severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Whitehead understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Whitehead meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

John J. Wille III

Mr. Wille, 60, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wille understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wille meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator’s license from Utah.

Douglas W. Winslow

Mr. Winslow, 53, has had ITDM since 1991. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Winslow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Winslow meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator’s license from Illinois.

Christopher S. Wright

Mr. Wright, 53, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wright understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wright meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, 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 in the dates section of the notice.
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 W6–224, Washington, DC 20590–0001. Office hours are from 8:00 a.m. to 5:00 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. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five 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 five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

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 they meet the requirement specified at 49 CFR 391.41(b)(10). FMCSA has evaluated these applications for renewal on their merits 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 evidence submitted and, if safety is being compromised or if continuation of the existing exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31135(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 100 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (64 FR 18390; 64 FR 18392; 65 FR 159; 65 FR 20251; 67 FR 10475; 67 FR 15662; 67 FR 17102; 67 FR 37907; 69 FR 8260; 69 FR 17267; 69 FR 26206; 71 FR 4194; 71 FR 6824; 71 FR 13450; 71 FR 14567; 71 FR 16410; 71 FR 26601; 71 FR 30228; 71 FR 32183; 71 FR 43130; 72 FR 21313; 72 FR 32703; 72 FR 15255; 73 FR 15567; 73 FR 27015; 73 FR 27017; 73 FR 28186; 73 FR 28187; 73 FR 35195; 73 FR 35196; 73 FR 35197; 73 FR 35198; 73 FR 35199; 73 FR 35200; 73 FR 35201; 73 FR 36955; 73 FR 38498; 75 FR 18275; 75 FR 26464; 74 FR 43217; 74 FR 57551; 76 FR 60022; 76 FR 65842; 76 FR 1835; 76 FR 4623; 76 FR 4978; 75 FR 9482; 75 FR 14656; 75 FR 19674; 75 FR 20882; 75 FR 25917; 75 FR 25918; 75 FR 25919; 75 FR 27621; 75 FR 27622; 75 FR 27623; 75 FR 28682; 75 FR 34210; 75 FR 34211; 75 FR 34212; 75 FR 36776; 75 FR 36779; 75 FR 36799; 75 FR 39727; 75 FR 39729; 75 FR 44051; 75 FR 47888; 75 FR 37173; 76 FR 75942; 77 FR 7657; 77 FR 10606; 77 FR 13689; 77 FR 15184; 77 FR 15184; 77 FR 28079; 77 FR 22059; 77 FR 23797; 77 FR 26816; 77 FR 27847; 77 FR 27849; 77 FR 27850; 77 FR 27850; 77 FR 29447; 77 FR 31427; 77 FR 33017; 77 FR 36336; 77 FR 36338; 77 FR 36338; 77 FR 36338; 77 FR 38384; 77 FR 38386; 77 FR 40945; 77 FR 41879; 77 FR 44708; 77 FR 46153; 77 FR 46795; 77 FR 51846; 77 FR 52391; 77 FR 56779; 78 FR 67452; 78 FR 67460; 78 FR 78477; 79 FR 1908; 79 FR 10606; 79 FR 10608; 79 FR 14328; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 18390; 79 FR 21996; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 27681; 79 FR 28588; 79 FR 29445; 79 FR 35212; 79 FR 35218; 79 FR 35220; 79 FR 38649; 79 FR 38659; 79 FR 38661; 79 FR 38661; 79 FR 40945; 79 FR 41735; 79 FR 41737; 79 FR 41740; 79 FR 46153; 79 FR 47175; 79 FR 53514; 79 FR 56102; 80 FR 49302; 80 FR 63869; 80 FR 80443; 81 FR 20433; 81 FR 20435; 81 FR 21655; 81 FR 26305; 81 FR 28138; 81 FR 39320; 81 FR 45214; 81 FR 66718; 81 FR 66720; 81 FR 66724; 81 FR 66726; 81 FR 77173; 81 FR 90050; 81 FR 90050; 81 FR 90050; 81 FR 90050; 81 FR 90050; 81 FR 90050; 81 FR 90050; 81 FR 90129; 81 FR 96196. They have satisfied the vision requirements that would be achieved absent the exemption in the better eye continues to meet the requirement specified at 49
CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver’s ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of August and are discussed below:

