

Examiner, as defined by 49 CFR 390.5; and (4) 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 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.

## 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 nine exemption applications, FMCSA exempts the following drivers from the epilepsy/seizure standard, 49 CFR 391.41(b)(8), subject to the requirements cited above:

Mark Beery (PA)  
Douglas Cantwell (TN)  
Mark McDaniel (IL)  
Ronnie Moody (NC)  
Tye Moore (IN)  
Jack Porcellini (PA)  
Jeffrey Rathman (CO)  
Douglas Simms Jr. (NC)  
Tara Van Horn (PA)

In accordance with 49 U.S.C. 31315(b)(1), each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The individual 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: March 3, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-04643 Filed 3-8-17; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0213]

### Qualification of Drivers; Exemption Applications; Vision

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

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

**SUMMARY:** FMCSA announces receipt of applications from 18 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

**DATES:** Comments must be received on or before April 10, 2017. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2016-0213 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., e.t., 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., e.t., 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 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 commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**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 W64-113, Washington, DC 20590-0001. Office hours are 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. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations 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." FMCSA can renew exemptions at the end of each 2-year period. The 18 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

#### II. Qualifications of Applicants

##### *James M. Demgard*

Mr. Demgard, 49, has a prosthetic left eye due to a traumatic incident in 1996. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, "I can certify James has a perfectly normal right eye in all aspects to perform the visual tasks required for commercial vehicle." Mr. Demgard reported that he has driven straight trucks for 29 years, accumulating 536,500 miles. He holds an operator's license from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

##### *David L. Erickson*

Mr. Erickson, 66, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/70, and in

his left eye, 20/25. Following an examination in 2016, his optometrist stated, "His right eye has been diagnosed with Amblyopia [sic] which occurs at birth . . . In my professional opinion, Mr. David Erickson is qualified to obtain a commercial drivers [sic] license and safely drive a commercial vehicle on any major roadway." Mr. Erickson reported that he has driven straight trucks for 30 years, accumulating 510,000 miles, and tractor-trailer combinations for 30 years, accumulating 1.14 million miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Ray A. Fields*

Mr. Fields, 64, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/200. Following an examination in 2016, his optometrist stated, "It is my opinion that Ray's eyes and vision are such that he should be allowed to continue with a CDL license as required for his present job." Mr. Fields reported that he has driven straight trucks for 7 years, accumulating 70,000 miles, and tractor-trailer combinations for 7 years, accumulating 14,000 miles. He holds a Class A CDL from Kansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Jeffrey L. Gardner*

Mr. Gardner, 51, has aphakia in his right eye due to removal of a congenital cataract in childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "Due to the long standing nature and stability of the patient's vision deficiency, he should have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Gardner reported that he has driven straight trucks for 16 years, accumulating 160,000 miles, and tractor-trailer combinations for 16 years, accumulating 160,000 miles. He holds a Class AM1 CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Thomas A. Grigsby*

Mr. Grigsby, has a macular scar in his right eye due to a traumatic incident in 2013. The visual acuity in his right eye is 20/250, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, "Based on that evidence, it would support the idea that

he has sufficient vision to continue driving the commercial vehicle that he has done for the last three years without any complications that I am aware of." Mr. Grigsby reported that he has driven tractor-trailer combinations for 7 years, accumulating 875,000 miles. He holds a Class A CDL from Arkansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Eugene C. Hamilton*

Mr. Hamilton, 47, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2016, his ophthalmologist stated, "In my opinion, Mr. Hamilton should be able to continue operating a commercial vehicle as he has safely for many years. He has not had any change in his condition over the last decade." Mr. Hamilton reported that he has driven straight trucks for 25 years, accumulating 1 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Jay A. Harding*

Mr. Harding, 54, has a macular scar in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "In my opinion, Mr. Harding has more than adequate vision to safely operate a commercial motor vehicle." Mr. Harding reported that he has driven straight trucks for 3 years, accumulating 105,000 miles, and tractor-trailer combinations for 28 years, accumulating 2.8 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he failed to stop when emerging from an alley, driveway, or building.

*Melvin L. Hipsley III*

Mr. Hipsley, 54, has had neovascular macular degeneration in his left eye since 2013. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2016, his optometrist stated, "It is my medical opinion that Mr. Hipsley has sufficient vision to perform the driving tasks required to continue to operate a commercial vehicle." Mr. Hipsley reported that he has driven straight trucks for 30 years, accumulating 1.2 million miles, and tractor-trailer combinations for 20 years, accumulating 800,000 miles. He holds a Class AM

CDL from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Charlie E. Hoggard*

Mr. Hoggard, 44, has had a chorioretinal scar in his right eye due to a traumatic incident in 1992. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "He suffered an explosive injury to his eye approximately 24 years ago, leaving him with a Chorioretinal Scar overlying the macula. At this time, Mr. Hoggard does not display any inability to operate a commercial vehicle due to his sustained injury from military service." Mr. Hoggard reported that he has driven straight trucks for 24 years, accumulating 1.25 million miles, tractor-trailer combinations for 24 years, accumulating 1.25 million miles, and buses for 12 years, accumulating 180,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Richard S. Huzzard*

Mr. Huzzard, 75, has had macular degeneration in his right eye since 2013. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "This certifies that in my medical opinion, Mr. Huzzard has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Huzzard reported that he has driven straight trucks for 45 years, accumulating 495,000 miles, and tractor-trailer combinations for 45 years, accumulating 729,000 miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Kenneth E. Lewis*

Mr. Lewis, 56, has had a dense corneal scar in his right eye since 1998. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "Assuming the results for the visual field examination is normal in the left eye, it is my opinion that Mr. Lewis possesses sufficient vision in the left eye to safely operate a commercial vehicle." Mr. Lewis reported that he has driven straight trucks for 3 years, accumulating 226,080 miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and no

convictions for moving violations in a CMV.

