

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-1999-6480; FMCSA-2001-11426; FMCSA-2002-11714; FMCSA-2002-12844; FMCSA-2003-15268; FMCSA-2003-16564; FMCSA-2004-19477; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2007-0071; FMCSA-2007-27897; FMCSA-2008-0021; FMCSA-2009-0011; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2010-0050; FMCSA-2011-0140; FMCSA-2011-0365; FMCSA-2011-0366; FMCSA-2011-0379; FMCSA-2011-0380; FMCSA-2012-0039; FMCSA-2013-0027; FMCSA-2013-0030; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0167; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0170; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0004; FMCSA-2015-0049; FMCSA-2015-0053; FMCSA-2015-0056; FMCSA-2015-0070; FMCSA-2015-0072; FMCSA-2015-0345; FMCSA-2015-0347; FMCSA-2015-0351; FMCSA-2016-0024; FMCSA-2016-0025]

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 119 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, 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. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

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

On May 24, 2018, FMCSA published a notice announcing its decision to renew exemptions for 119 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 (64 FR 68195; 65 FR 20251; 67 FR 10471; 67 FR 15662; 67 FR 17102; 67 FR 19798; 67 FR 37907; 67 FR 68719; 68 FR 2629; 68 FR 37197; 68 FR 48989; 68 FR 74699; 69 FR 10503; 69 FR 17267; 69 FR 19611; 69 FR 26206; 69 FR 64806; 69 FR 71100; 70 FR 2705; 70 FR 42615; 71 FR 6826; 71 FR 6829; 71 FR 14566; 71 FR 16410; 71 FR 19602; 71 FR 19604; 71 FR 26602; 71 FR 30227; 72 FR 1053; 72 FR 1054; 72 FR 39879; 72 FR 40360; 72 FR 52419; 73 FR 6242; 73 FR 11989; 73 FR 15567; 73 FR 16950; 73 FR 27014; 73 FR 27015; 73 FR 27017; 73 FR 76440; 74 FR 26464; 74 FR 34632; 74 FR 41971; 74 FR 49069; 74 FR 64124; 74 FR 65842; 75 FR 1835; 75 FR 9477; 75 FR 9480; 75 FR 9482; 75 FR 13653; 75 FR 14656; 75 FR 19674; 75 FR 22176; 75 FR 27621; 75 FR 27622; 75 FR 28684; 76 FR 37169; 76 FR 50318; 76 FR 54530; 76 FR 62143; 76 FR 70212; 76 FR 78729; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 10604; 77 FR 13689; 77 FR 13691; 77 FR 15184; 77 FR 17107; 77 FR 17108; 77 FR 17117; 77 FR 20879; 77 FR 23797; 77 FR 23800; 77 FR 26816; 77 FR 27849; 77 FR 27850; 77 FR 31427; 78 FR 24798; 78 FR 41975; 78 FR 46407; 78 FR 47818; 78 FR 56986; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 67454; 78 FR 67460; 78 FR 76395; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78477; 79 FR 1908; 79 FR 2247; 79 FR 2748; 79 FR 4803; 79 FR 10602; 79 FR 10607; 79 FR 10609; 79 FR 10611; 79 FR 13085; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 17642; 79 FR 17643; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22000; 79 FR 22003; 79 FR 23797; 79 FR 28588; 79 FR

29498; 80 FR 31636; 80 FR 40122; 80 FR 48413; 80 FR 59230; 80 FR 62163; 80 FR 63839; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 79414; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21647; 81 FR 21655; 81 FR 44680; 81 FR 48493; 81 FR 52516; 81 FR 66718; 81 FR 91239; 81 FR 96196). The public comment period ended on June 25, 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 driver 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 a 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 preceding.

IV. Conclusion

Based upon its evaluation of the 119 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 May and are discussed below:

As of May 7, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 46 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 37197; 68 FR 48989; 69 FR 64806; 70 FR 2705; 70 FR 42615; 71 FR 6826; 71 FR 19602; 72 FR 1054; 72 FR 39879; 72 FR 40360; 72 FR 52419; 73 FR 6242; 73 FR 11989; 73 FR 16950; 74 FR 26464; 74 FR 34632; 74 FR 41971; 74 FR 49069; 74 FR 64124; 74 FR 65842; 75 FR 1835; 75 FR 9477; 75 FR 9480; 75 FR 9482; 75 FR 13653; 75 FR 22176; 76 FR 37169; 76 FR 50318; 76 FR 54530;

