Conclusion

FMCSA evaluated the 7 individual exemption requests on their merits, available data from Evidence Reports and Medical Expert Panel opinions on the impact of ICDs on Commercial Motor Vehicle driving, and the public comments received. The Agency has determined that the available medical literature and data does not support a conclusion that granting these exemptions would achieve a level of safety equivalent to or greater than the level of safety maintained without the exemptions. Each applicant has, prior to this notice, received a letter of final disposition on his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published today summarizes the Agency’s recent denials as required published today summarizes the Agency’s recent denials as required under 49 U.S.C. 31315(b)(4).

The following 7 applicants are denied exemptions from the cardiovascular standard. Ellis James Benson, Jon Carey, Martin Carter, Carl Jeglum, William Kastner, Mark Todd Smith, Andre Williams.

Issued on: April 28, 2016.

Larry W. Minor,
Associate Administrator for Policy.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0329]

Qualification of Drivers; Application for Exemptions; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 30 individuals for an exemption from the hearing requirement to operate commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 8, 2016.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2015–0329 using any of the following methods:

• Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the on-line 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 numbers 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 Federal Docket Management System (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 on-line.

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 comment 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.

FOR FURTHER INFORMATION CONTACT: Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcsamedical@dot.gov; FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) 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. The 30 individuals listed in this notice have recently requested such an exemption from the hearing requirement in 49 CFR 391.41(b)(11), which applies to drivers of CMVs in interstate commerce. 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 49 CFR 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).

II. Qualifications of Applicants

James E. Adams

Mr. Adams, age 44, holds an operator’s license in Georgia.

Ronald Bagby

Mr. Bagby, age 66, holds an operator’s license in Missouri.

Robert Barnett

Mr. Barnett, age 66, holds an operator’s license in Michigan.

Jason A. Beutal

Mr. Beutal, age 39, holds an operator’s license in Wisconsin.

Benjamin Bottoms

Mr. Bottoms, age 37, holds an operator’s license in Virginia.

Edward Broeker

Mr. Broeker, age 54, holds an operator’s license in California.

John Brown

Mr. Brown, age 59, holds a class A CDL in Minnesota.
Mr. Trevino, age 30, holds an operator’s license in Texas.

Wayne Turner
Mr. Turner, age 26, holds an operator’s license in Illinois.

Paul Wentworth
Mr. Wentworth, age 48, holds an operator’s license in Texas.

Kevin L. Wickman
Mr. Wickman, age 51, holds an operator’s license in Iowa.

Robert G. Wilson
Mr. Wilson, age 64, holds an operator’s license in Tennessee.

Mr. Trevino, age 30, holds an operator’s license in Texas.

Robert G. Wilson
Mr. Wilson, age 64, holds an operator’s license in Tennessee.

Mr. Prine, age 67, holds an operator’s license in Illinois.

Mr. Prag, age 56, holds a class AM CDL in Georgia.

Mr. Panto, age 57, holds a class A CDL in New Jersey.

Mr. Prine, age 67, holds an operator’s license in Arkansas.

Mr. Prag, age 56, holds a class AM CDL in Georgia.

Mr. Panto, age 57, holds a class A CDL in New Jersey.

Mr. Pogue, age 31, holds a class B CDL in Missouri.

Mr. Pogue, age 31, holds a class B CDL in Missouri.

Mr. Prine, age 67, holds an operator’s license in Arkansas.

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Mr. Prane, age 56, holds a class AM CDL in Georgia.

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