

New York Airports District Office at 1 Aviation Plaza, Room 111, Jamaica, New York 11434.

The Port Authority submitted the EWR NEMs, descriptions, and other documentation produced during the noise compatibility planning study to the FAA and the FAA determined that the EWR NEMs were in compliance with applicable requirements under 14 CFR 150, effective January 15, 2019 (Noise Exposure Map Notice for Newark Liberty International Airport, Newark, New Jersey, volume 84, **Federal Register**, pages 27183–4, June 11, 2019). The FAA formally received the NCP based on the accepted NEMs for EWR on August 8, 2022. The Port Authority requested that the FAA review the submitted material and that the noise mitigation measures, to be implemented jointly by the Port Authority and surrounding communities, be approved as a NCP. The formal review period, limited by law to a maximum of 180 days with the exception of noise abatement procedures, was initiated on August 19, 2022. Notice of the intent to review the NCP was published in the **Federal Register** on August 24, 2022 (Notice of Receipt and Request for Review of Noise Compatibility Program, volume 87, **Federal Register**, page 52105, August 24, 2022). That **Federal Register** Notice also announced the start of a 60-day period of public review for the NCP documentation. The FAA received no comments from interested parties during the public review period.

The EWR NCP is comprised of actions designed for phased implementation by Port Authority and adjacent jurisdictions within the next one to five years. FAA evaluated and approved this material as a noise compatibility program as described in 49 U.S.C. 47504. The submitted NCP contained 28 proposed measures to minimize impacts of aviation noise on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the 49 U.S.C. 47504 and 14 CFR part 150 were satisfied. A ROA for the overall program was issued by the FAA effective February 15, 2023 (Approval of Newark Liberty International Airport (EWR) Noise Compatibility Program, volume 88, **Federal Register**, pages 10617–9, February 21, 2023). The individual determinations for the specific program elements from the ROA issued February 15, 2023 that are the subject of the Supplemental ROA were:

Noise Abatement Measure 2: Continue Use of Easterly Departure Headings on Runways 4L and 4R—No Action Required at This Time. This measure relates to flight procedures under title

49 U.S.C. 47504(b). In accordance with 14 CFR part 150.35(a), additional coordination will be occurring with the Air Traffic Organization and a Supplemental Record of Approval with FAA's final decision on this proposed measure will be issued on or before August 14, 2023.

Noise Abatement Measure 4: Determine and Implement Optimal Easterly Departure Headings on Runways 4L and 4R—No Action Required at This Time. This measure relates to flight procedures under Title 49 U.S.C. 47504(b). In accordance with 14 CFR part 150.35(a), additional coordination will be occurring with the Air Traffic Organization and a Supplemental Record of Approval with FAA's final decision on this proposed measure will be issued on or before August 14, 2023.

Noise Abatement Measure 6: Encourage Use of FAA-prescribed Distant Noise Abatement Departure Profile Procedures on a Voluntary Basis—Disapproved for Purposes of part 150.

Noise Abatement Measure 12: Implement Nighttime “New Jersey Turnpike” Departure Procedures for Runways 22L and 22R—No Action Required at This Time. This measure relates to flight procedures under Title 49 U.S.C. 47504(b). In accordance with 14 CFR part 150.35(a), additional coordination will be occurring with the Air Traffic Organization and a Supplemental Record of Approval with FAA's final decision on this proposed measure will be issued on or before August 14, 2023.

Consultation with the FAA's Air Traffic Organization was conducted for the three Noise Abatement Measures (Measures 2, 4, and 12) identified as requiring additional review. The Supplemental ROA includes decisions on these three measures. Additionally, following issuance of the ROA on February 15, 2023, the Port Authority requested that the FAA revisit the decision for Noise Abatement Measure 6, indicating that the rationale for disapproval of the proposed Noise Abatement Departure Procedures (NADP) originally provided contained an error. The ROA stated that “Documentation provided in support of this measure by the Port Authority did not include analysis comparing implementation of the measure to the accepted EWR NEM, rather it included a comparative analysis of implementation of potential NADP 1 and NADP 2 procedures at EWR.” After review, the FAA determined that this was an oversight due to a differing approach in analysis used at EWR in

comparison to that done for the recently approved NCP for LaGuardia Airport and that the EWR NCP documentation did include the required analysis. This Supplemental ROA also includes a revised decision on this measure. The specific program elements within the Supplemental ROA and their individual determinations are as follows:

Noise Abatement Measure 2: Disapproved.

Noise Abatement Measure 4: Disapproved.

Noise Abatement Measure 6: Encourage Use of FAA-prescribed Distant Noise Abatement Departure Profile Procedures on a Voluntary Basis—Approved as Voluntary.

Noise Abatement Measure 12: Implement Nighttime “New Jersey Turnpike” Departure Procedures for Runways 22L and 22R—Disapproved.

