

Mr. Muresan proposes "Exemption Rules" and promises to observe them. Under the exemption, he (and his co-driver, if operating as a team) would limit his driving time to 11 hours in a 24-hour period. If the exemption is granted, he would "... drive between 3 to 11 hours followed by 2 to 10 hours of rest/sleep" and would be required to "... sleep at least 8 hours during 24 hours of service." Mr. Muresan also proposes the following:

"... the driver who is at rest/sleep has full authority to accept or not to drive again and has authority to decide if he is restored enough to drive again. The driver on duty cannot force the driver at rest/sleep to drive again if he/she does not want."

Mr. Muresan explains that the periods of 2 to 10 hours of rest/sleep "allow a driver to go to sleep when [he or she] is tired." He also explains that the authority granted the driver who is "resting/sleeping" to decide when to drive again:

"... [a]llows the driver to drive again when [he or she] is restored and not hours after that. I mention that a driver cannot sleep 10 hours and after 6 hours is awaked and may soon become bored and will be sleepy about when will be the time to drive again."

Mr. Muresan also requests that the exemption permit him to employ paper records of duty status (RODS), or logs, even if his employer has equipped the CMV with the capability to record the RODS electronically.

Mr. Muresan requests that the exemption cover a two-year period, the maximum period of time for which FMCSA can grant an exemption. Applicants may apply for renewal of their exemption every two years.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on Mr. Muresan's application for an exemption from the HOS requirements of 49 CFR part 395. The Agency will consider all comments received by the close of business on January 16, 2014. Comments will be available for examination in the docket as explained in the **ADDRESSES** section of this notice under the heading "Docket." The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: December 9, 2013.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA-2013-0172]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its denial of 59 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs Division, 202-366-4001, U.S. Department of Transportation, FMCSA, 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

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal vision standard for a renewable 2-year period 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 procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 59 individual exemption requests on their merit and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in 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 11 applicants had no experience operating a CMV:

Christina L. Anhock
Thomas R. Anthony
Brian Ashbaugh
Eric Betsuie
Eric P. Carr
Adrian L. Johnson
Bradford Kadubic
Dennis A. Mercer II
Elijah Miller
Jorge Monge
Marcus Robinson

The following 9 applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Zoraida Bazan
Troy D. Blanton
Donald E. Cessna, Sr.
Douglas H. Huntsman
Mark A. Lane
James McClellan
Louis Pierson
Juan Ramirez
Phillip Starker

The following 5 applicants did not have 3 years of recent experience driving a CMV with the vision deficiency:

Aaron Gage
Daniel D. Henriquez
Dennis Hughey
Edward Rangel
Jeffrey M. Thorpe

The following 9 applicants were denied for miscellaneous/multiple reasons:

Travis Bennett
John D. Bowman
Don Gray
Bruce Guntow
Gary S. Judds
Timothy M. Leonard
Thomas A. Martin, III
Rodney McMorran
Tyler R. Peebles

The following applicant, Mark P. Huemann, was denied because his vision was not stable for the entire 3-year period.

The following 12 applicants met the current federal vision standards. Exemptions are not required for applicants who meet the current regulations for vision:

Joseph A. Basista
Thomas J. Bruce, Jr.
Barry Foster
Donald M. Gieseke
Marco J. Gonzalez
Rogelio Leyva
Martin R. Manner
Lee A. Mauk
John McKinney

John Rinehart
Scott J. Thompson, Jr.
Christopher M. Walters

The following 10 applicants were denied because they will not be driving interstate, interstate commerce, or not required to carry a DOT medical card:

John H. Bass
Alton L. Carlisle
Timothy F. Dunn
Wesley S. Gnade
Jerry E. Guilford
Glenn F. Hipp
Shane Nelson
Nelson P. Sanschagrin
Robert Schultz
Robert Tackitt

Finally, the following 2 applicants perform transportation for the federal government, state, or any political subdivision of the state.

Marty G. Eastman
Eric D. Kidd

Issued on: December 3, 2013.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0166]

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 exempt 26 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). 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. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective December 17, 2013. The exemptions expire on December 17, 2015.

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, 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:

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> 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 acknowledgement 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: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

Background

On October 22, 2013, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (78 FR 62935). That notice listed 26 applicants' case histories. The 26 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption 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." The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 26 applications on their merits and made a determination to grant exemptions to each of them.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle 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 requirement red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 26 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, macular degeneration, retinal detachment, prosthetic eye, Harada's disease, central scotoma, and strabismus. In most cases, their eye conditions were not recently developed. Eighteen of the applicants were either born with their vision impairments or have had them since childhood.

The eight individuals that sustained their vision conditions as adults have had it for a period of 4 to 29 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 26 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven