC ensures the requisite range of views and expertise necessary to discharge its responsibilities. See the RSAC Web site for details on prior

RSAC activities and pending tasks at <http://rsac.fra.dot.gov/>. Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740), for additional information about the RSAC.

Robert C. Lauby,
*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

[FR Doc. 2016-30813 Filed 12-21-16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

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

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel,

4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before January 23, 2017.

ADDRESS COMMENTS TO: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on December 8, 2016.

Donald Burger,
Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data				
11110-M		United Parcel Service, Co.	171.8, 175.75	To modify the special permit to authorize certain Class 8 hazardous materials which have no assigned packing group to be transported under the terms of the special permit.
11536-M		Boeing Co.	102, 185, 202, 211, 304A, 62.	To modify the special permit to authorize an additional three part spacecraft shipping container, to authorize the transportation of lithium batteries which exceed the 35 kg weight limitation, and to authorize the transportation of anhydrous ammonia by cargo aircraft.
12102-M		Veolia ES Technical Solutions LLC.	173.56(b)	To modify the special permit to authorize an additional 4.1 material to be transported using the special permit.
14578-M		Nantong CIMC Tank Equipment Co., LTD.		To modify the special permit to authorize an increase in the tank capacity and to remove references to the ASME code which are no longer valid.
16060-M		Dae Ryuk Can Co., LTD.	173.304a(d)(3)(ii)	To modify the special permit to authorize an additional smaller container.
16081-M		Cabela's Incorporated	178.602	To modify the special permit to authorize additional Division 1.4 materials, and no longer require a copy of the special permit must be furnished to the carrier.