*George J. Paxson, III*

Mr. Paxson, 60, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2016, his ophthalmologist stated, "This patient has strabismic amblyopia and exotropia in the left eye which has been stable for several decades. Based on this fact, it is my medical opinion that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Paxson reported that he has driven straight trucks for 39 years, accumulating 711,750 miles. He holds an operator's license from Delaware. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Harlie C. Perryman, III*

Mr. Perryman, 54, has a corneal scar in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2016, his ophthalmologist stated, "Vision in Right Eye is 20/20 meeting requirements to operate a commercial vehicle." Mr. Perryman reported that he has driven straight trucks for 25 years, accumulating 575,000 miles. He holds an operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Menno H. Reiff*

Mr. Reiff, 55, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "He would be absolutely safe to drive a commercial vehicle and to see traffic signals. He does not have any limitations from his vision because of his amblyopia whatsoever." Mr. Reiff reported that he has driven straight trucks for 6 years, accumulating 48,000 miles and tractor-trailer combinations for 24 years, accumulating 768,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes but two convictions in a CMV, one for an improper turn, and one for speeding; he exceeded the speed limit by 5 mph.

*Steven R. Richter, Jr.*

Mr. Richter, 42, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an

examination in 2016, his optometrist stated, "Stable vision in right eye since 1998. It is my medical opinion that Steve is safe to perform the driving tasks required to commercial operate a motor vehicle." Mr. Richter reported that he has driven straight trucks for 22 years, accumulating 110,000 miles and tractor-trailer combinations for 22 years, accumulating 220,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Robert R. Schwabe*

Mr. Schwabe, 43, has had a retinal hamartoma in his right eye since 2007. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "In my opinion, Mr. Schwabe's visual capabilities are sufficient to perform the visual tasks required to operate a commercial vehicle." Mr. Schwabe reported that he has driven straight trucks for 2 years, accumulating 1,000 miles, and tractor-trailer combinations for 19 years, accumulating 1.9 million miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Phillip Shelburne*

Mr. Shelburne, 32, has a retinal detachment in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "He has a history of decreased vision in the right eye secondary to trauma 30 years ago . . . in my medical opinion he will have no difficulties operating a commercial vehicle." Mr. Shelburne reported that he has driven tractor-trailer combinations for 8 years, accumulating 400,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Wade C. Uhlir*

Mr. Uhlir, 42, has had a prosthetic left eye due to anophthalmia since childhood. The visual acuity in his right eye is 20/30, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, "Based on the vision testing as of July 20, 2016, he can safely perform the driving visual tasks required to operate a commercial motor vehicle." Mr. Uhlir reported that he has driven tractor-trailer combinations for 14 years, accumulating 1.82 million miles. He holds a Class A

CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

### III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

#### *Submitting Comments*

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and put the docket number FMCSA-2016-0213 in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

#### *Viewing Comments and Documents*

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and insert the docket number FMCSA-2016-0213 in the "Keyword" box and click "Search." Next, click "Open Docket Folder" button and choose the document listed 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., e.t., Monday through Friday, except Federal holidays.

Issued on: February 28, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-04664 Filed 3-8-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0314]

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

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

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its decision to deny applications from 14 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce.

**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 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

FMCSA received applications from 14 individuals who requested an exemption from the FMCSRs prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a CMV from operating CMVs in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that 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)(8).

##### III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds “such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.”

The Agency’s decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant’s medical information provided by the applicant.

##### IV. Conclusion

The Agency has determined that these applicants do not satisfy the criteria eligibility or meet the terms and conditions for a 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)(8). Therefore, the 14 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(8).

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 constitutes 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 12 applicants do not meet the minimum time requirement for being seizure-free, either on or off of anti-seizure medication:

Daniel Bretz (PA)  
Hunter Domagala (ND)  
Michael Duno (NY)  
Paul Gibson (AZ)  
Patrick Hall (NY)  
Cody Hitchcock (PA)  
Robert Newton (NV)  
Christopher Sparacino (NY)  
Alexander Stepp (VA)  
Carlos Thompson (PA)  
Mark Tucker (WA)  
Terry Watson (NC)

The following applicant is a citizen of Canada:

Jimmy Bore

The following applicant is an intrastate driver:

Thomas Ork (NY)

Issued on: March 3, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-04637 Filed 3-8-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0154; FMCSA-2014-0105]

#### Qualification of Drivers; Exemption Applications; Hearing

**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 for 13 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

**DATES:** The 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 April 10, 2017.

**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.