

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) 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).

III. Discussion of Comments

FMCSA received one comment in this proceeding. Vicky Johnson, of the Minnesota Department of Safety wrote that the Minnesota Department of Safety has no objections to Gary T. Nagel obtaining a hearing exemption.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the hearing standard in 49 CFR 391.41(b)(11) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on current medical 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 (CDLIS), for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). 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 is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this

exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in 49 CFR 391.41(b)(11) is likely to achieve a level of safety equal to that existing without the exemption.

IV. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 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.

V. 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.

VI. Conclusion

Based upon its evaluation of the 30 exemption applications, FMCSA exempts the following drivers from the hearing standard, 49 CFR 391.41(b)(11), subject to the requirements cited above:

Alan M. Bridgeford (NV)
Mataio Brown (MS)
Leroy Carter (OH)
Robert M. Cates (NM)
Rocky R. Chin (WA)
Ralph E. Craig (IL)
Cesar DeLeon (TX)
Brody DiPasquale (MD)
Edward J. Duhon (AL)
Lyle Eash (OH)
Richard R. Fisher (PA)
Kinberly I. Foss (CA)
Bradley Ledford (TN)
Dustin McFadden (TX)
Francisco M. Mendoza (CA)
Jack W. Mitchell (TX)
Eugene Mostepan (CA)
Steven Moorehead (OH)
Gary T. Nagel (MN)
Marcel Paul (WA)
Dexter E. Perez (WI)
Connie Ralston (GA)
Noble D. Reed (TX)
Kurt Sanders (VA)
David L. Schibilla (IL)

Pamela Singleton (TX)
Robert W. Slate (NM)
Willine D. Smith (GA)
Michael R. Tayman (ME)
Jason R. Winemiller (IL)

In accordance with 49 U.S.C. 31315, each exemption will be valid for two 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 and 31315.

Issued on: August 9, 2018

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0016]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 110 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, 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., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/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., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

FMCSA received applications from 110 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(10). Therefore, the 110 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49

U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following six applicants did not have sufficient driving experience over the past three years under normal highway operating conditions:

Emma D. Hyde Howe (WA)
Wallace T. Kraus (IN)
Luis M. Perez-Francisco (NJ)
Darrell Potteiger (PA)
Jeffrey J. Winter (KS)
Scott E. Zinn (CA)

The following 35 applicants had no experience operating a CMV:

Eurico F. Barbosa (MA)
Michael A. Barone (TX)
Celine Burgos (NJ)
Geovanny J. Cano-Cruz (NJ)
Luis Cardona (CA)
Eduardo Carrasco (AZ)
Nelson D. Carvalho (TX)
Sergio Chavez-Nunez (IL)
Jeffrey M. Colson (NY)
Hunter W. Cook (MS)
James F. Duffy (NJ)
Michael S. Engel (CO)
David W. Frieze (MN)
Christopher D. Gilbert (ND)
Jose S. Hernandez (TX)
Jesse J. James (MI)
Tammy L. Loran (ND)
Jonathan B. Lovette (TN)
Russell T. Meyers (OH)
Giedrius Morkunas (IL)
Michael D. Narveson (MN)
Jose L. Olvera-Hernandez (PA)
Mohammed A. Omer (MN)
Timothy L. Porter (AL)
Robert L. Price (CO)
Jerad J. Riddle (IL)
Doral W. Robinson (MD)
Nicholas A. Smyth (NE)
Anes Tabakovic (IA)
Anthony R. VanAcker (IN)
John T. Vanderbeek (UT)
Andry A. Vargas (MA)
McKenley M. Victor (DE)
David W. Wiard (MI)
Tarrence R. Williams (MS)

The following 23 applicants did not have three years of experience driving a CMV on public highways with their vision deficiencies:

Matthew R. Beggs (IL)
Richard W. Bullard (FL)
Paulo G. Clemente (NC)
Hector A. Davila (GA)
Chad M. Diamond (HI)
Paul A. Gulotta (NV)
Burl V. Ingebretsen (MN)
Russell L. Kelly (SC)
Nicholas J. Luksha (TN)
Jerred R. Murray (NY)
Christopher J. Neville (ME)
Eric L. Nydick (KS)
Robert F. Reed (NV)
Wesley C. Riley (IL)

Dennis E. Sanches (CO)
Alexander P. Scardino (NY)
Jeffrey A. See (FL)
Don J. Smith (VA)
Terry L. Stanger (IL)
Robert B. Sundvor (ND)
Leonard H. Wesselman (IL)
Tommy A. Williamson (OK)
Ananias E. Yoder (IA)

The following 14 applicants did not have three years of recent experience driving a CMV on public highways with their vision deficiencies:

David G. April (NH)
Jason W. Beer (NE)
David L. Dellinger (IN)
John D. Flatten (MN)
Armand P. Fortier (NH)
Jeri P. Hollingsworth (ND)
Suad Jukic (NY)
Jimmy R. Kite (TN)
William J. Mason (AR)
Akbar H. Mokhtarani (ID)
Scott A. Murphy (PA)
Asa R. Sessions (WI)
Stephen C. Stenberg (NY)
Blair D. Tunell (DE)

The following seven applicants did not have sufficient driving experience over the past three years under normal highway operating conditions (gaps in driving record):

Wayne O. Campbell (FL)
James P. Flaherty (KY)
Aaron L. Knoblock (TX)
Ronald M. Lytle (PA)
Chad O'Brien (MN)
Reginald Smart (TX)
Levi J. Tindall (TX)

The following applicant, Gregory P. Grimes (OK), had more than two commercial motor vehicle violations during three-year period and/or application process.