As of August 1, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 39 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 54948; 64 FR 68195; 65 FR 159; 65 FR 20251; 67 FR 10475; 67 FR 15662; 67 FR 17102; 67 FR 37907; 69 FR 8260; 69 FR 17267; 69 FR 26206; 71 FR 3194; 71 FR 6824; 73 FR 15567; 73 FR 27015; 73 FR 27017; 73 FR 28186; 73 FR 36955; 74 FR 26464; 74 FR 43217; 74 FR 57551; 74 FR 60022; 75 FR 65842; 75 FR 1835; 75 FR 4623; 75 FR 9478; 75 FR 9482; 75 FR 14656; 75 FR 19674; 75 FR 20082; 75 FR 25917; 75 FR 27621; 75 FR 27622; 75 FR 27623; 75 FR 28662; 75 FR 36678; 75 FR 36779; 75 FR 39272; 76 FR 37173; 76 FR 75942; 77 FR 7657; 77 FR 10066; 77 FR 13689; 77 FR 15184; 77 FR 20879; 77 FR 22059; 77 FR 23797; 77 FR 28816; 77 FR 28747; 77 FR 27849; 77 FR 27850; 77 FR 29447; 77 FR 31427; 77 FR 33017; 77 FR 36338; 77 FR 38384; 77 FR 38386; 77 FR 44708; 78 FR 57679; 78 FR 67452; 78 FR 67460; 78 FR 78477; 79 FR 1908; 79 FR 10606; 79 FR 10608; 79 FR 14328; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 18390; 79 FR 21996; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 27681; 79 FR 28588; 79 FR 29495; 79 FR 35212; 79 FR 35218; 79 FR 35220; 79 FR 38649; 79 FR 38661; 79 FR 47175; 80 FR 49302; 80 FR 63869; 80 FR 80443; 81 FR 20433; 81 FR 21655; 81 FR 23705; 81 FR 28138; 81 FR 30320; 81 FR 66678; 81 FR 66720; 81 FR 66724; 81 FR 77173; 81 FR 90050; 81 FR 91239; 81 FR 96196).

John Aguirre (TX)
Daniel A. Bahm (FL)
Kenneth J. Bernard (LA)
Brad T. Braegger (UT)
Walter M. Brown (SC)
Daniel M. Cannon (OR)
Gary Carn (NJ)
Ryan E. Cox (WI)
William C. Dempsey, Jr. (MA)
Richard W. Ellis (IA)
Ronald D. Flanery (KY)
Nicholas C. Georgen (IA)
Luis Gomez-Banda (NY)
Gary A. Goostree (OH)
Joshua V. Harrison (NJ)
Wesley V. Holland (NC)
Timothy B. Hummel (KY)
Walter J. Jurczak (NI)
Charles J. Kennedy (OH)
Randall L. Mathis (AL)
Brian D. McClanahan (IL)
Lawrence C. Moody (NJ)
Norman V. Myers (WA)
Earl R. Neugerbauer (CO)
Hassan Ouarahou (KY)
Joe Ramirez (CA)
Tommy L. Ray, Jr. (AL)
Justin T. Richman (IN)
Kevin L. Routin (KY)
Scott J. Schlenker (WA)
Andrew W. Schollett (CO)
Michael D. Singleton (IN)
John C. Smith (IL)
Temesghn H. Tekleziq (WA)
George W. Thomas (SC)
Gary R. Thomas (OH)
Leslie D. Wallace (MO)
Wade W. Ward (KY)
John T. White, Jr. (NC)


As of August 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 16 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 38659; 79 FR 35354; 81 FR 90050):

Jimmy A. Baker (TX)
Antonio A. Calixto (MN)
James W. Carter, Jr. (KS)
Larry G. Davis (TN)
Michael C. Doheny (CT)
George P. Ford (NC)
Ronnie L. Henry (KS)
Johnny L. Irving (MS)
Kevin L. Jones (SC)
Keith A. Kelley (ME)
David L. Miller (OH)
David Perkins (NY)
Randall H. Tempel (MT)
Cory J. Tivnan (WA)
Ricky W. Witt (IA)
John D. Woods (MI)

The drivers were included in docket number FMCSA–2014–0007. Their exemptions are applicable as of August 9, 2018, and will expire on August 9, 2020.

