

Participating Agencies and to private organizations and citizens that have expressed an interest in this action. Public and agency outreach will consist of: (1) A formal public Scoping meeting to be held Buffalo NY in June 2013, (2) a public hearing, (3) meetings with the applicable Cooperating and Participating Agencies, (4) a meeting with the Section 106 Consulting Parties including federally recognized Indian tribes. Public notice will be given of the date, time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that a full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or NYSDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 30, 2013.

Jonathan D. McDade,

*Division Administrator, New York Division,
Federal Highway Administration, Albany,
NY.*

[FR Doc. 2013-10660 Filed 5-3-13; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Transportation Project in Washington State

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the Interstate 90 (I-90) Snoqualmie Pass East Project, located between Hyak and Easton (Milepost [MP] 55.1 to 70.3) in Kittitas County, Washington. The action by FHWA is the Record of Decision (ROD), which selects avalanche bridges for construction on I-90 between MP 57.9 and 58.4. Actions by other Federal agencies include issuing amendments to previously issued permits.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the listed highway project will be barred unless the claim is filed on or before October 3, 2013. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT:

Liana Liu, Area Engineer, North Central and South Central Region, Federal Highway Administration, 711 South Capital Way, Suite 501, Olympia, WA 98501-0943, telephone: (360) 753-9553, email address: Liana.Liu@dot.gov; or Jason Smith, Environmental Manager, South Central Region, Washington State Department of Transportation, 2809 Rudkin Road, Union Gap, WA 98903, telephone: (509) 577-1750, email address: SmithJW@wsdot.wa.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions related to the I-90 Snoqualmie Pass East Project in the State of Washington. FHWA, in cooperation with the Washington State Department of Transportation (WSDOT), prepared a Draft Environmental Impact Statement (EIS) (FHWA-WA-EIS-05-01-D) and Final EIS (FHWA-WA-EIS-05-01-F) for proposed improvements to a 15-mile portion of I-90 immediately east of Snoqualmie Pass in the Cascade Mountains, from Hyak at MP 55.1 to Easton Hill at MP 70.3. FHWA issued a ROD for the project in October 2008 and construction has continued since 2009. In September 2011, the contractor selected to construct the portion of the project from MP 57.34 to 60.23 along Keechelus Lake proposed a design modification that meets the project's purpose and need while reducing construction and maintenance costs. FHWA and WSDOT prepared a Draft Supplemental EIS (FHWA-WA-EIS-05-01-DS) to evaluate the design modification, which includes construction of eastbound and westbound avalanche bridges instead of the new, expanded snowshed that was originally part of the I-90 project Selected Alternative.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Supplemental EIS (FHWA-WA-EIS-05-01-FS) and ROD issued concurrently on March 12, 2013, and in other documents in the FHWA administrative record. These documents are available by contacting FHWA or

WSDOT at the addresses provided above. The combined Final Supplemental EIS and ROD can also be downloaded electronically from the project Web site at www.wsdot.wa.gov/projects/I90/SnoqualmiePassEast, or viewed at area public libraries.

This notice applies to all Federal agency decisions on the project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

General: National Environmental Policy Act [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].

Wildlife: Endangered Species Act [16 U.S.C. 1531-1544]; Migratory Bird Treaty Act [16 U.S.C. 703-712].

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1), as amended by Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, § 1308, 126 Stat. 405 (2012).

Issued on: April 29, 2013.

Daniel M. Mathis,

Division Administrator, Olympia, WA.

[FR Doc. 2013-10661 Filed 5-3-13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0122]

Qualification of Drivers; Application for Exemptions; Hearing

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

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces that 16 individuals have applied for a medical exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). In accordance with the statutory requirements concerning applications for exemptions, FMCSA requests public comments on these requests. The statute and implementing regulations concerning exemptions require that exemptions must provide an equivalent or greater level of safety than if they were not granted. If the Agency determines the exemptions would satisfy the statutory requirements and decides to grant these requests after reviewing the public comments submitted in response

to this notice, the exemptions would enable 16 individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 5, 2013.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0122] 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., ET, 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., ET, 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 FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8–785.pdf>.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief Medical Programs, (202) 366–4001,

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

The Federal Motor Carrier Safety Administration has authority to grant exemptions from many of the Federal Motor Carrier Safety Regulations (FMCSRs) under 49 U.S.C. 31315 and 31136(e), as amended by Section 4007 of the Transportation Equity Act for the 21st Century (TEA- 21) (Pub. L. 105–178, June 9, 1998, 112 Stat. 107, 401). FMCSA has published in 49 CFR part 381, subpart C final rules implementing the statutory changes in its exemption procedures made by section 4007, 69 FR 51589 (August 20, 2004).¹ Under the rules in part 381, subpart C, FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted and any research reports, technical papers and other publications referenced in the application. The Agency must also provide an opportunity to submit public comment on the applications for exemption.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved without the exemption. The decision of the Agency must be published in the **Federal Register**. If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed.

The current provisions of the FMCSRs concerning hearing state 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.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA also issues instructions for completing the medical examination report and includes advisory criteria on the report itself to provide guidance for medical examiners in applying the hearing standard. See 49 CFR 391.43(f). The current advisory criteria for the hearing standard include a reference to a report entitled “Hearing Disorders and Commercial Motor Vehicle Drivers” prepared for the Federal Highway Administration, FMCSA’s predecessor, in 1993.²

FMCSA Requests Comments on the Exemption Applications

FMCSA requests comments from all interested parties on whether a driver who cannot meet the hearing standard should be permitted to operate a CMV in interstate commerce. Further, the Agency asks for comments on whether a driver who cannot meet the hearing standard should be limited to operating only certain types of vehicles in interstate commerce, for example, vehicles without air brakes. The statute and implementing regulations concerning exemptions require that the Agency request public comments on all applications for exemptions. The Agency is also required to make a determination that an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption before granting any such requests. 49 U.S.C.

Information on Individual Applicants

Andrew Alcozer

Mr. Alcozer holds a driver's license from Illinois. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

Shayne Bumbalough

Mr. Bumbalough holds a driver's license from Washington. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

¹ This action adopted as final rules the interim final rules issued by FMCSA's predecessor in 1998 (63 FR 67600 (Dec. 8, 2008)), and adopted by FMCSA in 2001 (66 FR 49867 (Oct. 1, 2001)).

² This report is available on the FMCSA Web site at http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreport_archives.htm.

Barry Carpenter

Mr. Carpenter holds a driver's license from South Dakota. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

Charles Cofield

Mr. Cofield holds a driver's license from Mississippi. He would like to drive an 18-wheeler in interstate commerce, if he is granted an exemption.

Chase Cook

Mr. Cook holds a driver's license from Virginia. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

Jerry Ferguson

Mr. Ferguson holds a class A Commercial driver's license (CDL) from Texas. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

Michael Fuller

Mr. Fuller holds a driver's license from North Carolina. He would like to drive a semi-truck in interstate commerce, if he is granted an exemption.

Anthony Gray

Mr. Gray holds a class A Commercial driver's license (CDL) from Kentucky. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

Kyle Hornung

Mr. Hornung holds a driver's license from Wisconsin. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

Valerie Johnson

Ms. Johnson holds a class B Commercial driver's license (CDL) from California. She would like to drive a CMV in interstate commerce, if she is granted an exemption.

Bryan Macfarlane

Mr. Macfarlane holds a driver's license from Vermont. He would like to drive a semi-truck in interstate commerce, if he is granted an exemption.

Robert Munson

Mr. Munson holds a driver's license from New Jersey. He would like to drive a CMV with air brakes in interstate commerce, if he is granted an exemption.

Edwin Oakes, II

Mr. Oakes holds a driver's license from New York. He would like to drive

a CMV in interstate commerce, if he is granted an exemption.

Thomas Prickett

Mr. Prickett holds a driver's license from Minnesota. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

James Schubin

Mr. Schubin holds a class A Commercial driver's license (CDL) from California. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

Russell L. Smith

Mr. Smith holds a driver's license from Ohio. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), 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 June 5, 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: April 29, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013-10668 Filed 5-3-13; 8:45 am]

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

[Docket No. FMCSA-2013-0018]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemption from the diabetes mellitus requirement; request for comments.

SUMMARY: FMCSA announces receipt of applications from 16 individuals for exemption from the prohibition against persons with insulin-treated diabetes

mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 5, 2013.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2013-0018 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.

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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 Federal Docket Management System (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.

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