operate CMVs are able to meet an equal or greater level of safety and upholds the findings of the April 2007 report.

V. Conclusion

The Agency has determined that the available medical and scientific literature and research provides insufficient data to enable the Agency to conclude that granting these exemptions would achieve a level of safety equivalent to, or greater than, the level of safety maintained without the exemption. Therefore, the following seven applicants have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(4):

Frank D’Ercole (NJ)
Myles Goodwin (NH)
Cody Hairy (NC)
Dennis R. Pickett (IN)
William E. Richardson, Jr. (MI)
Terry Stephens (VA)
Jeffrey A. Weine (MN)

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully constitute final action by the Agency.

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.

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 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. 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 that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual

As of September 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 23 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20245; 65 FR 33406; 65 FR 57230; 65 FR 57234; 67 FR 46016; 67 FR 57266; 67 FR 57267; 69 FR 17263; 69 FR 51346; 69 FR 52741; 70 FR 75353; 70 FR 76289; 71 FR 6828; 71 FR 19604; 71 FR 32184; 71 FR 50970; 71 FR 53489; 73 FR 15568; 73 FR 27018; 73 FR 35197; 73 FR 35198; 73 FR 35199; 73 FR 36955; 73 FR 36949; 73 FR 46973; 73 FR 48270; 73 FR 48275; 73 FR 51336; 74 FR 65842; 75 FR 25919; 75 FR 34210; 75 FR 34212; 75 FR 36779; 75 FR 39729; 75 FR 44051; 75 FR 44054; 77 FR 14328; 77 FR 19051; 77 FR 22003; 77 FR 28588; 77 FR 29498; 77 FR 38659; 79 FR 14328; 79 FR 14571; 79 FR 18392; 79 FR 22003; 79 FR 27681; 79 FR 28588; 79 FR 29498; 79 FR 35212; 79 FR 35218; 79 FR 38659; 79 FR 46153; 79 FR 46300; 79 FR 47175;

As of September 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSR for interstate CMV drivers (65 FR 20245; 65 FR 33406; 65 FR 57230; 65 FR 57234; 67 FR 46016; 67 FR 57266; 67 FR 57267; 69 FR 51346; 69 FR 52741; 71 FR 50970; 71 FR 53489; 73 FR 48270; 73 FR 51336; 75 FR 34210; 75 FR 47888; 75 FR 50799; 75 FR 52062; 77 FR 40945; 77 FR 52389; 79 FR 46300; 81 FR 81230):

- Jack D. Clodfelter (NC)
- Tommy J. Cross, Jr. (TN)
- Daniel K. Davis III (MA)
- Joseph A. Dunlap (OH)

As of September 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSR for interstate CMV drivers (73 FR 46973; 73 FR 54888; 75 FR 52063; 77 FR 52388; 79 FR 52388; 81 FR 81230):

- Terrence L. Benning (WI)
- Larry D. Curry (GA)
- Kelly M. Greene (FL)
- Thomas P. Shank (NY)

The drivers were included in docket number FMCSA–2008–0231. Their exemptions are applicable as of September 23, 2018, and will expire on September 23, 2020.

As of September 26, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSR for interstate CMV drivers (77 FR 46793; 77 FR 59245; 81 FR 81230):

- Bryan Brockus (ID)
- Erric L. Gomersall (WI)
- Larry Johnsonbaugh, Jr. (PA)
- John Middleton (OH)

The drivers were included in docket number FMCSA–2012–0214. Their exemptions are applicable as of September 26, 2018, and will expire on September 26, 2020.

As of September 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSR for interstate CMV drivers (81 FR 59266; 81 FR 74494):

- Gregory M. Anderson (NY)
- Richard D. Auger (CA)
- Darrin E. Bogert (NY)
- Jose D. Chavez (MD)
- Philip J. Clements (WI)
- Robert H. Nelson (VA)
- Harold F. White (SC)

The drivers were included in docket number FMCSA–2014–0033. Their exemptions are applicable as of September 29, 2018, and will expire on September 29, 2020.

As of September 30, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSR for interstate CMV drivers (79 FR 59266; 81 FR 74494):

- Ronald A. Bolyard (WV)
- Kelly R. Knopf, Sr. (SC)
- Frazier A. Luckerson (GA)
- Ross A. Miceli II (PA)
- Donald L. Minney (OH)
- Philip L. Neff (PA)
- Loran J. Weiler (IA)

The drivers were included in docket number FMCSA–2014–0010. Their exemptions are applicable as of September 30, 2018, and will expire on September 30, 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 88 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.

Issued on: August 9, 2018.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2018–17604 Filed 8–14–18; 8:45 am]