

On September 25, 2023, FMCSA published a notice in the **Federal Register** with a 60-day public comment period to announce this request to update the information collection (88 FR 65764). The Agency received one comment from Whip Around in response to the notice. Whip Around provided general support for the ICR, however, they suggested the use of electronic recordkeeping to reduce the need for frequent inspection, repair, and maintenance.

While this comment does not impact the information collection, FMCSA agrees with Whip Around's assessment that the process of creating, obtaining, and retaining documents can be improved by digitizing and automating vehicle inspection, repairs, and maintenance recordkeeping. The Agency has actively pursued this objective, evident by the amendment on December 16, 2015 (80 FR 78292). This amendment established minimum performance and design standards for electronic logging devices (ELDs) related to hours-of-service (HOS), mandating their use for drivers preparing HOS records of duty status. The amendment aims to enhance CMV safety, reduce paperwork burdens for motor carriers and drivers, and improve compliance with applicable HOS rules by promoting the use of ELDs.

Additionally, on April 16, 2018 (83 FR 16210), FMCSA introduced amendments permitting the use of electronic records and signatures. This aligned, in part, with the Government Paperwork Elimination Act and the Electronic Signatures in Global and National Commerce Act, as it only applies to those documents that FMCSA's regulations obligate entities or individuals to retain. The amendment also updated references to outdated recordkeeping and reporting methods throughout chapter III of subtitle B of 49 CFR (49 CFR parts 300 through 399) to make them technologically neutral.

FMCSA's ongoing efforts include projects related to providing data electronically during roadside inspections. One such project is the Operational Test of In-Motion CMV Inspections (Level VIII Inspections) in collaboration with the Commercial Vehicle Safety Alliance, which was noted by Whip Around in its comment. The project's goal is to transmit data through the vehicle's telematics to roadside inspectors while the vehicle is in motion. In addition to these efforts, the Agency will continue to pursue opportunities to increase safety and reduce the burden to motor carriers and CMV drivers.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2023-27459 Filed 12-13-23; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2023-0024]

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 exempt 11 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions are applicable on December 11, 2023. The exemptions expire on December 11, 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. Office hours are from 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

number (FMCSA-2023-0024) in the keyword box and click "Search." Next, sort the results by "Posted (Older-Newer)," 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 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 1, 2023, FMCSA published a notice announcing receipt of applications from 11 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (88 FR 75088). The public comment period ended on December 1, 2023, and five comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals 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 five comments in this proceeding. Of the five comments received, four commenters are in support of all applicants in this notice being granted the exemption and one commenter is specifically in support of Francis McBride being granted the exemption. The commenters, in general, also strongly urged FMCSA to remove or reconsider the Federal hearing standard. They indicated that hard of hearing and deaf drivers are likely as safe, if not safer, than CMV drivers that meet the Federal hearing standard and that there is recent information that supports this position.

FMCSA's basis for granting an exemption is stated in the next section of this notice, referencing relevant scientific information and literature. However, FMCSA is currently conducting research to investigate the safety of CMV operation by hard of hearing and deaf drivers. This research includes a thorough literature review of the topic to identify the most current information available on this topic. More information regarding this research can be viewed at <https://www.fmcsa.dot.gov/safety/research-and-analysis/investigating-safety-commercial-motor-vehicle-operation-deaf-and-hard>.

IV. Basis for Exemption Determination

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. However, 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 Agency's decision regarding these exemption applications is based on relevant scientific information and literature, and the 2008 Evidence Report, "Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety." The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the

relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System, for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety would likely be achieved by permitting each of these drivers to drive in interstate commerce, the Agency finds the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds further that in each case exempting these applicants from the hearing standard in § 391.41(b)(11) would likely achieve a level of safety equal to that existing without the exemption, consistent with the applicable standard in 49 U.S.C. 31315(b)(1).

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and include the following: (1) each driver must report any crashes or accidents as defined in § 390.5T; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 11 exemption applications, FMCSA

exempts the following drivers from the hearing standard; in § 391.41(b)(11), subject to the requirements cited above:

Melissa Bartlett (LA)
Jeromy Brand (AL)
Bryan Elzy (LA)
Brian Greco (NM)
Bradley Hess (WA)
Tony Jones (TX)
Alexander Lindsay (OH)
Francis McBride (NC)
Ray Perry (TX)
Lakeisha Rosbia (AR)
Anthony Scott (AL)

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. 2023-27458 Filed 12-13-23; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2023-0061]

Request for Comment: NHTSA's Nondiscrimination Compliance Program; Extension of Written Submission Deadline

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Extension of deadline for written submissions in response to NHTSA's Request for Comment on NHTSA's Nondiscrimination Compliance Program.

SUMMARY: NHTSA has received requests to extend the period during which commenters may submit written comments in response to the Request for Comment: NHTSA's Nondiscrimination Compliance Program published on November 16, 2023. The original written submission deadline was January 16, 2024. NHTSA is extending the deadline by 30 days to February 15, 2024.

DATES: The written submission deadline related to the Request for Comment published on November 16, 2023, at 88 FR 78811, is extended to February 15, 2024.