

Following an examination in 2011, his ophthalmologist noted, "I certify that Mark Sobczyk's ocular condition is satisfactory for operating commercial vehicles." Mr. Sobczyk reported that he has driven straight trucks for 5½ years, accumulating 206,000 miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Richard D. Sparkman*

Mr. Sparkman, 62, has complete loss of vision in his right eye due to a traumatic injury sustained as a child. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2011, his ophthalmologist noted, "Based on the above information, I believe the patient has sufficient vision to perform the driving tasks required by his current commercial vehicle." Mr. Sparkman reported that he has driven straight trucks for 10 years, accumulating 520,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Joshua A. Wheaton*

Mr. Wheaton, 30, has a detached retina in his left eye due to a traumatic injury sustained in 1997. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2011, his optometrist noted, "I feel that Joshua has more than adequate vision to perform any driving tasks required to operate a commercial vehicle." Mr. Wheaton reported that he has driven straight trucks for 5 years, accumulating 225,000 miles. He holds a Class C operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*John K. Wright*

Mr. Wright, 47, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2011, his optometrist noted, "This meets the vision requirement to perform the driving tasks required to operate a commercial vehicle." Mr. Wright reported that he has driven straight trucks for 3½ years, accumulating 105,000 miles and tractor-trailer combinations for 6 months, accumulating 30,000 miles. He holds a Class A CDL from Montana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

### Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, 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 May 7, 2012. 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 2, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2012-8384 Filed 4-5-12; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0087]

#### Unified Carrier Registration Plan Board of Directors; Request for Nominations

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

**ACTION:** Notice: Request for Nominations from the Motor Carrier Industry to the Board of Directors.

**SUMMARY:** FMCSA solicits nominations and applications for appointment to the Board of Directors of the Unified Carrier Registration Plan (UCR Plan) of interested persons to serve as representatives of the motor carrier industry. The Agency will appoint five members from the motor carrier industry. The UCR Plan is responsible for the administration of the UCR Agreement. The UCR Agreement governs the registration and the collection and distribution of fees paid by for-hire and private motor carriers, brokers, freight forwarders, and leasing companies. The UCR Plan and Agreement replaced the Single State Registration System (SSRS), which was repealed as of January 1, 2008.

**DATES:** Nominations or expressions of interest for appointment to the Board of Directors must be received on or before May 7, 2012.

**ADDRESSES:** You may submit comments to this notice, identified by docket number FMCSA-2012-0087, by any of the following methods—Internet, facsimile, regular mail, or hand-delivery.

**Federal eRulemaking Portal:** Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov>. The FDMS is the preferred method for submitting comments, and we urge you to use it. In the "Comment" or "Submission" section, type Docket ID Number "FMCSA-2012-0087", select "Go", and then click on "Send a Comment or Submission." You will receive a tracking number when you submit a comment.

**Fax:** 1-202-493-2251.

**Mail, Courier, or Hand-Deliver:** U.S. Department of Transportation, Docket Operations (M-30), West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

**Docket:** Comments and material received from the public, as well as background information and documents mentioned in this preamble, are part of docket FMCSA-2012-0087, and are available for inspection and copying on the Internet at <http://www.regulations.gov>. You may also view and copy documents at the U.S. Department of Transportation's Docket Operations Unit, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC.

**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 Federal Docket Management System 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:

Mr. Jose M. Rodriguez, Office of Research and Information Technology, (202) 366-3517, FMCSA, Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590 or by email at: [jose.rodriguez@dot.gov](mailto:jose.rodriguez@dot.gov). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### Background

Section 4305(b) of the Safe, Accountable, Flexible, Efficient

Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [Pub. L. 109-59, 119 Stat. 1144, August 10, 2005] enacted 49 U.S.C. 14504a entitled "Unified carrier registration system plan and agreement." Under the UCR Agreement, motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies that are involved in interstate transportation register and pay certain fees. The UCR Plan's Board of Directors must issue rules and regulations to govern the UCR Agreement. Section 14504a(a)(9) defines the Unified Carrier Registration Plan as the organization of State, Federal, and industry representatives responsible for developing, implementing, and administering the UCR Agreement. Section 14504a(d)(1)(B) directed the Secretary to establish a Unified Carrier Registration Plan Board of Directors made up of 15 members from FMCSA, State governments, and the motor carrier industry. The Board also must recommend initial annual fees to be assessed against carriers, leasing companies, brokers, and freight forwarders under the UCRA, as well as any annual adjustments to those fees. Section 14504a(d)(1)(B) provides that the UCR Plan's Board of Directors must consist of directors appointed by the Secretary as follows:

*Federal Motor Carrier Safety Administration:* One director must be selected from each of the FMCSA 4 service areas (as defined by FMCSA on January 1, 2005) from among the chief administrative officers of the State agencies responsible for overseeing the administration of the UCR Agreement.

*State Agencies:* The five directors selected to represent State agencies must be from among the professional staffs of State agencies responsible for overseeing the administration of the UCR Agreement. Nominees for these five directorships must be submitted to the Secretary by the national association of professional employees of the State agencies responsible for overseeing the administration of the UCR Agreement in their respective States.

*Motor Carrier Industry:* Five directors must be from the motor carrier industry. At least one of the five motor carrier industry directors must be from "a national trade association representing the general motor carrier of property industry" and one of them must be from "a motor carrier that falls within the smallest fleet fee bracket."

*U.S. Department of Transportation (the Department):* One individual, either the FMCSA Deputy Administrator or such other Presidential appointee from the Department appointed by the Secretary, represents the Department.

The establishment of the Board was announced in the **Federal Register** on May 12, 2006 (71 FR 27777). In that notice, the Agency recognized the American Trucking Associations, Inc. (ATA) as the national trade association representing the general motor carrier of property industry. ATA is a national affiliation of State trucking organizations representing the national, State and local interests of the 50 affiliated State trucking associations; and the interests of specialized areas of the trucking industry through conferences and councils. The Agency selected the Owner-Operator Independent Drivers Association (OOIDA) as the organization from which to appoint an individual to represent motor carriers comprising the smallest fleet fee bracket. OOIDA is a national trade association representing the interests of small trucking companies and drivers.

Each of the five current directors from the motor carrier industry serves a term of 3 years that will expire on May 31, 2012. These directors may continue to serve until their replacements are appointed; each of them may be reappointed (49 U.S.C. 14504a(d)(1)(D)(iii) and (iv)). Today's publication serves as a notice requesting nominations for and public comment on possible appointment of the five members of the motor carrier industry in accordance with 49 U.S.C. 14504a(d).

#### Board Member Nominations

FMCSA seeks either nominations of, or expressions of interest from, individuals to serve as members of the board of directors for the UCR Plan from the motor carrier industry. Nominations or expressions of interest should indicate that the person nominated or recommended meets the statutory requirements specified in 49 U.S.C. 14504a(d)(1)(B)(iii). Nominations or expressions of interest must be transmitted by means of the procedures for comments specified earlier in this notice. FMCSA and the Department will make the appointments for the five members from the motor carrier industry for three-year terms, expiring on May 31, 2015. FMCSA and the Department will consider the objectives specified in the statute for the UCR Plan and Agreement when making the appointments.

Issued on: March 29, 2012.

**Kelly Leone,**  
Associate Administrator, Research and Information Technology.

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35612]

#### Manning Grain Company; Acquisition and Operation Exemption; Fillmore Western Railway Company

Manning Grain Company (MGC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Fillmore Western Railway Company (FWRC) and operate a 7.1-mile rail line between its point of connection with BNSF Railway Company at milepost 8.1 at or near Fairmont and terminus at milepost 15.2 at or near Burress, in Fillmore County, Neb. (the Line).

The Line is part of an approximately 23.2-mile rail line (the Fairmont-Milligan line) that FWRC was authorized to abandon in *Fillmore Western Ry.—Aban. Exemption—in Fillmore Cnty., Neb.*, AB 492 (Sub-No. 2X) (STB served June 27, 2001). MGC acquired the Line from FWRC in 2005. MGC states that, at that time, it believed it was acquiring the Line as private industrial track, but that it since has learned that FWRC did not consummate its abandonment authority for the Fairmont-Milligan line by filing a notice of consummation. Thus, MGC states, it unknowingly became a rail carrier by virtue of its 2005 acquisition of the Line.<sup>1</sup>

The effective date of the exemption will be April 20, 2012 (30 days after the verified notice was filed).<sup>2</sup>

MGC certifies that its projected annual revenues as a result of this transaction will not exceed \$5 million and will not exceed those that would qualify it as a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than April 13, 2012 (at least 7 days before the exemption becomes effective).

<sup>1</sup> In a notice of exemption filed on March 8, 2012, in Docket No. FD 35607, *Manning Rail, Inc.—Acquisition and Operation Exemption—Manning Grain Company*, Manning Rail, Inc., a noncarrier, seeks to acquire the line from MGC and operate it. That notice has been held in abeyance at the request of Manning Rail Inc. to permit it to investigate the history of the line.

<sup>2</sup> While the verified notice indicates that MGC is seeking an exemption to authorize the acquisition "retroactively," MGC's authority will be effective prospectively from April 20, 2012.