

must be disposed of *before* entering the building.

■ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

■ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

Documents will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, Room CY-A257, 445 12th Street SW., Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, email [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

*People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty). The Commission has designated this proceeding as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. 47 CFR 1.1200 *et seq.*; *Amendment of Certain of the Commission’s Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, Notice of Proposed Rulemaking, 25 FCC Rcd 2430, 2439-40 (2010). Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to

be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission’s rules. In proceedings governed by § 1.49(f) of the Commission’s rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

#### Summary of Public Notice

This Public Notice seeks comment on the Commission’s Preliminary Plan for Retrospective Analysis of Existing Rules, released on November 7, 2011. The Preliminary Plan describes the Commission’s ongoing process of identifying outmoded or counterproductive rules and provides an overview of recent and current proceedings that include retrospective analysis. The Commission seeks comment generally on the Preliminary Plan.

The Commission is committed to being a responsive, efficient and effective agency that harnesses and promotes the technological and economic opportunities of the new millennium. As part of the Commission’s goal to be a model of excellence in government, the agency has, since 2009, undertaken far-reaching initiatives designed to achieve its statutory objectives while removing burdens on industry and promoting innovation and job growth.

In furtherance of these objectives, the Commission seeks comment on the following questions: What additional steps should the Commission take to identify rules that should be changed, streamlined, consolidated, or removed? How can the Commission further reduce burdens on industry and consumers while fostering competition, diversity and innovation? Are there Commission rules or reporting requirements that are duplicative or that have conflicting requirements among its bureaus and offices or with other agencies? Are there Commission rules or reporting requirements that could be modified to better accomplish their regulatory objectives? In addition, commenters are encouraged to submit other suggestions that may help the Commission develop better regulations and processes. Commenters are asked to specifically identify the rules or reporting

requirements they are addressing and to provide specific suggestions for ways the Commission should modify such rules or reporting requirements, including alternative language where possible.

Federal Communications Commission.

**Julie A. Veach,**

*Deputy General Counsel, Office of General Counsel.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 385, 386, 390, and 395

[Docket No. FMCSA-2011-0373]

#### Hours of Service of Motorcoach Drivers

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

**ACTION:** Notice of public listening session.

**SUMMARY:** FMCSA announces that it will hold a public listening session to solicit information, concepts, ideas, and information on hours-of-service (HOS) requirements for motorcoach drivers. Specifically, the Agency would like to know what factors, issues, and data may be pertinent as it considers development of a rulemaking on these requirements. The session, which will be held in Grapevine, Texas, will allow interested persons to present comments, views, and relevant new research. This listening session will be recorded and a transcript of the public meeting will be placed in the docket for FMCSA’s consideration, as well as all comments submitted during the session. The listening session will also be webcast via the Internet.

**DATES:** The listening session will be held on Monday, January 9, 2012, in Grapevine, TX (near Dallas, TX). The listening session will be held from 10 a.m. until noon, CT, and from 2:30 p.m. until 4:30 p.m. CT, or earlier, if all participants wishing to express their views have done so.

**ADDRESSES:** The January 9, 2012, meeting will be held at the Gaylord Texan Resort & Convention Center, 1501 Gaylord Trail, Grapevine, TX 76051-1945. The hotel telephone number is 1-(817) 778-2000.

*Internet Address for Live Webcast.* FMCSA will post specific information on how to participate via the Internet on

the FMCSA Web site at <http://www.fmcsa.dot.gov>.

You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2004–19608 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., ET, Monday through Friday, except Federal Holidays.
- *Fax*: 1–(202) 493–2251.

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 [www.regulations.gov](http://www.regulations.gov) at any time or visit 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 on-line Federal document management system 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 Federal Docket Management System 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**: For information concerning the listening session or the live webcast, please

contact Ms. Shannon L. Watson, Senior Advisor for Policy, FMCSA, (202) 385–2395.

If you need sign language assistance to participate in this HOS listening session, also contact Ms. Shannon L. Watson, at the above phone number, by Thursday, January 6, 2012, to allow us to arrange for such services. There is no guarantee that interpreter services requested on short notice can be provided.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The HOS requirements for motorcoach operators have not been substantially revised in several decades. The FMCSA did not include changes to the motorcoach HOS requirements in its April 28, 2003 final rule (68 FR 22456) concerning HOS requirements for truck drivers or in subsequent revisions of that rule because the Agency did not have enough data and information on motorcoach operations to form the basis of a rulemaking. Motorcoach operations differ significantly from trucking operations and the information upon which the Agency relied for its truck drivers' rule did not address the unique fatigue issues associated with the scheduling and operating practices of the motorcoach industry.

The current HOS rules for passenger-carrying commercial motor vehicle (CMVs) operations allow up to 10 hours of driving time following 8 consecutive hours off duty. Driving is prohibited after the operator has accumulated 15 hours of on-duty time following 8 consecutive hours off duty (15-hour rule). However, miscellaneous off-duty periods during the day are not counted in the 15-hour window. Therefore, the amount of time between the beginning of the work day and driver completing all driving tasks may exceed 15 hours.

With regard to weekly limitations, drivers of passenger-carrying CMVs are prohibited from driving after accumulating: 60 hours of on-duty time in any 7 consecutive days if the employing motor carrier does not operate CMVs every day of the week; or, 70 hours in any period of 8 consecutive days if the employing motor carrier operates CMVs every day of the week.

##### **II. Meeting Participation and Information FMCSA Seeks From the Public**

The listening session is open to the public. Speakers' remarks will be

limited to 5 minutes each. The public may submit material to the FMCSA staff at the session for inclusion in the public docket, FMCSA–2011–0373.

The Agency seeks data and answers relating to the following issues and questions. The comments sought below may be submitted in written form at the session and summarized verbally, if desired.

1. *Driving Time*. FMCSA seeks information or data that examine fatigue and safety differences associated with different driving time periods.

2. *Duty Time/Driving Window*. FMCSA solicits information on patterns of work for motorcoach drivers.

3. *Time-On-Task (TOT) Function*. The Agency seeks comments and information on methods for evaluating fatigue associated with the time motorcoach operators spend on the actual driving task during the work day. The Agency is interested in suggestions for estimating TOT effects, especially information on where it might obtain data on exposure and other motorcoach driver characteristics that would enable it to estimate how or whether crash risk varies over successive hours of daily driving.

4. *Cumulative Fatigue*. The Agency seeks comments and information on the effects of cumulative fatigue during the work week, particularly in the form of scientific studies or data that would allow evaluation of cumulative fatigue and its impact on workplace safety, motorcoach driver safety performance, and productivity.

##### **III. Alternative Media Broadcasts During and Immediately After the Listening Session on January 9, 2012**

FMCSA will webcast the listening session on the Internet. Specific information on how to participate via the Internet and the telephone access number will be on the FMCSA Web site at <http://www.fmcsa.dot.gov>. FMCSA will docket the transcripts of the webcast and a separate transcription of the listening session that will be prepared by an official court reporter.

Issued on: December 21, 2011.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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