

visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, "I certify in my professional opinion, Mr. Sepulveda has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Sepulveda reported that he has driven straight trucks for two years, accumulating 60,000 miles, and tractor-trailer combinations for three years, accumulating 216,000 miles. He holds a Class A CDL from California. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Martin Serrano*

Mr. Serrano, 58, has had a chorioretinal scar in his right eye since 1993. The visual acuity in his right eye is counting fingers, and in his left eye, 20/40. Following an examination in 2018, his ophthalmologist stated, "The patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Serrano reported that he has driven tractor-trailer combinations for 30 years, accumulating 420,000 miles. He holds a class A CDL from Illinois. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Kirby L. Sundet*

Mr. Sundet, 46, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/15, and in his left eye, counting fingers. Following an examination in 2018, his optometrist stated, "After passing all testing requirements, it is my opinion that Mr. Sundet can safely operate commercial vehicles and I recommend he be given a waiver to operate commercial vehicles." Mr. Sundet reported that he has driven straight trucks for five years, accumulating 500,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Karl M. Vanderstucken*

Mr. Vanderstucken, 56, has a prosthetic right eye due to a traumatic incident in 1995. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2018, his ophthalmologist stated, "In my professional opinion the patient has sufficient vision to operate a commercial vehicles [*sic*] driving task as required." Mr. Vanderstucken reported that he has driven straight trucks for 26 years, accumulating 2.34 million miles.

He holds a Class B CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Nyrone Whyte*

Mr. Whyte, 29, has complete loss of vision in his right eye due to a traumatic incident in 1998. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, "Mr. Whyte has met the vision criteria for driving a commercial vehicle." Mr. Whyte reported that he has driven straight trucks for seven years, accumulating 259,000. He holds a Class A CDL from Connecticut. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Byron L. Wright*

Mr. Wright, 57, has had a hamartoma in his left eye since 1991. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2018, his ophthalmologist stated, "I believe he has sufficient vision to safely drive a commercial vehicle." Mr. Wright reported that he has driven straight trucks for 35 years, accumulating 960,960 miles. He holds an operator's license from Delaware. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Bradford C. Zipse*

Mr. Zipse, 54, has a retinal scar in his left eye due to an infection in 2007. The visual acuity in his right eye is 20/15, and in his left eye, 20/400. Following an examination in 2018, his optometrist stated, "In my medical opinion, Mr. Zipse has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Zipse reported that he has driven straight trucks for 30 years, accumulating 750,000 miles. He holds an operator's license from Wisconsin. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

### **IV. 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. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: January 30, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-01264 Filed 2-5-19; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2014-0212]

### **Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders**

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for three individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on August 28, 2018. The exemptions expire on August 28, 2020.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcamedical@dot.gov](mailto: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., ET, 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. Public Participation**

##### *A. Viewing Documents and Comments*

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA-2014-0212, in the keyword box, and click "Search." Next, click the "Open Docket Folder" button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket

Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

#### B. 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 [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

## II. Background

On October 25, 2018, FMCSA published a notice announcing its decision to renew exemptions for three individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (83 FR 53951). The public comment period ended on November 26, 2018, and one comment was 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)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

## III. Discussion of Comments

FMCSA received one comment in this proceeding. The commenter stated his concerns about drivers who have experienced a seizure operating commercial motor vehicles. He also stated his recommendation that drivers who have experienced a seizure be seizure free for a certain period before

receiving an exemption. FMCSA does not grant exemptions to drivers unless the drivers meet established guidelines for the time since the last seizure was experienced.

## IV. Conclusion

Based on its evaluation of the three renewal exemption applications and the comment received, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8): Peter R. Bender, (MN); Terry D. Hamber, (NC); and Louis W. Lerch, (IA).

The drivers were included in docket number FMCSA-2014-0212. Their exemptions are applicable as of August 28, 2018, and will expire on August 28, 2020.

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: January 30, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-01274 Filed 2-5-19; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1998-4334; FMCSA-2000-7165; FMCSA-2000-7363; FMCSA-2002-12294; FMCSA-2004-18885; FMCSA-2008-0174; FMCSA-2008-0231; FMCSA-2008-0266; FMCSA-2008-0292; FMCSA-2010-0082; FMCSA-2010-0114; FMCSA-2010-0161; FMCSA-2010-0187; FMCSA-2011-0276; FMCSA-2012-0160; FMCSA-2012-0214; FMCSA-2012-0279; FMCSA-2012-0280; FMCSA-2013-0169; FMCSA-2013-0174; FMCSA-2014-0003; FMCSA-2014-0007; FMCSA-2014-0011; FMCSA-2014-0296; FMCSA-2014-0298; FMCSA-2015-0344; FMCSA-2016-0025; FMCSA-2016-0027; FMCSA-2016-0031; FMCSA-2016-0033; FMCSA-2016-0207; FMCSA-2016-0208; FMCSA-2016-0210; FMCSA-2016-0212]

### 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 67 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](mailto: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., ET, 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. Public Participation

##### A. Viewing Documents and Comments

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