

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

[Docket No. FMCSA-1998-3637; FMCSA-2000-7006; FMCSA-2000-7165; FMCSA-2000-8203; FMCSA-2001-10578; FMCSA-2002-12294; FMCSA-2004-18885; FMCSA-2008-0106; FMCSA-2008-0231; FMCSA-2008-0266; FMCSA-2010-0082; FMCSA-2010-0161; FMCSA-2010-0187; FMCSA-2010-0201; FMCSA-2011-0324; FMCSA-2012-0105; FMCSA-2012-0215; FMCSA-2014-0005; FMCSA-2014-0006; FMCSA-2014-0007; FMCSA-2014-0010; FMCSA-2014-0011; FMCSA-2014-0296; FMCSA-2014-0297]

**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 38 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 was effective 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](mailto: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 November 15, 2016, FMCSA published a notice announcing its decision to renew exemptions for 38 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 (81 FR 80161). The public comment period ended on December 15, 2016, 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.

**VI. Conclusion**

As of November 9, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 36 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (63 FR 196; 63 FR 30285; 65 FR 20245; 65 FR 33406; 65 FR 57230; 65 FR 57234; 65 FR 66293; 66 FR 53826; 66 FR 66966; 67 FR 46016; 67 FR 57266; 67 FR 57267; 67 FR 67234; 68 FR 69434; 69 FR 51346; 69 FR 52741; 69 FR 53493; 69 FR 62741; 69 FR 62742; 70 FR 74102; 71 FR 50970; 71 FR 53489; 71 FR 62147; 71 FR 62148; 73 FR 35196; 73 FR 36955; 73 FR 46973; 73 FR 48270; 73 FR 48275; 73 FR 51336; 73 FR 51689; 73 FR

54888; 73 FR 61925; 73 FR 63047; 73 FR 74565; 75 FR 25919; 75 FR 36779; 75 FR 39725; 75 FR 39729; 75 FR 44051; 75 FR 47883; 75 FR 50799; 75 FR 52061; 75 FR 52062; 75 FR 52063; 75 FR 54958; 75 FR 59327; 75 FR 61833; 75 FR 63257; 75 FR 64396; 75 FR 66423; 75 FR 70078; 77 FR 7657; 77 FR 22059; 77 FR 27852; 77 FR 38384; 77 FR 39379; 77 FR 40946; 77 FR 46153; 77 FR 48590; 77 FR 52381; 77 FR 52388; 77 FR 52389; 77 FR 60010; 77 FR 64582; 77 FR 64583; 77 FR 64841; 77 FR 68199; 77 FR 68200; 79 FR 27681; 79 FR 35212; 79 FR 35218; 79 FR 38649; 79 FR 38659; 79 FR 45868; 79 FR 46153; 79 FR 46300; 79 FR 47175; 79 FR 51643; 79 FR 53514; 79 FR 56097; 79 FR 56099; 79 FR 56104; 79 FR 56117; 79 FR 58856; 79 FR 59348; 79 FR 59357; 79 FR 64001; 79 FR 68199; 79 FR 70928; 79 FR 72754:

Charles S. Amyx, Jr. (LA)  
John W. Arnold (KY)  
Kelvin Frandin Bombu (KY)  
Derric D. Burrell (AL)  
Kenneth C. Caldwell (NY)  
John P. Catalano (NJ)  
Lee A. Clason (NE)  
Edward Cunningham (MI)  
Eric P. Demers (NH)  
Louis A. DiPasqua, Jr. (NY)  
Roderick L. Duvall (PA)  
Tyron O. Frieze (MN)  
James O. Hancock (IN)  
John H. Holmberg (WI)  
Stetson W. King (FL)  
Donald L. McCraw, Jr. (VA)  
Elijah Mitchell (TX)  
Charles J. Morman (FL)  
Benny R. Morris (WV)  
Timothy L. Morton (NC)  
Dennis E. Palmer, Jr. (CT)  
Jesus Penuelas (AZ)  
Larry A. Prieve (ND)  
John C. Rodriguez (PA)  
Sabahudin Sabic (IA)  
Antonio Sanchez (NJ)  
Garry R. Setters (KY)  
Jimmy E. Settle (MO)  
Lawrence Siegler (MN)  
Lee F. Taylor (NJ)  
Richard T. Traigle (LA)  
Wilbert Walden (NC)  
Donald Wallace (IL)  
Carl V. Wheeler (NC)  
Earl L. White, Jr. (NH)  
Hubert Whittenburg (MO)

The drivers were included in one of the following dockets: Docket Nos. FMCSA-1998-3637; FMCSA-2000-7006; FMCSA-2000-7165; FMCSA-2000-8203; FMCSA-2001-10578; FMCSA-2002-12294; FMCSA-2004-18885; FMCSA-2008-0106; FMCSA-2008-0231; FMCSA-2008-0266; FMCSA-2010-0082; FMCSA-2010-0161; FMCSA-2010-0187; FMCSA-2010-0201; FMCSA-2011-0324; FMCSA-2012-0105; FMCSA-2012-

0215; FMCSA–2014–0005; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296. Their exemptions are effective as of November 9, 2016 and will expire on November 9, 2018.

As of November 22, 2016 and in accordance with 49 U.S.C. 31136(e) and 31315, the following 2 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (79 FR 63211; 80 FR 2471):

Dewey P. Huffman (OR)  
Michael J. Monroe (IA)

The drivers were included in Docket No. FMCSA–2014–0297. Their exemptions are effective as of November 22, 2016, and will expire on November 22, 2018.

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: December 29, 2016.

**Larry W. Minor,**  
Associate Administrator for Policy.

[FR Doc. 2017–00134 Filed 1–6–17; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2011–0389; FMCSA–2012–0294; FMCSA–2013–0109; FMCSA–2013–0442]

### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions of 11 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 continue to operate CMVs in interstate commerce.

**DATES:** Each group of renewed exemptions were effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before February 8, 2017.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, [fmcamedical@dot.gov](mailto: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.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2011–0389; FMCSA–2012–0294; FMCSA–2013–0109; FMCSA–2013–0442 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online 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 number(s) 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 online.

*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>.

## I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years 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 two-year period.

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 criteria 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.]

The 11 individuals listed in this notice have requested renewal of their exemptions from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

## II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse