

for Highway and Auto Safety (Advocates) formally requested that the Agency extend the comment period by 30 days. The Agency extends the deadline for comment from January 6 to January 21, 2014.

**DATES:** Comments must be received on or before January 21, 2014.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2013-0392 by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Fax:* 1-202-493-2251.

*Mail:* Docket Management Facility, (M-30), U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Ground Floor, Room 12-140, Washington, DC 20590-0001.

*Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., e.t, Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means.

FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number "FMCSA-2013-0392" and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change the proposed enhancements based on your comments. FMCSA may issue final enhancements at any time after the close of the comment period.

### Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number "FMCSA-2013-0392" and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to the proposed rulemaking.

Note that all comments received, including any personal information provided, will be posted without change to <http://www.regulations.gov>. Please see the "Privacy Act" heading below.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room W12-140 on the ground floor of the DOT Headquarters Building at 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets 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 may review DOT's Privacy Act System of Records Notice for the DOT Federal Docket Management System published in the **Federal Register** on January 17, 2008 [73 FR 3316].

*Public Participation:* The <http://www.regulations.gov> Web site is generally available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the "help" section of the <http://www.regulations.gov> Web site. Comments received after the comment closing date will be included in the docket, and will be considered to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** Ms. Courtney Stevenson, Federal Motor Carrier Safety Administration, Compliance Division, 1200 New Jersey Avenue SE., Washington, DC 20590, Telephone 202-366-5241, Email: [courtney.stevenson@dot.gov](mailto:courtney.stevenson@dot.gov)

### SUPPLEMENTARY INFORMATION:

#### Background

On November 5, 2013 (78 FR 66420), FMCSA published a notice in the **Federal Register** requesting comments on proposed enhancements to the display of information on the Agency's SMS public Web site. FMCSA first announced the implementation of the SMS in April 2010 and announced further improvements to the SMS in

March 2012 and August 2012.

Consistent with its prior announcements, the Agency announced proposed changes to the design of the SMS public Web site that are the direct result of feedback from stakeholders regarding the information displayed. The Agency provided a 60-day comment period for the notice with a deadline of January 6, 2014, for the submission of comments.

On December 6, 2013, Advocates requested a 60-day extension of the comment period for the November 5, notice. Advocates stated that "review of the topic requires considerable experience with the use of the Compliance, Safety and Accountability (CSA) Web site and the SMS data in order to evaluate the display of information, assess the changes and formulate a clear understanding the changes may have on public access and comprehension of the [Web site] information."

The FMCSA has determined that a 15-day extension of the comment period is appropriate while a longer extension, as requested by Advocates, is unnecessary given the original 60-day comment period and the three educational webinars the Agency conducted on November 18, 21, and 22. The series of webinars were announced in the November 5, 2013, notice.

In consideration of the above, FMCSA extends the deadline for submission of public comments from January 6 to January 21, 2014.

Issued on: December 11, 2013.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2013-29958 Filed 12-16-13; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0047]

#### Hours of Service of Drivers: Application for Exemption; David Muresan

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

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA announces that David Muresan has applied for an exemption from the Agency's hours of service (HOS) rules. Mr. Muresan is a long-haul truck driver who teams with a second driver in operating a sleeper berth-equipped vehicle. Mr. Muresan believes

that the Agency's HOS rules do not properly consider the unique nature of team operations. Mr. Muresan proposes that he and his co-driver be permitted to operate under HOS rules that he has designed. He believes that his commercial motor vehicle (CMV) operations under the substitute HOS rules are likely to achieve a level of safety equivalent to or greater than the level of safety that would be obtained in the absence of the exemption.

**DATES:** Comments must be received on or before January 16, 2014.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2013-0047 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, DOT Hq Building, 1200 New Jersey Avenue SE., Washington, DC 20590-0001, between 9:00 a.m. and 5:00 p.m. e.t., Monday through Friday except Federal holidays.
- *Instructions:* All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the *Public Participation* section below. Note that all comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. Please see the *Privacy Act* section below.
- *Docket:* For access to the docket to read background documents or comments received, go to [www.regulations.gov](http://www.regulations.gov) at any time and in the box labeled "SEARCH for" enter FMCSA-2013-0047 and click on the tab labeled "SEARCH."
- *Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets 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 may review the U.S. Department of Transportation's online privacy policy at [www.dot.gov/privacy](http://www.dot.gov/privacy) or the complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316).
- *Public Participation:* The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You

can get electronic submission and retrieval help and guidelines by clicking on the word "Help" at the top of the Portal home page. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards. Telephone: 202-366-4325. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

FMCSA has authority under 49 U.S.C. 31315 and 31136(e) to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). The Agency is required to publish a notice of each exemption request in the **Federal Register** [49 CFR 381.315(a)]. FMCSA must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

FMCSA reviews safety analyses and public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** with the reasons for denying or granting the application, and if granted, the name of the person or class of persons receiving the exemption, and the regulatory provisions from which the exemption is granted [49 CFR 381.315(b) and (c)]. The notice must specify the effective period of the exemption, and its terms or conditions. The exemption may be renewed [49 CFR 381.300(b)].

**Hours of Service (HOS) Rules**

Part 395 of title 49 of the Code of Federal Regulations, "Hours of Service of Drivers," prescribes various HOS limits. Mr. Muresan is asking for exemption from the HOS rules governing property-carrying CMVs. One of the primary HOS rules is the "14-hour rule" found at 49 CFR 395.3(a)(2).

