

Airports Development Office, ASW-630], 10101 Hillwood Parkway, Fort Worth, Texas 76177.

The request to release this airport may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release Lake Murray State Park Airport at Lake Murray State Park in Ardmore, Oklahoma, from all federal obligations for the purposes of closing this airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21).

The following is a brief overview of the request:

The Oklahoma Department of Tourism and the Oklahoma Aeronautics Commission (co-sponsors) requested the release of the airport which consists of 61.53 acres, paved runway (2,500 feet × 48 feet), connecting taxiway (160 feet × 35 feet) and apron (300 feet × 115 feet). The land was acquired by the State of Oklahoma for use as the Lake Murray State Park through an appropriation of state funds to the Planning and Resources Board in the 1930's. The airport was constructed in 1963 with an FAA Grant in the amount of \$45,823.76. The airport has very low demand with only 50 operations for the 12 months ending Sept 20, 2013, has no based aircraft, and has been designated as 'unclassified' by the FAA ASSET report. There are four other NPIAS airports within a 25 mile radius which better meet aviation needs of this area. Lake Murray State Park Airport's pavements are in fair condition; however, within the next five years, the runway will need to be reconstructed with an estimated cost to rehabilitate and improve to FAA standards of \$1,083,000. The State has concluded this is not a prudent expenditure and that these limited funds would be better invested in other public use airports in Oklahoma. As the airport owners, the Oklahoma Department of Tourism and the Oklahoma Aeronautics Commission (OAC) have requested a full release of their airport obligations. If released, the airport property will return to being part of Lake Murray State Park, and the property will be allowed to become part of the natural grassland. The OAC plans to invest state funds equal to or in excess of the sum of the amount of the four AIP grants received (\$183,999.00) and the appraised value for the land (\$136,896) in NPIAS Airports in the Oklahoma Airport System during the federal fiscal year 2016.

Any person may inspect the request in person at the FAA office listed above

under **FOR FURTHER INFORMATION CONTACT.**

Issued in Fort Worth, Texas on October 27, 2015.

Ignacio Flores,

Manager, Airports Division, Southwest Region.

[FR Doc. 2015-32459 Filed 12-23-15; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-6156; FMCSA-2000-7918; FMCSA-2001-10578; FMCSA-2003-15268; FMCSA-2003-15892; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2005-22727; FMCSA-2006-24783; FMCSA-2006-25246; FMCSA-2007-0017; FMCSA-2007-26653; FMCSA-2007-27897; FMCSA-2009-0154; FMCSA-2009-0303; FMCSA-2010-0082; FMCSA-2011-0142; FMCSA-2011-0189; FMCSA-2011-0275; FMCSA-2011-0298; FMCSA-2011-0299; FMCSA-2011-26690; FMCSA-2013-0027; FMCSA-2013-0029; FMCSA-2013-0030; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0167; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0170]

Qualification of Drivers; Exemption Applications; Vision

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

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

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 120 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: Each group of renewed exemptions are effective from the dates stated in the discussions below. Comments must be received on or before January 25, 2016.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA-1999-6156; FMCSA-2000-7918; FMCSA-2001-10578; FMCSA-2003-15268; FMCSA-2003-15892; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2005-22727; FMCSA-2006-24783; FMCSA-

2006-25246; FMCSA-2007-0017; FMCSA-2007-26653; FMCSA-2007-27897; FMCSA-2009-0154; FMCSA-2009-0303; FMCSA-2010-0082; FMCSA-2011-0142; FMCSA-2011-0189; FMCSA-2011-0275; FMCSA-2011-0298; FMCSA-2011-0299; FMCSA-2011-26690; FMCSA-2013-0027; FMCSA-2013-0029; FMCSA-2013-0030; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0167; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0170], 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 or Courier:* 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.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

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.

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 (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT:

Christine A. Hydock, Chief, Medical Programs Division, Medical Programs Division, 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**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 120 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 120 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. Each individual is identified according to the renewal date.

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (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 before it was granted; or (3) continuation of the

exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. The following group(s) of drivers will receive renewed exemptions effective in the month of January and are discussed below.