76 FR 62143; 76 FR 70212; 76 FR 78729; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 10604; 77 FR 13689; 77 FR 13691; 77 FR 17107; 77 FR 17108; 77 FR 17117; 78 FR 24798; 78 FR 41975; 78 FR 46407; 78 FR 47818; 78 FR 56986; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 67454; 78 FR 67460; 78 FR 76395; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78477; 79 FR 1908; 79 FR 2247; 79 FR 2748; 79 FR 4803; 79 FR 10602; 79 FR 10607; 79 FR 10609; 79 FR 10611; 79 FR 13085; 79 FR 14331; 79 FR 14333; 79 FR 17641; 79 FR 17642; 79 FR 17643; 79 FR 18391; 79 FR 22003; 80 FR 31636; 80 FR 40122; 80 FR 48413; 80 FR 59230; 80 FR 62163; 80 FR 63839; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 79414; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 44680; 81 FR 48493; 81 FR 52516; 81 FR 91239);

David R. Alford (UT)
Bradley T. Alspach (IL)
Otto J. Ammer, Jr. (PA)
Terry L. Baker (KY)
Morris R. Beebe, II (CO)
Eugenio V. Bermudez (MA)
Dominic A. Berube (MA)
Troy C. Blackburn (OH)
Lester E. Burnes (NM)
Thomas F. Caithamer (IL)
Bruce A. Cameron (ND)
Freddie A. Carrasquillo (TX)
Mark Castleman (MN)
James A. Champion (WA)
Loren D. Chapman (MN)
Larry Chinn (WI)
Charles W. Cox (AR)
Walter F. Crean, III (CT)
Bryan K. Dalton (NC)
Vincent DeMedici (PA)
Johnny Dillard (SC)
John T. Edmondson (AL)
Kenneth J. Fisk (MI)
Brian W. Gillund (MN)
Patrick W. Griffin (OK)
Matt A. Guilmain (NH)
Raymond L. Herman (NY)
Elvin M. Hursh (PA)
James R. Leoffler (CO)
Melvin L. Lester (MS)
Jerry P. Lindesmith (OK)
Juan J. Luna (CA)
Stephen R. Marshall (MS)
Dale A. McCoy (ME)
Cole W. McLaughlin (SD)
John D. Morgan (PA)
Russell L. Moyers, Sr. (WV)
Ryan R. Ross (SC)
Steven C. Sheeder (IA)
Charles H. Strople (MA)
Eric Taniguchi (HI)
Robert L. Thies (IN)
Ronald L. Walker (FL)
Charles G. Warshun, Jr. (NY)
Alan T. Watterson (MA)

Oscar M. Wilkins (ME)

The drivers were included in docket numbers FMCSA–2003–15268; FMCSA–2004–19477; FMCSA–2006–23773; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2009–0011; FMCSA–2009–0291; FMCSA–2009–0321; FMCSA–2011–0140; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2013–0027; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2015–0049; FMCSA–2015–0053; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0345; FMCSA–2015–0347; FMCSA–2015–0351. Their exemptions are applicable as of May 7, 2018, and will expire on May 7, 2020.

As of May 11, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 15184; 77 FR 27850; 79 FR 21996; 81 FR 91239):

Robert L. Brauns (IA)
Clifford W. Doran, Jr. (NC)
Geln C. Grimm (NJ)
Richard A. Pucker (WI)
John M. Riley (AL)
Jeffery A. Sheets (AR)

The drivers were included in docket numbers FMCSA–2011–0379; FMCSA–2011–0380. Their exemptions are applicable as of May 11, 2018, and will expire on May 11, 2020.

As of May 12, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 68719; 68 FR 2629; 68 FR 74699; 69 FR 10503; 69 FR 71100; 71 FR 6826; 71 FR 6829; 71 FR 19602; 72 FR 1053; 73 FR 11989; 73 FR 15567; 73 FR 27015; 73 FR 76440; 75 FR 13653; 75 FR 19674; 77 FR 23797; 79 FR 23797; 81 FR 91239):

Leo G. Becker (KS)
Stanley W. Davis (TX)
Ray L. Emert (PA)
John W. Forgy (ID)
Neil W. Jennings (MO)
David A. Miller (NE)
Aaron S. Taylor (WI)

The drivers were included in docket numbers FMCSA–2002–12844; FMCSA–2003–16564; FMCSA–2006–23773; FMCSA–2008–0021. Their exemptions are applicable as of May 12, 2018, and will expire on May 12, 2020.