As of August 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 18 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 34211; 75 FR 34212; 75 FR 27888; 77 FR 49045; 79 FR 49045; 81 FR 90050):

Mark S. Berkeheimer (PA)
Michael A. Jabro (MI)
Buddy W. Myrick (TX)
Charles L. Rill, Sr. (MD)

The drivers were included in docket number FMCSA–2010–0114. Their exemptions are applicable as of August 9, 2018, and will expire on August 9, 2020.

As of August 12, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 16 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 34211; 75 FR 34212; 75 FR 27888; 77 FR 49045; 79 FR 49045; 81 FR 90050):

Lance C. Pharo (NY)
Richard D. Tucker II (NC)
Jay Turner (OH)

The drivers were included in docket numbers FMCSA–2010–0082; FCMSA–2011–0379; FCMSA–2012–0159. Their exemptions are applicable as of August 6, 2018, and will expire on August 6, 2020.

As of August 8, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 16 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 38659; 79 FR 35354; 81 FR 90050):

Timothy B. Hummel (KY)
Walter J. Jurczak (NI)
William L. Martin (OR)
Richard L. Miller (IN)
VerDate Sep<11>2014 18:06 Jul 19, 2018 Jkt 244001 PO 00000 Frm 00129 Fmt 4703 Sfmt 4703 E:\FR\FM\20JYN1.SGM 20JYN1

[45x53]number FMCSA–2018–0051. Their
[45x73]Manchester (LA); Leverne F. Schulte, Jr.
[45x83]requirement in the FMCSRs for
[45x103]0174; FMCSA–2010–0082. Their
[45x113]exemptions are applicable as of August
[45x123]2018, and will expire on August 12,
[45x133]Exemptions are applicable as of August
[45x143]19, 2018, and will expire on August 19,
[45x163]As of August 19, 2018, and in
[45x173]As of August 18, 2018, and in
[45x183]31136(e) and 31315, the following 22 individuals
[45x193]have satisfied the renewal conditions for
[45x203]31136(e) and 31315, Rickey W. Goins (TN) has
[45x213]As of August 29, 2018, and in
[45x223]As of August 27, 2018, and in
[45x233]As of August 29, 2018, and in
[45x243]As of August 27, 2018, and will expire on August 27,
[45x253]As of August 29, 2018, and will expire on August 29,
[45x263]As of August 27, 2018, and will expire on August 27,
[45x273]As of August 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 22 individuals
[45x283]have satisfied the renewal conditions for
[45x293]As of August 18, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 22 individuals
[45x303]have satisfied the renewal conditions for
[45x313]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., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0051]

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 eight 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.


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., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting


As of August 19, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 41567; 71 FR 30228; 73 FR 28187; 73 FR 35195; 73 FR 35196; 73 FR 35197; 73 FR 35198; 73 FR 35199; 73 FR 35200; 73 FR 35201; 73 FR 38498; 73 FR 38499; 73 FR 48273; 73 FR 48275; 75 FR 25919; 75 FR 39729; 75 FR 44051; 77 FR 46153; 79 FR 46153; 81 FR 90050).

The drivers were included in docket number FMCSA–2012–0160. The exemption is applicable as of August 27, 2018, and will expire on August 27, 2020.

As of August 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Rickey W. Goins (TN) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 48179; 77 FR 52391; 79 FR 47174; 81 FR 90050).

The driver was included in docket number FMCSA–2012–0161. The exemption is applicable as of August 29, 2018, and will expire on August 29, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver 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 of his/her driver’s qualification if he/her 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. The exemption will be rescinded if: (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 before it was 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.

V. 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.

VI. Conclusion

Based upon its evaluation of the 100 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.