

(LDW) system sensors not more than 7 inches above the lower edge of the area swept by the windshield wipers and outside the driver's sight lines to the road and highway signs and signals (80 FR 13460). FMCSA is not aware of any evidence showing that the installation of the LDW system sensors has resulted in any degradation in safety.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 2-year period, beginning December 21, 2015 and ending December 20, 2017. During the temporary exemption period, motor carriers will be allowed to operate CMVs manufactured by Volvo equipped with rain and ambient light detection sensors placed on the lower part of the passenger side of the windshield within the bottom 7 inches of the area swept by the wipers, outside the driver's sight lines to all mirrors, highway signs, signals, and view of the road ahead. The exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a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(b).

Interested parties possessing information that would demonstrate that motor carriers operating Volvo CMVs equipped with rain and ambient light sensors are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Issued on: December 10, 2015.

T.F. Scott Darling, III,
Acting Administrator.

[FR Doc. 2015-31972 Filed 12-18-15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0345]

Qualification of Drivers; Exemption Applications; Vision

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

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

SUMMARY: FMCSA announces receipt of applications from 19 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before January 20, 2016. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2015-0345 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:* 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 numbers for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any

personal information provided. Please see the Privacy Act heading below for further information.

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

FOR FURTHER INFORMATION CONTACT: Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-113, Washington, DC 20590-0001. Office hours are 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. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-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." FMCSA can renew exemptions at the end of each 2-year period. The 19 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Raed A. Abdelrahim

Mr. Abdelrahim, 48, has a phthisis left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2015, his optometrist stated, "His Right [*sic*] eye vision without correction is 20/20 and his field of view is full to 120 degrees. Based on these findings I feel he has sufficient vision to operate a commercial vehicle." Mr. Abdelrahim reported that he has driven straight trucks for 4 years, accumulating 300,000 miles, tractor-trailer combinations for 1 year, accumulating 50,000 miles. He holds a Class A CDL from New Hampshire. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he failed to obey a traffic signal.

Dominic A. Berube

Mr. Berube, 53, has had a central serous chorioretinopathy in his right eye since 2005. The visual acuity in his right eye is 20/100, and in his left eye, 20/15. Following an examination in 2015, his ophthalmologist stated, "I [*sic*] my medical opinion, Mr. Berube has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Berube reported that he has driven straight trucks for 20 years, accumulating 260,000 miles. He holds a Class A CDL from Massachusetts. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gary L. Best

Mr. Best, 66, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2015, his ophthalmologist stated, "No medicalvisual [*sic*] contraindications to operating a commercial vehicle." Mr. Best reported that he has driven straight trucks for 11 years, accumulating 330,000 miles. He holds a Class CA CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Therron K. Billings

Mr. Billings, 49, 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 2015, his optometrist stated, "I feel that Mr. Billings sees very well with his right eye and his visual field is full with minimal restrictions and his reduced vision in his left eye

should not affect his ability to perform his job . . . Based on the requirements you have listed, he has sufficient vision to operate a commercial vehicle." Mr. Billings reported that he has driven straight trucks for 5 years, accumulating 57,500 miles. He holds a Class M operator's license from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Lucien A. Fregeau

Mr. Fregeau, 68, has had refractive amblyopia in his right eye since birth. The visual acuity in his right eye is 20/60, and in his left eye, 20/30. Following an examination in 2015, his ophthalmologist stated, "OD: Vision 20/60, OS: Vision 20/30, based on this history . . . my judgement is that he can drive this commercial vehicle." Mr. Fregeau reported that he has driven straight trucks for 20 years, accumulating 500,000 miles. He holds a Class D operator's license from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael A. Gibbons

Mr. Gibbons, 62, has had optic neuropathy in his right eye since 2011. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2015, his ophthalmologist stated, "In my opinion, Michael has a sufficient [*sic*] when tested, as well as vision overall, to continue his driving of commercial vehicles." Mr. Gibbons reported that he has driven straight trucks for 26 years, accumulating 390,000 miles and tractor-trailer combinations for 26 years, accumulating 390,000 miles. He holds a Class AM CDL license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Fred M. Hill, Jr.