These determinations are set forth in detail in the Supplemental ROA signed by the FAA Airports Eastern Division Director on August 14, 2023. The Supplemental ROA pertains to the listed measures only, and does not change the decisions made by the FAA in the ROA for the NCP dated February 15, 2023 for the measures not contained within the Supplemental ROA. The Supplemental ROA, as well as other evaluation materials and the documents comprising the original submittal, are available for review at the FAA office listed above. The Supplemental ROA also will be available on the internet on the FAA's website at [http://www.faa.gov/airports/environmental/airport\\_noise/part\\_150/states/](http://www.faa.gov/airports/environmental/airport_noise/part_150/states/) and the Port Authority of New York and New Jersey's website at [http://panynjpart150.com/EWR\\_documents.asp](http://panynjpart150.com/EWR_documents.asp).

Issued in Jamaica, NY, on August 16, 2023.

**David A. Fish,**

*Director, Airports Division Eastern Region.*

[FR Doc. 2023–17917 Filed 8–18–23; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2023–0022]

#### Qualification of Drivers; Exemption Applications; Hearing

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

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

**SUMMARY:** FMCSA announces receipt of applications from 11 individuals for an

exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before September 20, 2023.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System Docket No. FMCSA–2023–0022 using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number (FMCSA–2023–0022) in the keyword box and click “Search.” Next, choose the only notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery:* West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**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](mailto: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. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2023–0022), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 <https://www.regulations.gov/docket/FMCSA-2023-0022/document>. Next, choose the only notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

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.

FMCSA will consider all comments and material received during the comment period.

#### *B. Viewing Comments*

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number (FMCSA–2023–0022) in the keyword box and click “Search.” Next, choose the only 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 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.

#### *C. 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](http://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**

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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

statutes also allow the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

The 11 individuals listed in this notice have requested an exemption from the hearing requirement in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

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).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, “Qualification of Drivers; Application for Exemptions; National Association of the Deaf,” (78 FR 7479), its decision to grant requests from 40 individuals for exemptions from the Agency’s physical qualification standard concerning hearing for interstate CMV drivers. Since that time the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency’s physical qualification standard concerning hearing for interstate CMV drivers.

### **III. Qualifications of Applicants**

#### *Eric Blount*

Eric Blount, 28, holds a class D driver’s license in Arizona.

#### *Shaun Cannady*

Shaun Cannady, 22, holds a class C driver’s license in California.

#### *Rebecca Haynes*

Rebecca Haynes, 50, holds a class C driver’s license in Texas.

**Kyeshia Hemphill**

Kyeshia Hemphill, 33, holds a class R driver's license in Mississippi.

**Kayla Lucero**

Kayla Lucero, 31, holds a class D driver's license in New Mexico.

**Alexandra Muller**

Alexandra Muller, 27, holds a class D driver's license in Arizona.

**Glenn Rozier**

Glenn Rozier, 78, holds a class B commercial driver's license (CDL) in Georgia.

**Aaron Sanders**

Aaron Sanders, 40, holds a driver's license in Washington.

**Eric Sheppard**

Eric Sheppard, 49, holds a class B driver's license in Delaware.

**Timothy Szabo**

Timothy Szabo, 36, holds a class ABCD CDL in Wisconsin.

**Perry Wesberry**

Perry Wesberry, 41, holds a class A CDL in Virginia.

**IV. Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2023-17940 Filed 8-18-23; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2014-0383; FMCSA-2014-0384; FMCSA-2018-0138; FMCSA-2021-0014]

**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 11 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 July 30, 2023. The exemptions expire on July 30, 2025.

**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](mailto: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](http://www.regulations.gov). Insert the docket number (FMCSA-2014-0383, FMCSA-2014-0384, FMCSA-2018-0138, or FMCSA-2021-0014) 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 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](http://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 July 10, 2023, FMCSA published a notice announcing its decision to renew exemptions for 11 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 (88 FR 43648). The public comment period ended on August 9, 2023, 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 11 renewal exemption applications and comments received, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41(b)(11).

As of July 30, 2023, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (88 FR 43649):

Selwyn Abrahamson, (MN)  
Chris Anderson (TX)  
Thomas Carr (PA)  
Eleazar Contreras (IL)  
Michael Hoyt (OR)  
Thomas Lipyanic (FL)  
Jonas Pittman (NC)  
Leroy Raine (AL)  
Troy Rolland (TX)  
Sandy Sloat (TX)  
Richard Whittaker (FL)

The drivers were included in docket numbers FMCSA-2014-0383, FMCSA-2014-0384, FMCSA-2018-0138, or FMCSA-2021-0014. Their exemptions were applicable as of July 30, 2023 and will expire on July 30, 2025.