

2. Antiquities Act of 1906 [16 U.S.C. 431–433]; Federal-Aid Highway Act of 1935 [20 U.S.C. 78]
3. Clean Air Act [42 U.S.C. 7401–7671(q)]
4. Clean Water Act [33 U.S.C. 1344]

**Authority:** 23 U.S.C. 139(l)(1)

Issued on: August 25, 2011.

**Gary Sweeten,**

*Acting Director, Local Programs, Federal Highway Administration, Sacramento, California.*

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**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–2003–14504; FMCSA–2005–20560; FMCSA–2007–27897; FMCSA–2009–0121]

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

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

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

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 32 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective September 13, 2011. Comments must be received on or before October 3, 2011.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: FMCSA–1998–4334; FMCSA–2003–14504; FMCSA–2005–20560; FMCSA–2007–27897; FMCSA–2009–0121, 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 or Courier:* 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 number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

*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 Federal Docket Management System (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:* Anyone may search the electronic form of all comments received into any of our 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, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

#### FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs, 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

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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

procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

#### Exemption Decision

This notice addresses 32 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 32 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are the following:

Daniel F. Albers  
John A. Bridges  
Eddie M. Brown  
Edwin L. Bupp  
Clifford D. Carpenter  
Duane C. Conway  
Brian W. Curtis  
Roger D. Davidson, Sr.  
Robin C. Duckett  
Marco A. Esquivel  
Tomie L. Estes  
Raymond L. Herman  
Jesse R. Hillhouse, Jr.  
Billy R. Holdman  
Ray C. Johnson  
Terry R. Jones  
Randall H. Keil  
James J. Mitchell  
Andrew M. Nurnberg  
Kenneth R. Pedersen  
Joshua R. Perkins  
Eligio M. Ramirez  
Victor C. Richert  
Craig R. Saari  
Jerry L. Schroder  
Gerald J. Shamla  
William C. Smith  
Larry D. Steiner  
Scott C. Teich  
Anthony T. Truiolo  
Gregory A. VanLue  
Kevin W. Wunderlin

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) By an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard 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 provides 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 and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption

will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded 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(e) and 31315.

#### Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 32 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226; 64 FR 16517; 66 FR 41656; 68 FR 19598; 68 FR 33570; 68 FR 44837; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 41811; 72 FR 27624; 72 FR 28093; 72 FR 39879; 72 FR 40362; 72 FR 52419; 74 FR 20523; 74 FR 26461; 74 FR 34630; 74 FR 41971). Each of these 32 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

#### Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by October 3, 2011.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed,

subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 32 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: August 19, 2011.

**Larry W. Minor,**

*Associate Administrator Office of Policy.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2011-0183]

#### Pipeline Safety: Potential for Damage to Pipeline Facilities Caused by the Passage of Hurricanes

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

**ACTION:** Notice; Issuance of Advisory Bulletin.

**SUMMARY:** PHMSA is issuing this advisory bulletin to remind owners and operators of gas and hazardous liquid pipelines of the potential for damage to pipeline facilities caused by the passage of Hurricanes.

**ADDRESSES:** This document can be viewed on the Office of Pipeline Safety (OPS) home page at: <http://ops.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Operators of pipelines subject to regulation by PHMSA should contact

the appropriate PHMSA Regional Office. The PHMSA Regional Offices and their contact information are as follows:

- *Eastern Region:* Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, call 609-989-2171.

- *Southern Region:* Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, and Tennessee, call 404-832-1140.

- *Central Region:* Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, call 816-329-3800.

- *Southwest Region:* Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, call 713-272-2859.

- *Western Region:* Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, call 720-963-3160.

Intrastate pipeline operators should contact the appropriate State pipeline safety authority. A list of State pipeline safety authorities is provided at: [http://www.napsr.org/managers/napsr\\_state\\_program\\_managers2.htm](http://www.napsr.org/managers/napsr_state_program_managers2.htm).

For general information about this notice contact John Hess, Director for Emergency Support and Security, 202-366-4595 or by e-mail at [PHMSA.OPA90@dot.gov](mailto:PHMSA.OPA90@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The purpose of this advisory bulletin is to remind all owners and operators of gas and hazardous liquid pipelines, particularly those with facilities located in offshore and inland areas, about the serious safety-related issues that can result from the passage of hurricanes. That includes the potential for damage to offshore platforms and pipelines and onshore pumping stations, compressor stations, and terminals.

Operators of gas and hazardous liquid pipelines have a general obligation to identify any conditions that can adversely affect the operation of their pipelines and to take appropriate corrective measures upon discovering such conditions. Specifically, § 192.613 of the gas pipeline safety regulations states that “[e]ach operator shall have a procedure for continuing surveillance of its facilities to determine and take appropriate action concerning \* \* \* unusual operating and maintenance conditions,” and that “[i]f a segment of pipeline is determined to be in unsatisfactory condition but no immediate hazard exists, the operator