As of May 13, 2018, and in accordance with 49 U.S.C. 31136(e) and

31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 21647; 81 FR 21655; 81 FR 66718):

Jose O. Arroyo (CA)
Ronald H. Carey (PA)
James T. Curtis (NM)
Mark E. Dow (VT)
Danny R. Floyd (OH)
William J. Kryszinski (MN)
Bradley K. Linde (IA)
Scott A. Palmer (NY)
Colby T. Smith (UT)
Carl J. Warnecke (OH)
Edwin E. West (MO)

The drivers were included in docket numbers FMCSA–2016–0024; FMCSA–2016–0025. Their exemptions are applicable as of May 13, 2018, and will expire on May 13, 2020.

As of May 16, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 23 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 14571; 79 FR 28588; 81 FR 91239; 81 FR 96196):

Luis A. Agudo (MN)
Dmitriy D. Bayda (WA)
Billy D. Devine (WA)
James G. Donze (MO)
Jeffrey D. Duncan (IN)
Dennis A. Feather (SC)
Robert E. Johnston, Jr. (WA)
Gregory J. Kuhn (NE)
David W. Leach (IL)
Jason S. Logue (GA)
David F. Martin (NJ)
Martin L. Mayes (GA)
Daniel A. McNabb, Jr. (KS)
Phillip L. Mello (CA)
Robert L. Murray (IL)
Steve W. Quenzer (SD)
Bradley W. Reed (AL)
Erik M. Rice (TX)
Tatum R. Schmidt (IA)
Harry J. Scholl (PA)
Jacob A. Shaffer (PA)
James S. Smith (AR)
Steven S. Smith, Jr. (PA)

The drivers were included in docket number FMCSA–2014–0003. Their exemptions are applicable as of May 16, 2018, and will expire on May 16, 2020.

As of May 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 9480; 75 FR 14656; 75 FR 22176; 75 FR 28684; 77 FR 23800; 79 FR 22000; 81 FR 91239): Herbert C. Hirsch, (MO); Douglas L. Norman, (NC); Wayne J. Savage, (VA).

The drivers were included in docket numbers FMCSA–2009–0011; FMCSA–2010–0050. Their exemptions are applicable as of May 21, 2018, and will expire on May 21, 2020.

As of May 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 18392; 79 FR 29498; 81 FR 91239):

James E. Baker (OH)
Aaron D. Barnett (IA)
Danny J. Goss (MO)
James P. Griffin (WA)
Dennis P. Hart (OR)
James D. Kessler (SD)
Sherell J. Landry (TX)
Ronald N. Lindgren (MN)
Rodney J. McMorrin (IA)
John L. Meese (MO)
Michael E. Schlachter (WY)
Kenneth W. Sigl (WI)
Elmer F. Winters (NC)

The drivers were included in docket number FMCSA–2014–0004. Their exemptions are applicable as of May 22, 2018, and will expire on May 22, 2020.

As of May 25, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20251; 67 FR 10471; 67 FR 17102; 67 FR 19798; 69 FR 17267; 69 FR 19611; 71 FR 14566; 71 FR 16410; 71 FR 19604; 71 FR 30227; 73 FR 27014; 75 FR 27622; 77 FR 20879; 77 FR 26816; 77 FR 31427; 81 FR 91239):

Edward W. Hosier (MO)
Craig T. Jorgensen (WI)
Jose A. Lopez (CT)
Earl E. Martin (VA)
Joseph C. Powell (VA)
David L. Schachle (PA)
Mark Sobczyk (WI)

The drivers were included in docket numbers FMCSA–1999–6480; FMCSA–2001–11426; FMCSA–2006–24015; FMCSA–2012–0039. Their exemptions are applicable as of May 25, 2018, and will expire on May 25, 2020.

As of May 30, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 15662; 67 FR 37907; 69 FR 26206; 71 FR 26602; 73 FR 27017; 75 FR 27621; 77 FR 27849; 81 FR 91239): Joe W. Brewer, (SC); James W. Ellis, 4th, (NJ); Kevin R. Stoner, (PA).

The drivers were included in docket number FMCSA–2002–11714. Their exemptions are applicable as of May 30, 2018, and will expire on May 30, 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: July 12, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–15553 Filed 7–19–18; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0034]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 14 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce.

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:

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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 14 individuals who requested an exemption from the FMCSRs prohibiting persons with ITDM from operating a CMV in interstate commerce.

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)(3).

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)(3). Therefore, the 14 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(3).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption