III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the three renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in §391.41(b)(11).

As of June 10, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSR for interstate CMV drivers (84 FR 45203):

- Robert Dale Brunett (OK);
- Thomas M. Carr (PA); and
- Jeffrey Webber (OK).

FMCSA is making a technical amendment for Mr. Thomas M. Carr whose name was published twice in the notice for comment in error.

The drivers were included in docket number FMCSA-2014-0384 and FMCSA-2015-0326. Their exemptions are applicable as of June 10, 2019, and will expire on June 10, 2021.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 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; or (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(e) and 31315(b).

Issued on: December 12, 2019.

Larry W. Minor,
Associate Administrator for Policy.

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

II. Background

On August 28, 2019, FMCSA published a notice announcing its decision to renew exemptions for four individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (84 FR 45203). The public comment period ended on September 27, 2019, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing exemptions for three of the individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with §391.41(b)(11). The fourth individual was Mr. Thomas Carr whose name was published twice in error.

The physical qualification standard for drivers regarding hearing found in §391.41(b)(11) states 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.

This standard was adopted in 1970 and was revised 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).
are questions regarding your submission.

To submit your comment online, go to http://www.regulations.gov/docket?D=FMCSA-2019-0111. Click on the “Comment Now!” button and type your comment into the text box on 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.

B. 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/docket?D=FMCSA-2019-0111 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 Operations 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.

C. 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.

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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 statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

The 17 individuals listed in this notice have requested an exemption from the hearing requirement in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding hearing found in §391.41(b)(11) states 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 Z24.5—1951). This standard was adopted in 1970 and was revised 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).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, “Qualification of Drivers; Application for Exemptions; National Association of the Deaf,” (78 FR 7479), its decision to grant requests from 40 individuals for exemptions from the Agency’s physical qualification standard concerning hearing for interstate CMV drivers. Since that time the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency’s physical qualification standard concerning hearing for interstate CMV drivers.

III. Qualifications of Applicants

Bart Beasom
Mr. Beasom, 55, holds a class A CDL in Pennsylvania.

David Billingsley
Mr. Billingsley, 82, holds a class A CDL in Indiana.

Stephen Daniels
Mr. Daniels, 59, holds a class DL–C CDL in Kansas.

Paul Ditimi
Mr. Ditimi, 66, holds a class D CDL in Connecticut.

Herman Fleck
Mr. Fleck, 62, holds a class A CDL in Pennsylvania.

John Freeman
Mr. Freeman, 61, holds a class D CDL in Massachusetts.

Nicholas Green
Mr. Green, 35, holds a class E CDL in Florida.

Richard Hall
Mr. Hall, 49, holds a class DA CDL in Kentucky.

John Malm
Mr. Malm, 45, holds a class B CDL in Illinois.

Mark Merrow
Mr. Merrow, 61, holds a class CA CDL in Michigan.

Joyann Nipper
Ms. Nipper, 51, holds a class D CDL in Iowa.

Jeffry Patterson
Mr. Patterson, 60, holds a class A CDL in Ohio.

William Ranson
Mr. Ranson, 54, holds a class D CDL in Arkansas.

Michael Steffen
Mr. Steffen, 53, holds operator’s license in Indiana.

Justin Stephen
Mr. Stephen, 31, holds a class D CDL in South Carolina.

Michelle Trott
Ms. Trott, 50, holds a class D CDL in Tennessee.

Sherrie Willey
Ms. Willey, 43, holds a class R CDL in Washington.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the DATES section of the notice.

Issued on: December 12, 2019.

Larry W. Minor,
Associate Administrator for Policy.

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