As of January 3, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 41 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 54948; 65 FR 159; 66 FR 53826; 66 FR 66966; 66 FR 66969; 68 FR 69432; 68 FR 69434; 70 FR 53412; 70 FR 57353; 70 FR 72689; 70 FR 74102; 71 FR 32183; 71 FR 41310; 71 FR 644; 72 FR 180; 72 FR 8417; 72 FR 9397; 72 FR 36099; 72 FR 39879; 72 FR 52419; 72 FR 62897; 72 FR 71995; 73 FR 60398; 74 FR 8302; 74 FR 34394; 74 FR 37295; 74 FR 41971; 74 FR 48343; 74 FR 60021; 74 FR 65847; 75 FR 25917; 75 FR 39727; 76 FR 12216; 76 FR 34135; 76 FR 49528; 76 FR 53708; 76 FR 54530; 76 FR 55465; 76 FR 61143; 76 FR 64169; 76 FR 64171; 76 FR 67246; 76 FR 70210; 76 FR 70212; 76 FR 75942; 76 FR 75943; 76 FR 79760; 78 FR 24798; 78 FR 34143; 78 FR 41975; 78 FR 46407; 78 FR 47818; 78 FR 52602; 78 FR 56986; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64274; 78 FR 65032; 78 FR 66099; 78 FR 67452; 78 FR 67460; 78 FR 76395; 78 FR 76705; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78477):

Terry L. Baker (KY)
Woodrow E. Bohley (MO)
Jason W. Bowers (OR)
Scott Brady (FL)
Kenneth E. Bross (MO)
Junior Chavarria (NM)
William Chisley (MD)
Walter F. Crean, III (CT)
Terry D. Elliott (TN)
Ronnie J. Fieck (WI)
Frederick E. Foster (VA)
Gerald W. Fox (PA)
Raymond L. Herman (NY)
Wesley V. Holland (NC)
Darryl H. Johnson (WV)
Carol Kelly (IN)
Martin D. Keough (NY)
Richard H. Kind (WA)
Eric L. Kinner (NY)
Volga Kirkwood (MO)
Richard L. Loeffelholz (WI)
Stanley B. Marshall (GA)
Herman C. Mash (NC)
James McCleary (OH)
Humberto Mendoza (TX)
Marvin L. Motes (FL)

Gerald L. Pagan (NC)
Daniel F. Perez (CA)
Robert G. Rascicot (FL)
Michael J. Robinson (WV)
Glen M. Schulz (IA)
Levi A. Shetler (OH)
Herbert W. Smith (WV)
Juan E. Sotero (FL)
James A. Spell (MD)
Timothy R. Steckman (IL)
Paul D. Stoddard (NY)
Harry J. Stoevers, Jr. (NJ)
Eric Taniguchi (HI)
Benny R. Toothman (PA)
Stephen H. Ward (MO)

The drivers were included in one of the following dockets: Docket Nos. FMCSA-1999-6156; FMCSA-2001-10578; FMCSA-2005-22194; FMCSA-2006-24783; FMCSA-2006-25246; FMCSA-2007-26653; FMCSA-2007-27897; FMCSA-2009-0154; FMCSA-2010-0082; FMCSA-2011-0142; FMCSA-2011-0189; FMCSA-2011-26690; FMCSA-2013-0027; FMCSA-2013-0029; FMCSA-2013-0030; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0168; FMCSA-2013-0169. Their exemptions are effective as of January 3, 2016 and will expire on January 3, 2018.

As of January 5, 2016 and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (76 FR 70213; 77 FR 541; 78 FR 74223):

Michael P. Eisenreich (MN)
John T. Thor (MN)
George G. Ulferts, Jr. (IA)

The drivers were included in one of the following dockets: Docket No. FMCSA-2011-0298. Their exemptions are effective as of January 5, 2016 and will expire on January 5, 2018.

As of January 8, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 10 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (72 FR 67340; 73 FR 1395; 74 FR 65845; 76 FR 78728; 78 FR 76704):

Richard D. Becotte (NH)
Wayne A. Burnett (NC)
Boleslaw Makowski (WI)
Charles M. Moore (TX)
Gary T. Murray (GA)
Anthony D. Ovitt (VT)
Martin Postma (IL)
Steven S. Reinsvold (WI)
George E. Todd (WV)
Bradley A. Weiser (OH)

The drivers were included in one of the following dockets: Docket No. FMCSA-2007-0017. Their exemptions are effective as of January 8, 2016 and will expire on January 8, 2018.

As of January 9, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual, Juan R. Andrade (TX), has satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 64271; 79 FR 2748).

The driver was included in the following docket: Docket No. FMCSA–2013–0167. The exemption is effective as of January 9, 2016 and will expire on January 9, 2018.

As of January 15, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 15 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 64271; 79 FR 2748):

Ronald C. Ashley (GA)
Miguel A. Calderon (CA)
Terry L. Cliffe (IL)
Andrew S. Durward (IL)
James P. Fitzgerald (MA)
Louis E. Henry, Jr. (KY)
Adam S. Larson (CO)
Sally A. Leavitt (NV)
Glenn H. Lewis (OH)
Leonardo Lopez (NE)
Larry P. Magrath (MN)
Richard J. Pauxtis (OR)
Johnny L. Powell (MD)
Roy A. Whitaker (TX)
Sammy D. Wynn (GA)

The drivers were included in one of the following dockets: Docket No. FMCSA–2013–0167. Their exemptions are effective as of January 15, 2016 and will expire on January 15, 2018.

As of January 24, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (76 FR 64164; 76 FR 70213; 76 FR 73769; 77 FR 541; 77 FR 3547; 79 FR 2247):

Adam O. Carson (MS)
Marion J. Coleman, Jr. (KY)
Lex A. Fabrizio (UT)
Mark A. Ferris (IA)
Roger W. Hammack (AL)
Herman Martinez (NM)
Gilford J. Whittle (GA)

The drivers were included in one of the following dockets: Docket No. FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2011–0299. Their exemptions are effective as of January 24, 2016 and will expire on January 24, 2018.

As of January 27, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 66286; 66 FR 13825; 68 FR 10300; 68 FR 37197;

68 FR 52811; 68 FR 61860; 70 FR 41811; 70 FR 48797; 70 FR 48798; 70 FR 48799; 70 FR 48800; 70 FR 48801; 70 FR 57353; 70 FR 61165; 70 FR 71884; 70 FR 72689; 71 FR 4632; 72 FR 52422; 72 FR 58359; 72 FR 62897; 73 FR 1395; 73 FR 5259; 74 FR 60021; 74 FR 64124; 74 FR 65845; 75 FR 1451; 77 FR 545; 78 FR 78475):

Arthur L. Bousema (CA)
Norman E. Braden (CO)
Matthew W. Daggs (MO)
Donald R. Date, Jr. (MD)
Gordon R. Fritz (WI)
Ronald K. Fultz (KY)
John E. Kimmet, Jr. (WA)
Robert C. Leathers (MO)
Jason L. Light (ID)
Kenneth R. Murphy (WA)
Michael J. Richard (LA)
Robert E. Sanders (PA)
Robert A. Sherry (PA)

The drivers were included in one of the following dockets: Docket No. FMCSA–2000–7918; FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727. Their exemptions are effective as of January 27, 2016 and will expire on January 27, 2018.

As of January 28, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (74 FR 60022; 75 FR 4623; 77 FR 543; 78 FR 76707):

James J. Coffield (NM)
Roy E. Crayne (WA)
James A. Dubay (MI)
Donald E. Halvorson (NM)
Roger D. Kool (IA)
Phillip J.C. Locke (CO)
Brian T. Nelson (MN)
Christopher M. Rivera (NM)
Robert E. Whitney (IL)

The drivers were included in one of the following dockets: Docket No. FMCSA–2009–0303. Their exemptions are effective as of January 28, 2016 and will expire on January 28, 2018.

As of January 29, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 21 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 67454; 79 FR 4803):

Calvin J. Barbour (NY)
Martin D. Bellcour (WI)
Walter A. Breeze (OH)
Donald G. Carstensen (IA)
Jamie D. Daniels (IA)
Mark A. Farnsley (IN)
Michael L. Fiamingo (PA)
Kenric J. Fields (DE)
Randall Hjelmteit (MN)
Randy G. Kinney (IL)
Hector Marquez (TX)

Dennis R. Martinez (NM)
Fred A. Miller, Jr. (CA)
Joseph K. Parley (WI)
Robert L. Pearson (GA)
Ryan R. Ross (SC)
Troy M. Ruhlman (PA)
Hershel D. Volentine (LA)
Gary D. Vollertsen (CO)
David R. Webb, Jr. (IL)
Wesley A. Willis (NJ)

The drivers were included in one of the following dockets: Docket No. FMCSA–2013–0170. Their exemptions are effective as of January 29, 2016 and will expire on January 29, 2018.

