

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 15 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 15 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Michael L. Ballatyne (MO)  
David S. Carman (NJ)  
Richard C. Dickinson (GA)  
Glen T. Garrabrant (NJ)  
Richard A. Guthrie (MT)  
Glen T. Garrabrant (NJ)  
Richard A. Guthrie (MT)  
Alan L. Johnston (IL)  
Bryon K. Lavender (OH)  
Victor M. McCants (AL)  
James E. Menz (NY)  
Dennis I. Nelson (WI)  
William K. Otwell (LA)  
Rance A. Powell (AL)  
Shannon E. Rasmussen (WY)  
Thomas S. Roth (DE)  
Henry L. Walker (LA)

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 requirements 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 Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was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 15 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 66286; 66 FR 13825; 68 FR 10300; 70 FR 7546; 72 FR 180; 72 FR 7111; 72 FR 9397; 74 FR 6211; 74 FR 6212; 75 FR 77942; 76 FR 5425; 76 FR 9861). Each of these 15 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement 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 requirements.

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 March 15, 2013.

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 15 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: February 4, 2013.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2013–03338 Filed 2–12–13; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0021]

#### 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 8 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 March 15, 2013.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0021 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:* 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 (FDMS) published in the **Federal Register** on December 29, 2010 (75 FR 82132), or you may visit <http://www.gpo.gov/fdsys/pkg/FR-2010-12-29/pdf/2010-32876.pdf>.

**FOR FURTHER INFORMATION CONTACT:**

Elaine M. Papp, Chief, Medical Programs Division, (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 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 8 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.

**Qualifications of Applicants**

*Michael L. Bergman*

Mr. Bergman, age 56, has a prosthetic right eye due to a traumatic incident in 2009. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2012, his optometrist noted, "I believe that Mike's vision is sufficient to perform the driving tasks required to operate a commercial vehicle." Mr. Bergman reported that he has driven straight trucks for 37 years, accumulating 74,000 miles, and tractor-trailer combinations for 25 years, accumulating 250,000 miles. He holds a Class A Commercial Driver's License (CDL) from Kansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Efrain Gonzalez*

Mr. Gonzalez, 52, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2012, his optometrist noted, "At this time, Mr. Gonzalez has sufficient vision to safely operate a commercial motor vehicle." Mr. Gonzalez reported that he has driven straight trucks for 12 years, accumulating 360,000 miles. He holds a Class A CDL from Utah. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Anthony Hall*

Mr. Hall, 43, has had a retinal vein occlusion in his right eye since 2003. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2012, his ophthalmologist noted, "In my opinion, the patient has full fields of his left eye and 20/20 vision in his left eye. He is capable of operating a commercial vehicle." Mr. Hall reported that he has driven tractor-trailer combinations for

13 years, accumulating 1.2 million miles. He holds a Class A CDL from Louisiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Shane Holum*

Mr. Holum, 32, has had optic nerve atrophy in his right eye since 2002 due to a traumatic incident. The best corrected visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, "In my opinion he has sufficient vision to drive and operate a commercial vehicle." Mr. Holum reported that he has driven straight trucks for 4 years, accumulating 16,000 miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Daryl W. Morris*

Mr. Morris, 70, has had optic nerve atrophy in his left eye since 1992. The best corrected visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2012, his optometrist noted, "I want to certify in my medical opinion that Mr. Morris has sufficient vision to perform the driving task required to operate a commercial vehicle." Mr. Morris reported that he has driven straight trucks for 8 years, accumulating 80,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Dan Nestel*

Mr. Nestel, 53, has had a ruptured globe in his right eye due to a traumatic incident in 2009. The best corrected visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2012, his ophthalmologist noted, "In my medical opinion Mr. Nestel does have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Nestel reported that he has driven tractor-trailer combinations for 25 years, accumulating 1.2 million miles. He holds a Class A CDL from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Thomas G. Normington*

