

and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2021-0015]

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 25 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on October 8, 2021. The exemptions expire on October 8, 2023.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### A. Viewing Comments

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number, FMCSA-2021-0015, in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you,

please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

##### B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory 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.transportation.gov/privacy](http://www.transportation.gov/privacy).

##### II. Background

On August 31, 2021, FMCSA published a notice announcing receipt of applications from 25 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (86 FR 48769). The public comment period ended on September 30, 2021, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 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 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

##### III. Discussion of Comments

FMCSA received no comments in this proceeding.

##### IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on current medical information and literature, and the 2008 Evidence Report, "Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety." The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System, for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in § 391.41(b)(11) is likely to achieve a level of safety equal to that existing without the exemption.

##### V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must report any crashes or accidents as defined in § 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR 383 and 49 CFR 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a

copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

**VI. 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.

**VII. Conclusion**

Based upon its evaluation of the 25 exemption applications, FMCSA exempts the following drivers from the hearing standard, § 391.41(b)(11), subject to the requirements cited above:

- Judith Badore (VT)
- Eric Bastian (NY)
- Michael Camacho-Luna (VA)
- Kevin Clickner (MI)
- Tiffany Davis (FL)
- Jonathon DeBoer (CA)
- Michael Garman (IN)
- Dareous Glover (IL)
- Delroy Hunt (FL)
- Andrew Jones (IA)

- Lawrence Mills (OH)
- John Norman (IL)
- Destin Overstreet (UT)
- Damiere Phillips (PA)
- Stuart Randles (FL)
- David Ritter (WA)
- Beau Robinson (TX)
- Jose Rosales (MD)
- Christopher Shaw (MD)
- Harmeet Singh (CA)
- William Smitley (CA)
- Kyle Voss (TX)
- Deborah Wagner (PA)
- Donald Weyand (MI)
- Steven Woods (TN)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 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(e) and 31315(b).

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**DEPARTMENT OF THE TREASURY**

**Community Development Financial Institutions Fund**

**Funding Opportunities: Bank Enterprise Award (BEA) Program; FY 2021 Funding Round**

*Funding Opportunity Title:* Notice of Funds Availability (NOFA) inviting Applications for the Fiscal Year (FY) 2021 Funding Round of the Bank Enterprise Award Program (BEA Program).

*Announcement Type:* Announcement of funding opportunity.

*Funding Opportunity Number:* CDFI-2021-BEA.

*Catalog of Federal Domestic Assistance (CFDA) Number:* 21.021.

*Dates:*

**TABLE 1—FY 2021 BEA PROGRAM FUNDING ROUND—KEY DATES FOR APPLICANTS**

Description	Deadline	Time (eastern time—ET)	Contact information
Grant Application Package/SF-424 Mandatory (Application for Federal Assistance). <i>Submission Method: Electronically via Grants.gov.</i>	November 12, 2021 .....	11:59 p.m .....	Contact <i>Grants.gov</i> at 800-518-4726 or <i>support@grants.gov</i> .
Last day to register a user and organization in AMIS.	December 10, 2021 .....	5:00 p.m .....	CDFI Fund IT Helpdesk: 202-653-0422 or IT Award Management Information System (AMIS) Service Request. <sup>1</sup>
Last day to enter, edit or delete BEA transactions, and verify addresses/census tracts in AMIS.	December 10, 2021 .....	5:00 p.m .....	CDFI Fund IT Helpdesk: 202-653-0422 or IT AMIS Service Request. <sup>2</sup>
Last day to contact BEA Program Staff re: BEA Program Application materials.	December 10, 2021 .....	5:00 p.m .....	CDFI Fund BEA Helpdesk: 202-653-0421 or BEA AMIS Service Request. <sup>3</sup>
Last day to contact Certification, Compliance Monitoring and Evaluation (CCME) staff.	December 10, 2021 .....	5:00 p.m .....	CCME Helpdesk: 202-653-0423 or Compliance and Reporting AMIS Service Request. <sup>4</sup>
Last day to contact IT Help Desk re. AMIS support and submission of the FY 2021 BEA Program Electronic Application in AMIS.	December 14, 2021 .....	5:00 p.m .....	CDFI Fund IT Helpdesk: 202-653-0421 or IT AMIS Service Request. <sup>5</sup>
FY 2021 BEA Program Electronic Application <i>Submission Method: Electronically via AMIS.</i>	December 14, 2021 .....	5:00 p.m .....	CDFI Fund IT Helpdesk: 202-653-0422 or IT AMIS Service Request. <sup>6</sup>

<sup>1</sup>For Information Technology support, the preferred method of contact is to submit a Service Request (SR) within AMIS. For the SR, select “Technical Issues” from the Program drop down menu.

<sup>2</sup>Ibid.

<sup>3</sup>For questions regarding completion of the BEA Application materials, the preferred electronic method of contact with the BEA Program Office is to submit a Service Request (SR) within AMIS. For the SR, select “BEA Program” from the Program drop down menu of the Service Request.

<sup>4</sup>For Compliance and Reporting related questions, the preferred electronic method of contact is to submit a Service Request (SR) within AMIS. For the SR, select “Compliance and Reporting” from the Program drop down menu of the Service Request.

<sup>5</sup>For Information Technology support, the preferred method of contact is to submit a Service Request (SR) within AMIS. For the SR, select “Technical Issues” from the Program drop down menu of the Service Request.

<sup>6</sup>Ibid.

*Executive Summary:* This NOFA is issued in connection with the fiscal year (FY) 2021 funding round of the Bank Enterprise Award Program (BEA

Program). The BEA Program is administered by the U.S. Department of the Treasury’s Community Development Financial Institutions Fund (CDFI

Fund). Through the BEA Program, the CDFI Fund awards formula-based grants to depository institutions that are insured by the Federal Deposit