Each of the 120 applicants listed in the groups above has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by January 25, 2016.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 120 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications.

The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

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 <http://www.regulations.gov> and in the search box insert the docket numbers FMCSA-1999-6156; FMCSA-2000-7918; FMCSA-2001-10578; FMCSA-2003-15268; FMCSA-2003-15892; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2005-22727; FMCSA-2006-24783; FMCSA-2006-25246; FMCSA-2007-0017; FMCSA-2007-26653; FMCSA-2007-27897; FMCSA-2009-0154; FMCSA-2009-0303; FMCSA-2010-0082; FMCSA-2011-0142; FMCSA-2011-0189; FMCSA-2011-0275; FMCSA-2011-0298; FMCSA-2011-0299; FMCSA-2011-26690; FMCSA-2013-0027; FMCSA-2013-0029; FMCSA-2013-0030; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0167; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0170 and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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. If you submit comments by mail and would

like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-1999-6156; FMCSA-2000-7918; FMCSA-2001-10578; FMCSA-2003-15268; FMCSA-2003-15892; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2005-22727; FMCSA-2006-24783; FMCSA-2006-25246; FMCSA-2007-0017; FMCSA-2007-26653; FMCSA-2007-27897; FMCSA-2009-0154; FMCSA-2009-0303; FMCSA-2010-0082; FMCSA-2011-0142; FMCSA-2011-0189; FMCSA-2011-0275; FMCSA-2011-0298; FMCSA-2011-0299; FMCSA-2011-26690; FMCSA-2013-0027; FMCSA-2013-0029; FMCSA-2013-0030; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0167; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0170 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to the proposed rulemaking.

Issued on: December 17, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-32362 Filed 12-23-15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Annual Random Controlled Substances Testing Percentage Rate for Calendar Year 2016

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

ACTION: Notice of program change.

SUMMARY: The FMCSA announces, pursuant to 49 CFR 382.305, that it is reducing the minimum annual percentage rate for random controlled substances testing for drivers of commercial motor vehicles (CMVs) requiring a commercial driver's license (CDL) from the current rate of 50 percent of the average number of driver positions to 25 percent of the average

number of driver positions, effective in calendar year 2016. The FMCSA Administrator has the discretion to decrease the minimum annual random testing percentage rate based on the reported positive random test rate for the entire motor carrier industry. Based on the controlled substances random test data in FMCSA's Management Information System (MIS) for calendar years 2011, 2012, and 2013, the positive rate for controlled substances random testing fell below the 1.0 percent threshold for 3 consecutive calendar years. As a result, the Agency will lower the controlled substances minimum annual percentage rate for random controlled substances testing to 25 percent of the average number of driver positions. In accordance with 49 CFR 382.305(e)(2) if, in the future, the reported positive rate for any calendar year is equal to or greater than 1.0 percent, the FMCSA Administrator will increase the minimum annual percentage rate for random controlled substances testing to 50 percent of all driver positions.

DATES: Effective January 1, 2016, the minimum annual percentage rate for random controlled substances testing, for drivers of commercial motor vehicles (CMVs) requiring a commercial driver's license (CDL), will be 25 percent.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Juan Moya, Drug and Alcohol Program Manager, Compliance Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, 202-366-4844 or fmcasadrugandalcohol@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The final rule titled, "Controlled Substances and Alcohol Use and Testing," published August 17, 2001, (66 FR 43097), established the process by which the Agency determines whether the minimum annual percentage rate for random controlled substances testing should be increased or decreased. The final rule included a provision indicating that the decision on whether to increase or decrease the percentage rate would be based upon the motor carrier industry's overall positive random controlled substance test rate, as reported by motor carrier employers to FMCSA, pursuant to 49 CFR 382.403. Under this performance-based system, the testing rate was initially set at 50 percent. The FMCSA Administrator may, at his or her discretion, lower the minimum annual random controlled substances testing