

§ 391.41(b)(11) states 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.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, “Qualification of Drivers; Application for Exemptions; National Association of the Deaf,” (78 FR 7479), its decision to grant requests from 40 individuals for exemptions from the Agency’s physical qualification standard concerning hearing for interstate CMV drivers. Since that time the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency’s physical qualification standard concerning hearing for interstate CMV drivers.

III. Qualifications of Applicants

Yunier Alegre

Mr. Alegre, 33, holds a class E license in Florida.

Kenneth Alston

Mr. Alston, 33, holds a class D license in New Jersey.

Charles Armand

Mr. Armand, 39, holds a class A license in New Jersey.

Baldemar Barba

Mr. Barba, 24, holds a class C license in Texas.

Gary Barber

Mr. Barber, 70, holds a commercial driver’s license in Wisconsin.

Desmond Dantzler

Mr. Dantzler, 51, holds a class D license in Arizona.

Jeremy Descloux

Mr. Descloux, 25, holds an operator’s license in Washington.

Philip Fatigato

Mr. Fatigato, 28, holds a class D license in Illinois.

William Hoke

Mr. Hoke, 50, holds a class D license in New York.

Edward Larizza

Mr. Larizza, 24, holds a class C license in California.

Kevin Maddox

Mr. Maddox, 58, holds a class AM license in Georgia.

Bikien McKoy

Mr. McKoy, 48, holds a class A license in North Carolina.

Rage Muse

Mr. Muse, 33, holds a class A license in Minnesota.

Orlando Padilla

Mr. Padilla, 47, holds a class E license in Florida.

Michael Paul

Mr. Paul, 60, holds a class A license in Illinois.

Aaron Pitsker

Mr. Pitsker, 31, holds a class CM license in California.

Michael Principe

Mr. Principe, 33, holds a class C license in Texas.

William Rivas

Mr. Rivas, 31, holds a class C license in California.

Kenneth Salts

Mr. Salts, 45, holds a class D license in Ohio.

Issac Soto

Mr. Soto, 32, holds a class D license in Illinois.

Gary Sturdevant

Mr. Sturdevant, 43, holds a class CM license in Texas.

Richard Taulbee

Mr. Taulbee, 40, holds a class C license in Georgia.

Matthew Taylor

Mr. Taylor, 27, holds a class C license in Texas.

IV. Request for Comments

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

business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2022–0002]

National Transit Database Census Reporting Clarifications

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

ACTION: Notice; Request for comments.

SUMMARY: This notice provides interested parties with the opportunity to comment on changes to the Federal Transit Administration’s (FTA) National Transit Database (NTD) reporting requirements as they relate to Urbanized Areas (UZA). Each year, transit systems use data from the Census Bureau to update their basic information (B–10) form indicating what urbanized areas and rural areas they serve, and also to complete their Federal Funding Allocation (FFA–10) form distributing their service data across those urbanized and rural areas. The Census Bureau is expected to define new UZAs based on 2020 Census data in calendar year 2022. FTA proposes that for NTD Report Year 2021 (RY 2021), transit systems would be required to complete a B–10 and FFA–10 form based on the UZAs from the 2010 Census, as usual. If the Census Bureau releases new UZAs prior to October 1, 2022, then transit systems would be required to complete new B–10 and FFA–10 forms as an addendum to the annual report at that time.

DATES: Comments are requested by February 18, 2022. FTA will consider all comments received before the close of business on the comment closing date. To the extent practicable, FTA may also consider comments received after that date.

ADDRESSES: You may file comments identified by docket number FTA–2022–0002 by any of the following methods:

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

- *Mail:* Send comments to 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 Ave. SE, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Management Facility, U.S. Department of Transportation, at (202) 493–2251.

Instructions: You must include the agency name (Federal Transit Administration) and Docket Number (FTA–2022–0002) for this notice, at the beginning of your comments. If sent by mail, submit two copies of your comments.

Electronic Access and Filing: This document and all comments received may be viewed online through the Federal eRulemaking portal at <http://www.regulations.gov> or at the street address listed above. Electronic submission and retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days a year. Please follow the instructions. An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at <https://www.federalregister.gov>.

Privacy Act: Except as provided below, all comments received into the docket will be made public in their entirety. The comments will be searchable by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You should not include information in your comment that you do not want to be made public. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Thomas Coleman, National Transit Database Program Manager, FTA Office of Budget and Policy, (202) 366–5333, thomas.coleman@dot.gov.

SUPPLEMENTARY INFORMATION: The National Transit Database (NTD) is the Federal Transit Administration's (FTA's) primary database for statistics on the transit industry. Each year, transit systems use data from the Census Bureau to update their basic information (B–10) form indicating what urbanized areas and rural areas they serve, and also to complete their Federal Funding Allocation (FFA–10) form distributing their service data across those urbanized and rural areas. In implementing the 2010 Census, FTA required transit systems to complete only one FFA–10 form for the 2011 annual report (76 FR 30997). Transit systems were not

required to complete an FFA–10 form based on the UZA definitions from the 2000 Census. Instead, transit systems filled out one FFA–10 form for their 2011 annual report during the summer of 2012, following the release of the 2010 Census UZA definitions in spring 2012.

In 2021, the Census Bureau announced that the new UZA definitions from the 2020 Census will not be released until summer 2022 or later. These UZA definitions are necessary for the NTD to create apportionment files. Federal law requires FTA to use the most recent urbanized area definitions from the Census Bureau (49 U.S.C. 5302(23)) in formula funding apportionments.

For the 2021 annual report, NTD reporters have already begun completing an initial FFA–10 and B–10 forms using existing 2010 Census definitions. For Report Year 2021, FTA proposes to require transit systems to submit the B–10 and FFA–10 forms using 2010 Census data by the normal NTD annual report deadline. If the Census Bureau releases new urbanized area definitions prior to October 1, 2022, FTA would require transit operators to submit new B–10 and FFA–10 forms using 2020 Census data as an addendum to the annual report. Collecting this addendum based on 2020 Census data is necessary to allow FTA to meet the UZA definition found in 49 U.S.C. 5302(23) and produce apportionment data files that support the apportionment of formula funds. If the Census Bureau releases new urbanized area definitions on or after October 1, 2022, then FTA would not require the form addendum and would instead integrate the new urbanized area definitions into the 2022 reporting process.

To minimize reporting burden, transit operators will not have to fill in the addendum from scratch. The addendum will pull in as much data as possible from the initial FFA–10 and B–10 forms completed using 2010 Census UZA definitions, based on unchanged or minimally changed UZA boundaries.

Nuria I. Fernandez,

Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2018–0105; Notice 2]

BMW of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Grant of petition.

SUMMARY: BMW of North America, LLC (BMW), a subsidiary of BMW AG, has determined that certain model year (MY) 2019 BMW F750 GS and F850 GS motorcycles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials*. BMW filed a noncompliance report dated October 19, 2018. BMW subsequently petitioned NHTSA on October 29, 2018, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces the grant of BMW's petition.

FOR FURTHER INFORMATION CONTACT: Leroy Angeles, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5304, Leroy.Angeles@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Overview

BMW has determined that certain MY 2019 BMW F750 GS and F850 GS motorcycles do not fully comply with paragraph S6.3 of FMVSS No. 205, *Glazing Materials* (49 CFR 571.205). BMW filed a noncompliance report dated October 19, 2018, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. BMW subsequently petitioned NHTSA on October 29, 2018, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of BMW's petition was published with a 30-day public comment period, on February 27, 2020, in the **Federal Register** (85 FR 11447). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Then follow the online search instructions to