

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 Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was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 41 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (66 FR 17743; 66 FR 30502; 66 FR 33990; 66 FR 41654; 68 FR 35772; 68 FR 37197; 68 FR 44837; 68 FR 48989; 70 FR 30999; 70 FR 33937; 70 FR 41811; 70 FR 42615; 70 FR 46567; 72 FR 32705; 72 FR 40359; 72 FR 40360; 74 FR 26461; 74 FR 34074; 74 FR 34630; 74 FR 34632; 76 FR 37169; 76 FR 40445; 76 FR 44653; 76 FR 49531; 76 FR 50318; 76 FR 53710). Each of these 41 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 February 27, 2014.

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 41 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.

#### Submitting Comments

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 numbers FMCSA-2001-9258; FMCSA-2001-9561; FMCSA-2003-15268; FMCSA-2005-21254; FMCSA-2009-0121; FMCSA-2011-0140; FMCSA-2011-0141 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 this proposed rule based on your comments. FMCSA may issue a final rule 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-2001-9258; FMCSA-2001-9561; FMCSA-2003-15268; FMCSA-2005-21254; FMCSA-2009-0121; FMCSA-2011-0140; FMCSA-2011-0141 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to the proposed rulemaking.

Issued on: January 2, 2014.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2014-01320 Filed 1-27-14; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2013-0226]

#### Improvements in Preparing Oil Spill Facility Response Plans

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

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

**SUBJECT:** Conforming Facility Response Plans (FRPs) to Appendix A to Part 194—“Guidelines for the Preparation of Response Plans” and Identifying Deficiencies.

**SUMMARY:** PHMSA is issuing this advisory bulletin to remind all onshore oil pipeline operators of the circumstances of the Marshall, Michigan, pipeline accident and the need to update FRPs every five years from the date of last submission or the last approval according to its significant and substantial designation. Plans must also be updated whenever new or different operating conditions would affect the implementation of a response plan. (See 49 CFR 194.121.) When updating their FRPs, operators should utilize Appendix A Part 194—Guidelines for the Preparation of Response Plans and submit them electronically to PHMSA.

This bulletin also notifies that FRPs found to meet the requirements of PHMSA’s regulations at Part 194 will be posted on PHMSA’s Web site for public viewing. Prior to posting, PHMSA will redact certain information, such as personally identifiable information and certain security related information, in accordance with the Freedom of Information Act and any other applicable Federal law. This document also alerts operators and their plan submitters to common errors in plans that require amendment prior to PHMSA’s issuance of approval. Finally, onshore oil pipeline operators are encouraged to consider replacing incorporations by reference in their FRPs with a summary of referenced material or a copy of the full document.

**FOR FURTHER INFORMATION CONTACT:** Justin Pryor by phone at 202–366–4595 or by email at [justin.pryor@dot.gov](mailto:justin.pryor@dot.gov). Information about PHMSA may be found at <http://www.phmsa.dot.gov>.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On Sunday, July 25, 2010, at 5:58 p.m. eastern daylight time, a segment of a 30-inch-diameter pipeline (Line 6B), owned and operated by Enbridge Incorporated (Enbridge), ruptured in a wetland in Marshall, Michigan. The rupture was not discovered or addressed for over 17 hours. During the time lapse, Enbridge twice pumped additional oil (81 percent of the total release) into Line 6B during two startups; the total release was estimated to be 843,444 gallons of crude oil. The oil saturated the surrounding wetlands and flowed into the Talmadge Creek and the Kalamazoo River. Local residents self-evacuated from their homes, and serious

environmental damage has required long-term remediation. About 320 people reported symptoms consistent with crude oil exposure. No fatalities were reported. Cleanup and remediation continues, and costs have exceeded \$1 billion.

The National Transportation Safety Board (NTSB) determined that the probable cause of the pipeline rupture was stress corrosion cracking that grew and coalesced from crack and corrosion defects under disbonded polyethylene tape coating. The rupture and prolonged release were caused by pervasive organizational failures at Enbridge that included: (1) Deficient integrity management procedures, which allowed well-documented crack defects in corroded areas to propagate until the pipeline failed; (2) inadequate training of control center personnel, which resulted in Enbridge’s failure to recognize the rupture for 17 hours and through two re-starts of the pipeline; and (3) insufficient public awareness and education, which allowed the release to continue for nearly 14 hours after the first notification of an odor to local emergency response agencies.

Furthermore, the NTSB found that a failure to identify and ensure the availability of well-trained emergency responders with sufficient response resources, a lack of regulatory guidance for pipeline facility response planning, and limited oversight of pipeline emergency preparedness led to a deficient FRP that contributed to the severity of the environmental damage and long term consequences.

**II. Advisory Bulletin (ADB–2014–01)**

*To:* Owners and Operators of Onshore Oil Pipeline Systems.

*Subject:* Conforming Facility Response Plans to Appendix A to Part 194—“Guidelines for the Preparation of Response Plans” and Identifying Deficiencies.

*Advisory:* PHMSA’s regulations for FRPs, under § 194.115(a), state that “each operator shall identify and ensure, by contract or other approved means, the resources necessary to remove, to the maximum extent practicable, a worst case discharge and to mitigate or prevent a substantial threat of a worst case discharge.” Section 194.115(b) goes on to state that “an operator shall identify in the response plan the response resources which are available to respond within the time specified, after discovery of a worst case discharge, or to mitigate the substantial threat of such a discharge.”

The NTSB noted that, because the pipeline safety regulations do not explicitly mandate the amount of

resources or recovery capacity required for a worst-case discharge, Enbridge misinterpreted and miscalculated the amount of oil response resources required by § 194.115, resulting in a lack of adequate oil spill recovery equipment and resources during the initial response. The NTSB also explained that although Part 194 Appendix A recommends using the United States Coast Guard (USCG) regulations for preparation of FRPs, there was no indication that Enbridge utilized the USCG regulations in the preparation of its FRP.

Section 194.115(a) requires operators to identify in their FRP the resources that are available to respond to a release. PHMSA points operators to Appendix C to 33 CFR part 154 Section 7, “Calculating the Worst Case Discharge Planning Volumes” as the best reference for planning for and ensuring proper response capability. Appendix A of Part 194—“Guidelines for the Preparation of Response Plans” recommends that operators use the USCG regulations for preparation of response plans. To help comply with the identification and assurance of adequate response resources, as noted in the preamble to the Final Rule “Pipeline Safety: Response Plans for Onshore Transportation-Related Oil Pipelines,” PHMSA “encourages operators to use USCG-classified oil spill response organizations (OSRO).” An operator contracting with USCG-classified OSROs for response to a worst case discharge will not have to describe the response resources or the response equipment maintenance program of the USCG-classified OSROs. The operator must consider the time required for the USCG-classified OSRO to respond to the spill from wherever the contractor is based to the high volume area and all other areas.

For operators that contract with non-USCG-classified OSRO’s, PHMSA uses the USCG guidelines at 33 CFR part 154, Appendix C, along with the USCG planning volume worksheet when it reviews FRPs to confirm sufficiency of response resources and compliance with Part 194.<sup>1</sup>

Section 194.115(b) lists the maximum times allowed for response resources and personnel to arrive at the scene of a rupture. The increments of time are dependent on whether the spill occurs in a high volume area. The NTSB noted that Enbridge’s plan erroneously indicated that tiers refer to the size of a spill. Operators are reminded that “high

<sup>1</sup> The USCG Planning Volume Worksheet is available at <http://www.phmsa.dot.gov/pipeline/library>.

volume area” is defined in § 194.5. The response times that appear in the table at § 194.115(b) correspond with the tiers established by the USCG for a worst-case discharge in the USCG guidance referenced in Appendix A to Part 194.

As stated in a prior advisory bulletin ADB–2010–05 published in the **Federal Register** on June 28, 2010 (75 FR 36773) operators should review and update their oil spill response plans and contracts to ensure the availability of necessary response resources to a worst case discharge from their pipeline facilities even in the event that more than one significant incident were to occur simultaneously. The NTSB found that during the Marshall, MI, incident, Enbridge’s OSROs failed to adequately respond because many of the initial response resources identified in the Enbridge’s FRP took over 10 hours to arrive and be deployed at the spill site. Using a USCG-classified OSRO to account for response resources can help to reduce equipment information in an FRP and can help PHMSA confirm response capability in terms of resources. Nonetheless, it is the operator’s responsibility to ensure that any OSROs listed can respond to the scene of an incident with the appropriate amount of resources and within the times provided in the tiers at § 194.115(b).

Additionally, to assist PHMSA in the timely processing and review of FRPs, onshore pipeline operators are encouraged to submit electronic copies of their response plans. PHMSA prefers electronic copies of plans in Portable Document Format over hard copies of plans. Electronic copies can be sent via commercial courier on disc or flash drive to the Office of Pipeline Safety at PHMSA Headquarters’ address below:

Office of Pipeline Safety (Attn: Response Plan Review), Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, PHP–5, East Building, 2nd Floor, E22–321, 1200 New Jersey Avenue SE., Washington, DC 20590.

Alternatively, electronic files less than 5 MB can be sent to [PHMSA.OPA90@dot.gov](mailto:PHMSA.OPA90@dot.gov).

PHMSA also wishes to point out errors that commonly result in the rejection of plans in order to facilitate plan preparation and review. These errors include: (1) Missing, incorrect or incomplete methodology and calculations used to determine a Worst Case Discharge (WCD) that compares the volumes of WCDs from the pipeline, breakout tanks, and maximum historical discharge to include, if necessary, an affirmation that any of these elements are not applicable to the calculation; (2)

failure to identify response resources that are available to respond to an incident scene; (3) failure to identify specific environmentally and economically sensitive areas applicable to the pipeline area of operation; (4) missing provisions to ensure responders are safe at a response site; and (5) omission of the name or title and 24-hour telephone number of an operator’s “Qualified Individual” and at least one alternate. Deficiencies in any of these areas will require correction before PHMSA can approve a plan. FRPs found to meet the requirements of PHMSA’s regulations found at Part 194 will be approved and redacted in accordance with FOIA and any other applicable Federal law and posted on PHMSA’s Web site for public viewing. PHMSA posts these plans to help Federal, state and local officials strengthen and coordinate planning and prevention activities.

Finally, PHMSA advises operators that while it is permitted to incorporate material into an FRP by reference, this practice may inhibit regulators’ and incident responders’ access to and understanding of an FRP during response to oil spill incidents and emergencies. For example, when responding to a spill, responders and regulators need access to operations, maintenance, and emergency manuals. It is important that all of the potential users of an FRP have immediate access to all relevant information and procedures.

Therefore, operators should review their FRPs and carefully consider each incorporated document and determine whether full copies or summaries of documents should replace the references. PHMSA suggests operators include the relevant portion of any externally referenced procedural manual that is required in the FRP, by provisions of 49 CFR part 194. This practice will also allow PHMSA to more effectively determine that the operator’s FRP procedures are consistent with Part 194 requirements.

**Authority:** 49 U.S.C. chapter 601; 49 CFR 1.53.

Issued in Washington, DC, on January 22, 2014.

**Jeffrey D. Wiese,**

*Associate Administrator for Pipeline Safety.*

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

January 22, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before February 27, 2014 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.gov](mailto:OIRA_Submission@OMB.EOP.gov) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8141, Washington, DC 20220, or email at [PRA@treasury.gov](mailto:PRA@treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission(s) may be obtained by calling (202) 622–1295, emailing [PRA@treasury.gov](mailto:PRA@treasury.gov), or the entire information collection request may be found at [www.reginfo.gov](http://www.reginfo.gov).

### Internal Revenue Service (IRS)

*OMB Number:* 1545–0137.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Contract Coverage Under Title II of the Social Security Act.

*Form:* Form 2032.

*Abstract:* U.S. citizens and resident aliens employed abroad by foreign affiliates of American employers are exempt from social security taxes. Under Internal Revenue Code section 3121(1), American employers may file an agreement on Form 2032 to waive this exemption and obtain social security coverage for U.S. citizens and resident aliens employed abroad by their foreign affiliates. The American employers can later file Form 2032 to cover additional foreign affiliates as an amendment to their original agreement. *Affected Public:* Individuals or households; Businesses or other for-profits.

*Estimated Annual Burden Hours:* 973.

*OMB Number:* 1545–0409.

*Type of Review:* Revision of a currently approved collection.

*Title:* Application for Reward for Original Information.