

shows no crashes and no convictions for moving violations in a CMV.

#### *James Muldoon*

Mr. Muldoon, 57, has a cataract in his left eye due to a traumatic incident in 1966. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2019, his ophthalmologist stated, "Based of records I have seen from 2011 he has no interval changes in his vision and his commercial license status should not be changed, as in my opinion he has sufficient vision to drive a commercial vehicle." Mr. Muldoon reported that he has driven tractor-trailer combinations for 13 years, accumulating 1.17 million miles. He holds a Class AM CDL from New York. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Andrew R. Peel*

Mr. Peel, 44, has a retinal detachment 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, 20/400. Following an examination in 2019, his optometrist stated, "In my opinion, Andrew has sufficient vision to operate a commercial vehicle, as he has been doing this for the past 20 years, as long as he is wearing his glasses prescription and has appropriate mirrors for a commercial vehicle." Mr. Peel reported that he has driven straight trucks for 17 years, accumulating 391,000 miles, and tractor-trailer combinations for 17 years, accumulating 459,000 miles. He holds a Class A CDL from Montana. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *William D. Shelt*

Mr. Shelt, 43, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2019, his optometrist stated, "Patient has sufficient vision to operate a commercial vehicle." Mr. Shelt reported that he has driven straight trucks for 20 years, accumulating 600,000 miles. He holds an operator's license from Alabama. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *James L. Stacy*

Mr. Stacy, 53, has a macular hole in his right eye due to a traumatic incident in 2008. The visual acuity in his right eye is 20/200, and in his left eye, 20/20.

Following an examination in 2019, his optometrist stated, "Due to Mr. Stacy's intact visual fields and 20/20 O.U. acuity at distance and near, I believe Mr. Stacy has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Stacy reported that he has driven tractor-trailer combinations for ten years, accumulating 500,000 miles. He holds a Class A CDL from Arkansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *James J. Walsh*

Mr. Walsh, 42, 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 2019, his optometrist stated, "I do feel he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Walsh reported that he has driven straight trucks for 21 years, accumulating 850,000 miles. He holds a Class B CDL from New Hampshire. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### **IV. Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated under the **DATES** section of the notice.

Issued on: September 25, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-21285 Filed 9-30-19; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

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

[Docket No. FMCSA-2019-0167]

#### **Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillators**

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

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

**SUMMARY:** FMCSA announces receipt of applications from four individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against operation

of a commercial motor vehicle (CMV) by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (transient loss of consciousness), dyspnea (shortness of breath), collapse, or congestive heart failure. If granted, the exemptions would enable these individuals with implantable cardioverter defibrillators (ICDs) to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before October 31, 2019.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket ID FMCSA-2019-0167 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/docket?D=FMCSA-2019-0167>. Follow the online 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., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**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 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 Docket Services, (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Public Participation**

###### *A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2019-0167), 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 that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go <http://www.regulations.gov/docket?D=FMCSA-2019-0167>. Click on the "Comment Now!" button and type your comment into the text box on 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.

#### B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov/docket?D=FMCSA-2019-0167> and choose the document 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.

#### C. 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).

## II. Background

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 four individuals listed in this notice have requested an exemption from 49 CFR 391.41(b)(4). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard found in § 391.41(b)(4) states that a person is physically qualified to drive a CMV if that person has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. The advisory criteria states that ICDs are disqualifying due to risk of syncope.

## III. Qualifications of Applicants

#### Christopher Cloud

Mr. Cloud is a CMV driver in Georgia. An April 2019, letter from his cardiologist states that Mr. Cloud's ICD was implanted in May of 2016, has not deployed, he denies any symptoms associated with the device, and that his ejection fraction has now improved with low risk of cardiovascular complications.

#### Joby Doucet

Mr. Doucet is a Class A CDL holder in Louisiana. A May 15, 2019, letter from his cardiologist states that Mr. Doucet's ICD was implanted in September of 2017, he is on good medical therapy, and there has been no defibrillator discharges. Mr. Doucet's cardiologist reports that he is in a stable cardiovascular status and will have follow-up in 6 months.

#### Robert D. Forbes

Mr. Forbes is a Class A CDL holder in New York State. A March 2019, letter from Mr. Forbes' cardiologist states that

<sup>1</sup> These criteria may be found in 49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section D. *Cardiovascular*: § 391.41(b)(4), paragraph 4, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

his ICD was implanted in September of 2015, has never deployed, and that he has an improved ejection fraction.

#### Christopher Oakland

Mr. Oakland is a Class A CDL holder in Rhode Island. Two separate letters both dated June of 2019, from two of Mr. Oakland's cardiologists state that his ICD was implanted in August of 2018, and has never delivered therapy. His cardiologists' letters report that Mr. Oakland is stable and has not experienced symptoms as a result of his cardiac condition.

## IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), 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 under the **DATES** section of the notice.

Issued on: September 25, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0191]

#### Agency Information Collection Activities; Renewal of a Currently-Approved Information Collection Request: Financial Responsibility for Motor Carriers of Passengers and Motor Carriers of Property

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The information collected will be used to help ensure that motor carriers of passengers and property maintain appropriate levels of financial responsibility to operate on public highways.

**DATES:** We must receive your comments on or before December 2, 2019.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System (FDMS) Docket