

IV. Conclusion

Based upon its evaluation of the nine renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41(b)(11).

As of November 30, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 73384):

Deonte Blanks (TX)
 Alan Bridgeford (AZ)
 Michael Dohanish (OH)
 Ralph Domel (TX)
 Bruce Dunn (LA)
 Teela Gilmore (GA)
 Gregory Hale (CA)
 Scott Perdue (GA)
 Adalberto Rodriguez (NY)

The drivers were included in docket numbers FMCSA–2014–0104, FMCSA–2017–0058, FMCSA–2017–0060, FMCSA–2018–0135, or FMCSA–2019–0109. Their exemptions were applicable as of November 30, 2022 and will expire on November 30, 2024.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (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 prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2023–00447 Filed 1–11–23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0121; FMCSA–2014–0102; FMCSA–2018–0136]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for five individuals from the hearing requirement in the Federal Motor

Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on December 16, 2022. The exemptions expire on December 16, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001, (202) 366–4001, fmcsamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket numbers (FMCSA–2013–0121, FMCSA–2014–0102, or FMCSA–2018–0136) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov. As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

II. Background

On November 29, 2022, FMCSA published a notice announcing its decision to renew exemptions for five individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV

in interstate commerce and requested comments from the public (87 FR 73388). The public comment period ended on December 29, 2022, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the five renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41 (b)(11).

As of December 16, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 73388):

James Dignan (TX)
 Ahmed Gabr (NC)
 Arnold Hatton (DE)
 Fernando Ramirez-Savon (FL)
 Eric Woods (MD)

The drivers were included in docket numbers FMCSA–2013–0121, FMCSA–2014–0102, or FMCSA–2018–0136. Their exemptions were applicable as of December 16, 2022 and will expire on December 16, 2024.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the

following occurs: (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 prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2023-00443 Filed 1-11-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0137]

Entry-Level Driver Training: National Ground Water Association; Application for Exemption

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

ACTION: Notice of final disposition; denial of application for exemption.

SUMMARY: FMCSA announces its decision to deny the exemption request from the National Ground Water Association (NGWA). NGWA sought an exemption from the entry-level driver training (ELDT) regulations “for individuals operating class B ground water well drilling rigs.” FMCSA analyzed the exemption application and public comments and determined that the exemption would not achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202-366-2722. Email: richard.clemente@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, go to www.regulations.gov, insert the docket number “FMCSA-2022-0137” in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click “Browse Comments.”

To view documents mentioned in this notice as being available in the docket, go to www.regulations.gov, insert the docket number “FMCSA-2022-0137” in

the keyword box, click “Search,” and choose the document to review.

If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency 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.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) 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 provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulation Requirements

The ELDT regulations, implemented on February 7, 2022 and set forth in 49 CFR part 380, subparts F and G, establish minimum training standards for individuals applying for certain commercial driver’s licenses (CDLs) and define curriculum standards for theory and behind-the-wheel (BTW) training. They also established an online training provider registry (TPR), eligibility requirements for providers to be listed on the TPR, and requirements for ELDT instructors. Under 49 CFR 380.609(a), an individual who applies, for the first time, for a Class A or Class B CDL, or

who upgrades to a Class A or B CDL, must complete driver training from a provider listed on the TPR, as set forth in subpart G.

Applicant’s Request

NGWA states that it is the country’s largest professional association representing water well contractors, groundwater scientists, and manufacturers and suppliers of groundwater technology. NGWA seeks an exemption from the ELDT regulations “for individuals operating class B ground water well drilling rigs” which transport water well field equipment used to access ground water. NGWA states that increasing demands for groundwater and private water wells, along with labor and supply shortages, have contributed to delays in drilling new water wells. NGWA believes that the exemption, if granted, would allow ground water well drilling rig operators to receive on-the-job training, which could save hundreds of hours each year for water well contractors. NGWA asserts that, if the exemption was granted, on-the-job “safe driver” training would be provided to drivers covered by the exemption prior to “taking their CDL exam.” NGWA did not, however, provide details regarding such training or how the training would achieve a level of safety equivalent to or greater than the level of safety achieved by complying with the ELDT regulations.

IV. Public Comments

On July 7, 2022, FMCSA published notice of this application and requested public comments (87 FR 40581). The Agency received 18 comments: nine in support, eight in opposition, and one neutral. The Owner-Operator Independent Driver’s Association (OOIDA) and the AFL-CIO/Transportation Trades Department (AFL-CIO/TTD) both strongly opposed the exemption request, along with six other individuals/small companies. OOIDA cited a number of reasons for its opposition, including its participation as an industry stakeholder on the Entry-Level Driver Training Advisory Committee when the “framework” of the ELDT regulations were agreed upon. OOIDA believes this exemption could allow individuals who drive Group B water well drilling rigs to drive other types of Group B vehicles without sufficient knowledge of basic commercial motor vehicle maneuvers, which would not result in an equivalent level of safety. The AFL-CIO/TTD also opposed the request, stating that there are alternatives that would ensure equivalent levels of safety without