In response to new research on fatigue, FMCSA in 2003 lengthened from 8 hours to 10 hours the minimum off-duty period between shifts required for drivers of property-carrying CMVs

(68 FR 22456; April 28, 2003). However, drivers of property-carrying CMVs equipped with a sleeper berth have the option of obtaining "the equivalent of 10 consecutive hours off duty," defined as follows: 49 CFR Once the maximum of 60 (or 70) hours of on-duty time is reached in any period of 7 (or 8) consecutive days, the driver can reset this "on-duty clock" to zero by obtaining a period of at least 34-consecutive hours off duty that includes two periods from 1:00 a.m. to 5:00 a.m. home terminal time. A driver at the maximum of 60 hours in 7 days (or 70 hours in 8 days) can also go off duty until the passage of time reduces the number of on-duty hours he or she has accumulated in the most recent 7 (or 8) days.

Section 392.3 of the FMCSRs provides the following:

**Application for Exemption**

Mr. Muresan and another driver operate as a team on "long-haul" operations. Team drivers typically operate a property-carrying CMV equipped with a sleeper berth, and alternate between driving the vehicle and occupying the sleeper berth. Compared to a solo driver, a team can substantially reduce the time required to complete a long trip.

A copy of Mr. Muresan's application for exemption is in Docket FMCSA-2013-0047. He asks to be exempt, along with his co-driver, from the HOS rules of part 395, including section 395.2, "Definitions." That section defines numerous terms, such as "on duty," which are critical to effective compliance with and enforcement of the HOS rules. Mr. Muresan employs terms in his exemption application that he does not define (and which the HOS rules do not employ), including "rest" and "sleep."

Mr. Muresan believes that the Agency's HOS rules do not properly consider the unique nature of team operations. Mr. Muresan proposes that he be permitted to operate under HOS rules that he has designed. He believes that his HOS rules would better accommodate team operations without compromising safety. For instance, under his proposal, he would be exempt from the 14-hour rule without limitation, so that it would be legal for him to drive a CMV at any time without regard to the 14-hour window. Mr. Muresan states that CMV operations under his proposed HOS rules would be likely to achieve a level of safety equivalent to or greater than the level of safety as would be obtained in the absence of the exemption.

Mr. Muresan proposes "Exemption Rules" and promises to observe them. Under the exemption, he (and his co-driver, if operating as a team) would limit his driving time to 11 hours in a 24-hour period. If the exemption is granted, he would ". . . drive between 3 to 11 hours followed by 2 to 10 hours of rest/sleep" and would be required to ". . . sleep at least 8 hours during 24 hours of service." Mr. Muresan also proposes the following:

" . . . the driver who is at rest/sleep has full authority to accept or not to drive again and has authority to decide if he is restored enough to drive again. The driver on duty cannot force the driver at rest/sleep to drive again if he/she does not want."

Mr. Muresan explains that the periods of 2 to 10 hours of rest/sleep "allow a driver to go to sleep when [he or she] is tired." He also explains that the authority granted the driver who is "resting/sleeping" to decide when to drive again:

" . . . [a]llows the driver to drive again when [he or she] is restored and not hours after that. I mention that a driver cannot sleep 10 hours and after 6 hours is awaked and may soon become bored and will be sleepy about when will be the time to drive again."

Mr. Muresan also requests that the exemption permit him to employ paper records of duty status (RODS), or logs, even if his employer has equipped the CMV with the capability to record the RODS electronically.

Mr. Muresan requests that the exemption cover a two-year period, the maximum period of time for which FMCSA can grant an exemption. Applicants may apply for renewal of their exemption every two years.

#### Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on Mr. Muresan's application for an exemption from the HOS requirements of 49 CFR part 395. The Agency will consider all comments received by the close of business on January 16, 2014. Comments will be available for examination in the docket as explained in the **ADDRESSES** section of this notice under the heading "Docket." The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: December 9, 2013.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2013-29959 Filed 12-16-13; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA-2013-0172]

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

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

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its denial of 59 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck and bus drivers and the reasons for the denials. 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 exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

#### FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs Division, 202-366-4001, U.S. Department of Transportation, FMCSA, 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 vision standard for a renewable 2-year period if it finds "such an exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such an exemption." The procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 59 individual exemption requests on their merit and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in this notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically

publishing names and reasons for denial.

The following 11 applicants had no experience operating a CMV:

Christina L. Anhock  
Thomas R. Anthony  
Brian Ashbaugh  
Eric Betsuie  
Eric P. Carr  
Adrian L. Johnson  
Bradford Kadubic  
Dennis A. Mercer II  
Elijah Miller  
Jorge Monge  
Marcus Robinson

The following 9 applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Zoraida Bazan  
Troy D. Blanton  
Donald E. Cessna, Sr.  
Douglas H. Huntsman  
Mark A. Lane  
James McClellan  
Louis Pierson  
Juan Ramirez  
Phillip Starker

The following 5 applicants did not have 3 years of recent experience driving a CMV with the vision deficiency:

Aaron Gage  
Daniel D. Henriquez  
Dennis Hughey  
Edward Rangel  
Jeffrey M. Thorpe

The following 9 applicants were denied for miscellaneous/multiple reasons:

Travis Bennett  
John D. Bowman  
Don Gray  
Bruce Gumtow  
Gary S. Judds  
Timothy M. Leonard  
Thomas A. Martin, III  
Rodney McMorran  
Tyler R. Peebles

The following applicant, Mark P. Huemann, was denied because his vision was not stable for the entire 3-year period.

The following 12 applicants met the current federal vision standards. Exemptions are not required for applicants who meet the current regulations for vision:

Joseph A. Basista  
Thomas J. Bruce, Jr.  
Barry Foster  
Donald M. Gieseke  
Marco J. Gonzalez  
Rogelio Leyva  
Martin R. Manner  
Lee A. Mauk  
John McKinney