Mr. Hill, 71, has a prosthetic left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/40, and in his left eye, no light perception. Following an examination in 2015, his ophthalmologist stated, "Mr. Hill has had only one eye since the age of 12 . . . I expect Mr. Hill to continue to drive well and have no reason to believe he will not continue to drive his commercial truck well." Mr. Hill reported that he has driven straight trucks for 8 years, accumulating 80,000 miles. He holds an operator's license from Louisiana. His driving record for the last 3 years shows no crashes and no

convictions for moving violations in a CMV.

Freddie H. Johnson

Mr. Johnson, 42, has a prosthetic right eye due to a traumatic incident in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "It is my medical opinion that Freddie Johnson has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Johnson reported that he has driven straight trucks for 3 years, accumulating 322,500 miles. He holds an operator's license from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Timothy C. Kohn

Mr. Kohn, 34, has complete loss of vision in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/15. Following an examination in 201X, his optometrist stated, "Mr. Kohn has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Kohn reported that he has driven straight trucks for 12 years, accumulating 6,000 miles, and tractor-trailer combinations for 4 years, accumulating 18,000 miles. He holds an operator's license from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John D. Morgan

Mr. Morgan, 44, has central vision loss in his right eye due to a traumatic incident in 1996. The visual acuity in his right eye is 20/150, and in his left eye, 20/25. Following an examination in 2015, his optometrist stated, "I feel that Mr. Morgan meets the monocular criteria to perform the driving tasks required to operate a commercial vehicle with his left eye only." Mr. Morgan reported that he has driven straight trucks for 19 years, accumulating 95,760 miles and tractor-trailer combinations for 19 years, accumulating 205,200 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.

Brian M. Olivas

Mr. Olivas, 26, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/70, and in his left eye, 20/20. Following an examination in 2015, his optometrist

stated, "In my professional opinion he has sufficient vision to perform the task of driving a commercial vehicle." Mr. Olivas reported that he has driven straight trucks for 3 years, accumulating 180,000 miles. He holds a Class B CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Douglas Pitts

Mr. Pitts, 54, has complete loss of vision in his left eye due to a traumatic incident in 2001. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2015, his optometrist stated, "Considering that his visual deficiency [*sic*] has been stable for 14 years, it is my medical opinion that Douglas Pitts has sufficient vision to operate a commercial vehicle." Mr. Pitts reported that he has driven straight trucks for 6 years, accumulating 450,000 miles and tractor-trailer combinations for 30 years, accumulating 1.5 million miles. He holds a Class A CDL license from Ohio. His driving record for the last 3 years shows no crashes one conviction for a moving violation in a CMV; he exceeded the speed limit by 13 mph.

Jesus R. Ponce

Mr. Ponce, 50, has complete loss of vision in his right eye due to a traumatic incident in 1982. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his ophthalmologist stated, "I believe that Mr. Ponce has sufficient vision in his left eye in order to perform the driving tasks required to operate a commercial vehicle." Mr. Ponce reported that he has driven straight trucks for 10 years, accumulating 230,880 miles and buses for 10 years, accumulating 230,880 miles. He holds a Class B CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Eddie R. Schaeff

Mr. Schaeff, 67, has had pseudophakia in his left eye since 2011. The visual acuity in his right eye is 20/30, and in his left eye, 20/50. Following an examination in 2015, his optometrist stated, "In my medical opinion, Mr. Schaeff has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Schaeff reported that he has driven straight trucks for 10 years, accumulating 500,000 miles. He holds an operator's license from Texas. His driving record

for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Brian J. Stoltie

Mr. Stoltie, 35, has had refractive amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "Mr. Stoltie does have sufficient vision uncorrected to operate a commercial vehicle, however a contact lens in the right eye is recommended to maximize his visual acuity." Mr. Stoltie reported that he has driven straight trucks for 15 years, accumulating 1 million miles. He holds a Class D operator's license from South Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Terry A. Strong

Mr. Strong, 69, has had partial optic atrophy in his left eye since 1985. The visual acuity in his right eye is 20/25, and in his left eye, 20/400. Following an examination in 2015, his optometrist stated, "I have examined Mr. Strong and find that he has sufficient vision, field of view, and experience to safely perform driving tasks required to operate a commercial vehicle." Mr. Strong reported that he has driven straight trucks for 48 years, accumulating 1.68 million miles and tractor-trailer combinations for 15 years, accumulating 75,000 miles. He holds an operator's license from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael A. Terry

Mr. Terry, 58, has had a retinal detachment in his right eye since 2007. The visual acuity in his right eye is light perception, and in his left eye, 20/15. Following an examination in 2015, his optometrist stated, "In my medical opinion, Michael has sufficient vision to perform the visual tasks required to operate a commercial vehicle." Mr. Terry reported that he has driven tractor-trailer combinations for 30 years, accumulating 2.55 million miles. He holds a Class A CDL from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Russell A. Wilkinson

Mr. Wilkinson, 60, has optic atrophy in his left eye due to a traumatic incident in 1974. The visual acuity in his right eye is 20/25, and in his left eye, 20/400. Following an examination in

2015, his ophthalmologist stated, "Overall, his level of vision should enable him to safely drive a commercial vehicle." Mr. Wilkinson reported that he has driven straight trucks for 38 years, accumulating 570,000 miles and tractor-trailer combinations for 38 years, accumulating 1.9 million miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Timothy W. Youngblood, Jr.

Mr. Youngblood, 39, has had complete loss of vision in his left eye since birth. The visual acuity in his right eye is 20/15, and in his left eye, hand motion. Following an examination in 2015, his optometrist stated, "It is my opinion that Mr. Youngblood has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Youngblood reported that he has driven straight trucks for 9 years, accumulating 450,000 miles and tractor-trailer combinations for 9 years, accumulating 450,000 miles. He holds a Class AM CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and put the docket number FMCSA-2015-0345 in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. 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.

FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and insert the docket number FMCSA-2015-0345 in the "Keyword" box and click "Search." Next, click "Open Docket Folder" button and choose the document listed 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., e.t., Monday through Friday, except Federal holidays.

Issued on: December 9, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-31977 Filed 12-18-15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0327]

Qualification of Drivers; Application for Exemptions; Hearing

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

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

SUMMARY: FMCSA announces that 14 individuals have applied for a medical exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). In accordance with the statutory requirements concerning applications for exemptions, FMCSA requests public comments on these requests. The statute and implementing regulations concerning exemptions require that exemptions must provide an equivalent or greater level of safety than if they were not granted. If the Agency determines the exemptions would satisfy the statutory requirements and decides to grant these requests after reviewing the public comments submitted in response to this notice, the exemptions would

enable these 14 individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before January 20, 2016.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2015-0327 using any of the following methods:

- *Federal eRulemaking Portal:* Go to 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., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to www.regulations.gov, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to 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., ET, Monday through Friday, except Federal holidays. The 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: 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, as described in the system records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: 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., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The Federal Motor Carrier Safety Administration has authority to grant exemptions from many of the Federal Motor Carrier Safety Regulations (FMCSRs) under 49 U.S.C. 31315 and 31136(e), as amended by Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, June 9, 1998, 112 Stat. 107, 401). FMCSA has published in 49 CFR part 381, subpart C final rules implementing the statutory changes in its exemption procedures made by section 4007, 69 FR 51589 (August 20, 2004).¹ Under the rules in part 381, subpart C, FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted and any research reports, technical papers and other publications referenced in the application. The Agency must also provide an opportunity to submit public comment on the applications for exemption.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved without the exemption. The decision of the Agency must be published in the **Federal Register**. If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed.

The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.

¹ This action adopted as final rules the interim final rules issued by FMCSA's predecessor in 1998 (63 FR 67600 (Dec. 8, 2008)), and adopted by FMCSA in 2001 [66 FR 49867 (Oct. 1, 2001)].