The following applicant, Randall L. Bauman (IN), contributed to accident(s) in which the applicant was operating a CMV, which is a disqualifying offense.

The following applicant, Daniel W. Schraven (IA), did not demonstrate the level of safety required for interstate driving (excessive moving/non-moving violations during three-year period).

The following 16 applicants were denied for multiple reasons:

Jose G. Batres (PA)
Guillermo Casio Gamero (WA)
Edward J. Delehant (OK)
Kevin DeMarco (PA)
Anthony M. Goodman (TX)
Eduardo L. Gutierrez (CA)
Michael L. Johnson (SC)
Patrick E. Kuempel (IA)
Michael T. McGinty (PA)
Michael E. McGregor (ID)
Steven Ramirez (CA)
Robert L. Schwartz (ND)

Emmanuel A. Sepulveda (CA)
 Tyrone Sipp (TN)
 Calvin R. Stoltzfus (PA)
 Latasha M. Williams-Barnes (CT)

The following four applicants have not had stable vision for the preceding three-year period:

Miguel M. Levario (NM)
 Markell D. Riley (NC)
 Michael J. Smith (MN)
 Vernon L. Speakman (GA)

The following applicant, Charles E. Chamberlain (KY), does not meet the vision standard in his better eye.

The following applicant, Jerry B. Gibson (KY), drove interstate while restricted to intrastate driving.

Issued on: August 9, 2018.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1998-4334; FMCSA-1999-5578; FMCSA-2000-8398; FMCSA-2001-9561; FMCSA-2003-14504; FMCSA-2003-14504; FMCSA-2003-15268; FMCSA-2005-20560; FMCSA-2005-21254; FMCSA-2007-27333; FMCSA-2007-27515; FMCSA-2007-27897; FMCSA-2007-28695; FMCSA-2009-0121; FMCSA-2009-0154; FMCSA-2011-0092; FMCSA-2011-0124; FMCSA-2011-0140; FMCSA-2011-0141; FMCSA-2013-0027; FMCSA-2013-0028; FMCSA-2013-0029; FMCSA-2013-0030; FMCSA-2014-0007; FMCSA-2014-0300; FMCSA-2014-0304; FMCSA-2015-0048; FMCSA-2015-0052; FMCSA-2015-0053; FMCSA-2015-0055]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 86 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical

Programs Division, 202-366-4001, fmcamedical@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., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

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Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/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., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On June 18, 2018, FMCSA published a notice announcing its decision to renew exemptions for 86 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (83 FR 28307). The public comment period ended on July 18, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or

without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 86 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in 49 CFR 391.41 (b)(10):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of September and are discussed below:

As of September 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 35 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 78256; 66 FR 16311; 66 FR 30502; 66 FR 41654; 68 FR 13360; 68 FR 44837; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 41811; 72 FR 12666; 72 FR 21313; 72 FR 25831; 72 FR 27624; 72 FR 28093; 72 FR 32703; 72 FR 40362; 74 FR 19270; 74 FR 23472; 74 FR 26461; 74 FR 26464; 74 FR 34395; 74 FR 34630; 76 FR 25762; 76 FR 25766; 76 FR 32017; 76 FR 34135; 76 FR 37168; 76 FR 37169; 76 FR 37885; 76 FR 44652; 76 FR 50318; 78 FR 24798; 78 FR 26106; 78 FR 27281; 78 FR 32708; 78 FR 34140; 78 FR 34143; 78 FR 37270; 78 FR 41188; 78 FR 41975; 78 FR 46407; 78 FR 51269; 78 FR 52602; 78 FR 56986; 78 FR 56993; 79 FR 4531; 79 FR 38659; 79 FR 53514; 80 FR 2473; 80 FR 14223; 80 FR 18693; 80 FR 26139; 80 FR 26320; 80 FR 29154; 80 FR 31640; 80 FR 33007; 80 FR 33009; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 37718; 80 FR 40122; 80 FR 44185; 80 FR 44188; 80 FR 48404; 80 FR 48409; 80 FR 50917; 80 FR 62161; 80 FR 62163);

Robert D. Arkwright (MS)

Roger Bell (IL)

Phillip J. Boes (MN)

Dale E. Bunke (ID)

Daniel G. Cohen (VT)

Jeffrey W. Cotner (OR)

Jeffrey S. Daniel (VA)

John J. Davis (SC)

Roy H. Degner (IA)

David S. Devine (ID)

John C. Dimassa (WA)

Mark J. Dufresne (NH)

Donnie H. Eagle (WV)

Dennis C. Edler (PA)

Steven G. Garrett (CA)

Eric M. Grayson (KY)