

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]

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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.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the online 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 or Courier:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax:* 202-493-2251.

Instructions: All submissions must include the agency name and Docket No. NHTSA-2023-0061. All comments received will be posted without change, including any personal information provided. For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and search for Docket No. NHTSA-2023-0061.

Privacy Act: Anyone is able to search the electronic form for all comments received into USDOT's dockets by entering the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an organization, association, business, or other entity). You may review the U.S. Department of Transportation's (USDOT) complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or visit <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For more information, contact Heather Moss, Division Chief, Title VI Compliance, Office of Civil Rights, National Highway Traffic Safety Administration, Telephone number: (202) 366-0972. You may also contact NHTSA's Office of Civil Rights at NHTSACivilRights@dot.gov.

SUPPLEMENTARY INFORMATION: On November 16, 2023, NHTSA published a Request for Comment regarding NHTSA's Nondiscrimination Compliance Program. The original written submission deadline was January 16, 2024. NHTSA is extending the deadline by 30 days to February 15, 2024.

Through this request for comment (RFC), NHTSA seeks input to inform the development of Nondiscrimination Compliance Guidelines for NHTSA Financial Assistance Recipients (Nondiscrimination Guidelines). NHTSA's Nondiscrimination Guidelines will provide guidance for recipients on how to comply with their Federal civil rights obligations. NHTSA published this RFC to engage a broad cross-section of stakeholders and the public. After considering and incorporating comments and information received from this solicitation, NHTSA intends to publish draft Nondiscrimination Guidelines for comment before publishing final guidance.

With this 30-day extension, interested parties have until February 15, 2024, to submit written comments. Although submissions are strictly voluntary, all interested parties are encouraged to respond.

Comments may be submitted and viewed at Docket No. NHTSA-2023-0061 at <https://www.regulations.gov>.

Issued in Washington, DC, on December 8, 2023.

Regina E. Morgan,

Director, NHTSA Office of Civil Rights.

[FR Doc. 2023-27391 Filed 12-13-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Transportation Statistics Bureau

[Docket No. DOT-OST-2017-0010]

Request for Clearance for an Information Collection: Annual Tank Car Survey

AGENCY: Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology (OST-R), DOT.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the Bureau of Transportation Statistics (BTS) intention to request that the Office of Management and Budget (OMB) approves a 3-year extension of a currently approved information collection for the "Annual Tank Car Survey."

DATES: Interested persons are invited to submit comments on or before February 12, 2024.

ADDRESSES: You may submit comments identified by Docket No. DOT-OST-2017-0010 through the *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

You may also submit comments identified by DOT Docket ID Number DOT-OST-2017-0010 to the U.S. Department of Transportation (DOT), Dockets Management System (DMS). You may submit your comments by mail or in person to the Docket Clerk, Docket Management System, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Room W12-140, Washington, DC 20590. Comments should identify the docket number as indicated above. Paper comments should be submitted in duplicate. The DMS is open for examination and copying, at the above address, from 9 a.m. to 5 p.m., Monday through Friday, except federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on Docket DOT-OST-2017-0010." The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (the internet, fax, or professional delivery service) to submit comments to the docket and ensure their timely receipt at U.S. DOT. You may fax your comments to the DMS at (202) 493-2251. Comments can also be viewed and/or submitted via the Federal Rulemaking Portal: <http://www.regulations.gov>.

Please note that anyone is able to electronically search all comments received into our docket management system by the name of the individual submitting the comment (or signing the comment if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; pages 19475-19570) or you may review the Privacy Act Statement at <http://www.gpoaccess.gov/fr/>.

FOR FURTHER INFORMATION CONTACT: Carl Cloyd, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, Department of Transportation, 1200 New Jersey Avenue SE, Room E34-455, Washington, DC 20590, Telephone (202) 366-2857.

SUPPLEMENTARY INFORMATION:

Title: Annual Tank Car Survey
Background: On December 4, 2015, President Barack Obama signed legislation entitled "Fixing America's Surface Transportation Act of 2015," or the "FAST Act." See Public Law 114-94. The FAST Act includes the