Mr. Normington, 47, has a prosthetic right eye due to a traumatic incident in 1986. The best corrected visual acuity in his left eye is 20/15. Following an

examination in 2012, his optometrist noted, "In my opinion, Mr. Normington has sufficient vision to perform the driving tasks required to safely operate a commercial vehicle." Mr. Normington reported that he has driven straight trucks for 14 years, accumulating 280,000 miles, and tractor-trailer combinations for 14 years, accumulating 140,000 miles. He holds a Class A CDL from Wyoming. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Thomas L. Terrell*

Mr. Terrell, 57, has had a chronic retinal detachment in his left eye due to a traumatic incident in 1984. The best corrected visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2012, his ophthalmologist noted, "He has sufficient vision in his right eye and unless he has some future problem in the right eye, he should have no problems performing his duties of operating a commercial vehicle." Mr. Terrell reported that he has driven straight trucks for 39 years, accumulating 78,000 miles, and tractor-trailer combinations for 39 years, accumulating 273,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

#### Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business March 15, 2013. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: February 4, 2013.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Federal Fiscal Year 2013 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of availability.

**SUMMARY:** The Federal Transit Administration (FTA) is directed to publish annually a list of all certifications required under 49 U.S.C. Chapter 53. For Federal Fiscal Year 2013 (FY 2013), FTA consolidated and updated the various pre-award Certifications and Assurances required to be submitted by an Applicant seeking an award of Federal public transportation assistance (funding) during FY 2013. This notice announces the availability of the FY 2013 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements and the FTA Master Agreement, both of which are available at the FTA Web site, <http://www.fta.dot.gov>. This notice also highlights the changes made to FTA's Certifications and Assurances for FY 2013 that differ from previous provisions and also provides instructions on how and when to submit Certifications and Assurances for FY 2013.

**DATES: Effective Date:** These FY 2013 Certifications and Assurances are effective October 1, 2012, the first day of Federal Fiscal Year (FY) 2013.

**FOR FURTHER INFORMATION CONTACT:** The appropriate Regional or Metropolitan Office listed in this Notice. For copies of related documents and information, see our Web site at <http://www.fta.dot.gov> or contact our Office of Administration at 202-366-4007.

#### Region 1: Boston

States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; Telephone # 617-494-2055

#### Region 2: New York

States served: New York, and New Jersey; Telephone # 212-668-2170

#### Region 3: Philadelphia

States served: Delaware, Maryland, Pennsylvania, Virginia, and West Virginia; Telephone # 215-656-7100

#### Region 4: Atlanta

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee;

Territories served: Puerto Rico and the U.S. Virgin Islands  
Telephone # 404-865-5600

#### Region 5: Chicago

States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; Telephone # 312-353-2789

#### Region 6: Dallas/Ft. Worth

States served: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; Telephone # 817-978-0550

#### Region 7: Kansas City

States served: Iowa, Kansas, Missouri, and Nebraska; Telephone # 816-329-3920

#### Region 8: Denver

States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Telephone # 720-963-3300

#### Region 9: San Francisco

States served: Arizona, California, Hawaii, Nevada,  
Territories served: Guam, American Samoa, and the Northern Mariana Islands  
Telephone # 415-744-3133

#### Region 10: Seattle

States served: Alaska, Idaho, Oregon, and Washington; Telephone # 206-220-7954

#### Chicago Metropolitan Office

Area served: Chicago Metropolitan Area; Telephone #312-886-1616

#### Los Angeles Metropolitan Office

Area served: Los Angeles Metropolitan Area; Telephone # 213-202-3950

#### Lower Manhattan Recovery Office

Area served: Lower Manhattan; Telephone # 212-668-1770

#### New York Metropolitan Office

Area served: New York Metropolitan Area; Telephone # 212-668-2201

#### Philadelphia Metropolitan Office

Area served: Philadelphia Metropolitan Area; Telephone # 215-656-7070

#### Washington DC Metropolitan Office

Area served: Washington DC Metropolitan Area; Telephone # 202-219-3562/202-219-3565

#### SUPPLEMENTARY INFORMATION:

##### 1. What are FTA's responsibilities?

The second sentence of 49 U.S.C. 5323(n) states in pertinent part that "The Secretary [of Transportation] shall publish annually a list of all certifications required under this