

Alan T. Von Lintel

Mr. Von Lintel is a 60 year-old driver in Kansas. He has a history of a seizure disorder and has remained seizure free since 2004. He takes anti-seizure medication with the dosage and frequency remaining the same since July 2012. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Von Lintel receiving an exemption.

#### *E. Basis for Exemption*

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, the Agency's analysis focuses 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 the driver to driving in intrastate commerce.

#### **Conclusion**

The Agency is granting exemptions from the epilepsy standard, 49 CFR 391.41(b)(8), to 8 individuals based on a thorough evaluation of each driver's safety experience, and medical condition. Safety analysis of information relating to these 8 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. By granting the exemptions, the interstate CMV industry will gain 8 highly trained and experienced drivers. In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for 2 years, with annual recertification required 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 and 31315.

FMCSA exempts the following 8 drivers for a period of 2 years with annual medical certification required: Thomas Avery (NY); Michael Berthiaume (MN); Leo Clemens (PA); Danny Grafton (ID); Kenneth Peachey

(PA); Philip Stewart (CA); Keith White (PA); and Alan Von Lintel (KS) from the prohibition of CMV operations by persons with a clinical diagnosis of epilepsy or seizures. If the exemption is still in effect at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: March 19, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015-07051 Filed 3-26-15; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

**[Docket No. FMCSA-2000-7006; FMCSA-2000-7918; FMCSA-2002-12844; FMCSA-2003-14223; FMCSA-2005-20027; FMCSA-2006-25246; FMCSA-2006-26066; FMCSA-2008-0398; FMCSA-2010-0187; FMCSA-2010-0287; FMCSA-2010-0372; FMCSA-2011-0010; FMCSA-2013-0022]**

#### **Qualification of Drivers; Exemption Applications; Vision**

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

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

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 22 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective April 21, 2015. Comments must be received on or before April 27, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA-2000-7006; FMCSA-2000-7918; FMCSA-2002-12844; FMCSA-2003-14223; FMCSA-2005-20027; FMCSA-2006-25246; FMCSA-2006-26066; FMCSA-2008-0398; FMCSA-2010-0187; FMCSA-2010-0287; FMCSA-2010-0372; FMCSA-2011-0010; FMCSA-2013-0022], 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 or Courier:** 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 number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

**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 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:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 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 from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from

the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

## II. Exemption Decision

This notice addresses 22 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 22 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Roger B. Anders (MD)  
John D. Bolding, Jr. (OK)  
David B. Bowman (PA)  
Benny J. Burke (AL)  
Michael P. Curtin (IL)  
Elias Gomez, Jr. (TX)  
James G. Etheridge (TX)  
Michael E. Herrera, Jr. (NM)  
Michael R. Holmes (SD)  
Mark C. Jeffrey (MT)  
James R. Petre (MD)  
Gary W. Pope (AK)  
Zeljko Popovac (VT)  
Jerald W. Rehnke (MN)  
Wayne G. Resch (WI)  
James R. Rieck (CA)  
Raymond E. Royer (SD)  
Richie J. Schwendy (IL)  
Bill J. Thierolf (NE)  
Janusz Tyrpien (FL)  
James H. Wallace, Sr. (FL)  
Charles F. Wotring (OH)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (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 medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. 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.

## III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 22 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (57 FR 57266; 65 FR 57230; 65 FR 66286; 66 FR 13825; 67 FR 68719; 68 FR 2629; 68 FR 10300; 68 FR 10301; 68 FR 13360; 68 FR 19596; 69 FR 62741; 70 FR 12265; 70 FR 14747; 70 FR 16886; 70 FR 16887; 70 FR 2701; 70 FR 7546; 71 FR 62147; 71 FR 63379; 72 FR 180; 72 FR 1050; 72 FR 7111; 72 FR 9397; 72 FR 11425; 72 FR 11426; 72 FR 18726; 73 FR 20245; 73 FR 75806; 73 FR 78422; 74 FR 7097; 74 FR 8302; 74 FR 11991; 74 FR 15584; 75 FR 47883; 75 FR 63257; 75 FR 69737; 76 FR 1499; 76 FR 7894; 76 FR 8809; 76 FR 9856; 76 FR 11215; 76 FR 12216; 76 FR 15361; 76 FR 17483; 76 FR 20076; 76 FR 20078; 77 FR 60010; 78 FR 12815; 78 FR 16761; 78 FR 16762; 78 FR 18667; 78 FR 22602). Each of these 22 applicants has requested renewal of the exemption and has submitted evidence showing that the vision 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.

## IV. 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 (FMCSA–2000–7006; FMCSA–2000–7918; FMCSA–2002–12844; FMCSA–2003–14223; FMCSA–2005–20027; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0398; FMCSA–2010–0187; FMCSA–2010–0287; FMCSA–2010–0372; FMCSA–2011–0010; FMCSA–2013–0022), 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–2000–7006; FMCSA–2000–7918; FMCSA–2002–12844; FMCSA–2003–14223; FMCSA–2005–20027; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0398; FMCSA–2010–0187; FMCSA–2010–0287; FMCSA–2010–0372; FMCSA–2011–0010; FMCSA–2013–0022” 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 and may change this notice based on your comments.

## Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and in the search box insert the docket number, “FMCSA–2000–7006; FMCSA–2000–7918; FMCSA–2002–12844; FMCSA–2003–14223; FMCSA–2005–20027; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0398; FMCSA–2010–0187; FMCSA–2010–0287; FMCSA–2010–0372; FMCSA–2011–

0010; FMCSA–2013–0022” in the “Keyword” box and click “Search.” Next, click “Open Docket Folder” button 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., ET., Monday through Friday, except Federal holidays.

Issued on: March 19, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–8398; FMCSA–2002–13411; FMCSA–2003–14223; FMCSA–2004–17984; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2010–0385]

### Qualification of Drivers; Exemption Applications; Vision

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

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

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 26 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective May 7, 2015. Comments must be received on or before April 27, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2000–8398; FMCSA–2002–13411; FMCSA–2003–14223; FMCSA–2004–17984; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2010–0385], using any of the following methods:

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#### FOR FURTHER INFORMATION CONTACT:

Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202–366–4001, [fmcamedical@dot.gov](mailto:fmcamedical@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. Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from

the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

## II. Exemption Decision

This notice addresses 26 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 26 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Rex A. Botsford (MI)  
William D. Cardiff (IL)  
Roger C. Carson (IN)  
Gregory L. Cooper (PA)  
Kenneth D. Craig (VA)  
Terry J. Dare (IN)  
Jerald O. Edwards (ID)  
Breck L. Falcon (LA)  
Kenneth E. Flack, Jr. (AL)  
Maylin E. Frickey (OR)  
David R. Gross (PA)  
Francisco J. Jimenez (TX)  
Christopher J. Kane (VT)  
Michael Lafferty (ID)  
Roosevelt Lawson (AL)  
Eugene R. Lydick (VA)  
Emanuel N. Malone (VA)  
Roberto E. Martinez (WA)  
Travis W. Neiwert (ID)  
Bernard J. Phillips (WA)  
James A. Smith (WA)  
Clarence L. Swann, Jr. (AL)  
Michael G. Trueblood (IL)  
Donald A. Uplinger II (OH)  
Kerry W. VanStory (TX)  
Steven M. Vujicic (IL)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (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 medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist’s or optometrist’s report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file and retains a copy of the certification on his/her person while driving for presentation to