

applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria 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)(10). Therefore, the 103 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. 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 three applicants did not have sufficient driving experience over the past three years under normal highway operating conditions:

David A. Farmer (SC); Thomas J. Johnston (TX); and Robert F. LaMark (PA)

The following 42 applicants had no experience operating a CMV:

Danny L. Abraham (GA)
Kentrell L. Alexander (LA)
Marc A. Alt (NC)
Henry G. Boles (TX)
Justin D. Buetow (MN)
Carlos Candelario (CA)
Zachary D. Coots (KY)
James J. Corr (NE)
David L. Cousin (TN)
Alan C. Cox (IL)
Brian Downton (NY)
Stephen S. Evans (KS)
Lasheika E. Felton (FL)
Jacob P. Lennington (MN)
Angela M. Levin (IL)
Abdilatif D. Malishe (NY)
Chad J. Michels (IA)
Patricia A. Minnich (WA)
Edward E. Morris (TX)
Julio C. Orellana (TX)
Nelson D. Perry (VT)
Brian M. Porter (IL)
Larry D. Porter (IA)
William B. Postel (IN)
De'Warren J. Reaves (MD)
David L. Reid (CO)
Charles D. Reynolds (NC)
Robert L. Rider (VA)
Herbert D. Ryan (AL)
Jesus A. Sanchez-Galvan (GA)

Justin D. Savio (NJ)
Joshua G. Seabolt (GA)
Judson Sejour (FL)
Ahmad Shirin (NC)
Larry W. Stephenson (WA)
Jason Thomas (AL)
Giovany M. Torres Aleman (TX)
Patrick J. Walkey (OH)
Alex L. Wanechek (WA)
Ernest J. Ward (FL)
Daniel L. White (WA)
Justin D. White (KS)

The following 17 applicants did not have three years of experience driving a CMV on public highways with their vision deficiencies:

Robert M. Adams (KY)
Charles V. Adcock (WA)
Yordan Belaunzaran (FL)
Mack A. Franks (IL)
Danny C. Henrichs (MT)
Terry W. Kelly (OR)
Andrew E. Kroll (IL)
Earl D. Lilley (TX)
Michael D. Marshall (ME)
James E. McLaughlin (IN)
Ted E. Parker (IL)
Michael R. Patrick (CO)
Candelario M. Peraza (WA)
Iurii V. Perkov (OR)
Joe S. Price (NC)
Steven L. Voigt (IL)
Randell N. Wallis (CO)

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

Donald Carrillo (NM)
Thomas H. Harnack (IA)
Elvin J. Horst (OH)
Clarence R. Keller (AL)
Brian D. Marlow (TN)
Dennis A. Mercer (IN)
Patrick Seaux (LA)
Lawrence A. Swatfager (ND)

The following three applicants did not have sufficient driving experience over the past three years under normal highway operating conditions (gaps in driving record):

Paul C. Bowen (WY); James D. Taylor (TN); and Michael J. Wells (NC)

The following applicant, Gary Nappier (VA), was charged with moving violations in conjunction with CMV accidents.

The following applicant, Steven A. Schaumberg (NJ), contributed to accident(s) in which the applicant was operating a CMV, which is a disqualifying offense.

The following two applicants did not hold a license that allowed operation of vehicles over 26,000 lbs. for all or part of the three-year review period:

Kevin R. Martin (IN); and Bryan J. Teaster (NC)

The following applicant, Carlos A. Melendez (MD), did not have an optometrist or ophthalmologist willing to make a statement that they are able to operate a commercial vehicle from a vision standpoint.

The following 15 applicants were denied for multiple reasons:

Larry D. Bowman (CA)
Arturo Garcia (IN)
John F. Janicki (MI)
Christopher R. Marden (NH)
Christian R. McHenry (IN)
John W. McNeel (AL)
Jerrell Mitchell (CA)
Dean E. Prindle (MI)
Saul Quintero (IN)
Richard R. Roggeman (IN)
Robert L. Schwartz (ND)
Tanveer Siddiq (NJ)
Christopher T. Sides (ME)
Robert Tichauer (PA)
Ronnie D. Van Zant (VA)

The following eight applicants have not had stable vision for the preceding three-year period:

William M. Batten (TX)
Dale O. Hoover (PA)
Shawn R. Leasy (ID)
George W. Luster (AL)
Lonnie A. Neimeister (OH)
Donald E. Ratliff (KY)
Patricia D. Wallace (MI)
Barry Young (PA)

The following two applicants drove interstate while restricted to intrastate driving:
Michael D. Cameron (GA); and Terrence H. Flick (IL).

Issued on: April 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2018-0209]

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 11 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for

various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on March 9, 2019. The exemptions expire on March 9, 2021.

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., 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–2018–0209, 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, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

On February 6, 2019, FMCSA published a notice announcing receipt of applications from 11 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (84 FR 2323). The public comment period ended on March 8, 2019, and three comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these

individuals 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 drive 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 three comments in this proceeding. Daniel Schafer, of Patriot Transportation Services, LLC, submitted a comment describing the vision and CMV operation experience of an unnamed individual.

Vicky Johnson, from the Minnesota Department of Public Safety (MN DPS), submitted two comments. The comments stated that MN DPS had no objections to FMCSA’s decision to grant exemptions to Kirby L. Sundet and Henry J. Hughes.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The Agency’s decision regarding these exemption applications is based on medical reports about the applicants’ vision, as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the February 6, 2019, **Federal Register** notice (84 FR 2323) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 11 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, chorioretinal scar, complete loss of vision, exotropia, hamartoma, macular scar, prosthesis, and retinal scar. In most cases, their eye conditions were not recently developed. Six of the applicants were either born with their vision impairments or have had them since childhood. The five individuals that sustained their vision conditions as adults have had it for a range of 12 to 28 years. Although each applicant has one eye that 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 a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants’ intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 5 to 41 years. In the past three years, no drivers were involved in crashes, and no drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment that demonstrates the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants’ ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR

391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 11 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Manuel Gonzalez (IL)
Henry J. Hughes (MN)
Frederick L. McCurry (VA)
Luis M. Perez-Francisco (NJ)
Emmanuel A. Sepulveda (CA)
Martin Serrano (IL)
Kirby L. Sundet (MN)
Karl M. Vanderstucken (TX)
Nyrone Whyte (CT)
Bryon L. Wright (DE)
Bradford C. Zipse (WI)

In accordance with 49 U.S.C. 31136(e) and 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: April 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2019-0027]

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 exempt six 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 operate CMVs in interstate commerce.

DATES: The exemptions were applicable on April 2, 2019. The exemptions expire on April 2, 2021.

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., 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-2019-0027, 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, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

On February 21, 2019, FMCSA published a notice announcing receipt of applications from six individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (84 FR 5552). The public comment period ended on March 25, 2019, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals 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 criteria¹ 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.]

¹ See <http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391-171.a> and <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.