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**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations. Telephone: 202-366-4325. E-mail: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4007 of the Transportation Equity Act for the 21st Century (Pub. L. 105-178, 112 Stat. 107, June 9, 1998) amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from motor carrier safety regulations. Under its regulations, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for denying or, in the alternative, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which the exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

**Request for Exemption**

Virginia DMV requests an exemption from 49 CFR 383.153(a)(4), which requires each CDL to contain a color photograph of the driver. A copy of the exemption application is in the docket referenced at the beginning of this notice. Virginia DMV proposes that it be allowed to use a black and white, laser-engraved photograph on Virginia-issued

CDLs in lieu of a color photograph. In its application for exemption, Virginia DMV explains that in January 2008, the Department of Homeland Security (DHS) issued the final rules on the REAL ID Act of 2005. As provided in the DHS rules 6 CFR 37.17(e)(2) provides that the photographs on REAL ID compliant driver's licenses and identification cards "may be in black and white or color."

Virginia DMV believes that a black and white photograph is more effective than a color photograph in providing security and facilitating the proper identification of the license holder. It explains that a black and white photograph created with a laser cannot easily be altered. In addition, Virginia DMV explains that a black and white photograph enhances the identification of an individual since it places the focus on the actual facial features of the individual rather than on characteristics that can easily be altered, such as hair or eye color. Virginia DMV believes that the issuance of CDLs with black and white photographs would enhance the security of the credential and assist law enforcement officials with the identification of the CDL holder. In its application for exemption Virginia DMV provides information from its contractor, CBN Secure Technologies, Inc., that offers further explanation regarding the advantages of using black and white photographs on CDLs.

Virginia DMV's proposed exemption would apply to all CDLs issued by the Commonwealth of Virginia. Presently, approximately 216,000 Virginians hold valid CDLs. Virginia DMV anticipates that, if the requested exemption is granted, it would begin issuing CDLs with black and white photographs in January 2009.

**Request for Comments**

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on Virginia DMV's application for an exemption from 49 CFR 383.153(a)(4).

The Agency will consider all comments received by close of business on September 4, 2008. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: July 25, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E8-17860 Filed 8-4-08; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

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

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

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its denial of 381 applications from individuals who requested exemptions from the Federal vision standard applicable to interstate truck and bus drivers and the reasons for the denials. 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 exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, 202-366-4001, U.S. Department of Transportation, FMCSA, 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:**

**Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal vision standard for a renewable two-year period 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 procedures for requesting an exemption are set out in 49 CFR part 381.

Accordingly, FMCSA evaluated these 381 individual exemption requests on their merits and made the determinations that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on his/her exemption

request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published today summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denials.

The following 55 applicants lacked sufficient driving experience during the three-year period prior to the date of their application:

Balsman, Stanley W.  
 Barr, Michael J.  
 Berheimer, Mark S.  
 Biddison, Jr., William G.  
 Bishop, Jr., Raymond E.  
 Brown, Dean N.  
 Burgess, James W.  
 Burns, Jerry A.  
 Campos, Basiliom  
 Cox, Michael L.  
 Crosby, Blake L.  
 Dunn, Darby K.  
 Dykes, Robert L.  
 Dykman, David L.  
 Eaton, Matthew C.  
 Edenfield, Christopher S.  
 Ellis, Jeffery K.  
 Freeman, Jr., George  
 Furcht, Thomas C.  
 Gaither, Larry N.  
 Gary, Dean A.  
 Goodapple, Jeanette  
 Hand, Terry O.  
 Hankins, Gerald W.  
 Harper, Larry  
 Hickman, James W.  
 Higgins, David N.  
 Ingram, George M.  
 Lair, Christopher  
 Lanuez, Richard A.  
 Mans, David R.  
 Martinez, Michael M.  
 McKinley, Haley E.  
 Morris, Richan A.  
 Ottens, John P.  
 Penner, Stuart  
 Phillips, Leonoth J.  
 Prill, Robert J.  
 Prouty, Norman L.  
 Ramirez, Blas  
 Rhodes, Jerry W.  
 Rodriguez, Juan  
 Ruzicka, Kent W.  
 Sarphie, Jeffrey E.  
 Schmidt, Jr., Herbert J.  
 Screws, John  
 Sharp, Richard  
 Shultz, Rodney A.  
 Sida, Jose M.  
 Smallman, David S.  
 Swann, III, George S.  
 Ward, Lawrence R.  
 Watts, Gary L.  
 Williamson, Jeremy D.  
 Zehner, Jon T.

The following 49 applicants did not have any experience operating a CMV.

Alvarado, Roberto  
 Ashford, Michael  
 Batteiger, Alan S.  
 Bodie, Jay M.  
 Broyles, Carl D.  
 Buck, Donald H.  
 Butry, William N.  
 Carter, Richard L.  
 Cozart, Ste'phon J.  
 Dempsey, John D.  
 DeSmith, Robert D.  
 Dixon, Daryl D.  
 Doman, Gary  
 Easton, James A.  
 Frandin, Kelvin  
 Hansell, Brad  
 Hartzell, Sean M.  
 Haymon, Roland L.  
 Hudgins, James M.  
 Hurst, Bryan E.  
 Ivery, Mathias  
 Jensen, John  
 Jones, Anleka E.  
 Jones, Dale A.  
 Kadlec, Mark J.  
 Knapp, Gerald W.  
 Lacosse, Chad  
 Langford, Harry D.  
 Main, Stacy A.  
 McIntosh, Thomas P.  
 McWilliams, Joseph B.  
 Moore, Arthur L.  
 Moreno, Salvador P.  
 Moultrie, Jr., Moses  
 Nesto, Gina M.  
 Paynter, Paul S.  
 Ratcliff, Jr., Robert  
 Rexhaj, Avni  
 Rhoads, Matthew S.  
 Rogers, Adam E.  
 Scanlon, David  
 Shuff, William H.  
 Silva, Hector  
 Steemblock, Pam J.  
 Thomas, James  
 Townsend, Dewayne K.  
 Ugarte, Salvador  
 Veloz, Richard S.  
 Weems, Timothy M.

The following 82 applicants did not have 3 years of experience driving a CMV on public highways with the vision deficiency.

Alford, David  
 Anderson, Victor A.  
 Arendt, Dennis  
 Bard, James B.  
 Batton, Ralph S.  
 Bejarano, Luis A.  
 Bellon, Steven W.  
 Bohle, Ernest E.  
 Borkholder, Vernon  
 Braswell, Jimmie E.  
 Brenaman, Bradley A.  
 Burnam, Jonathan C.  
 Burns, John  
 Carrington, Randal  
 Carswell, Tracy W.

Carter, Ronald  
 Chauhan, Satwinder S.  
 Clark III, Curtis  
 Cleveland, Travis E.  
 Corrales, Ramon A.  
 Courville, Kenneth  
 Dale, Lawrence E.  
 Davidson, John  
 Davis, Donald  
 Dotter, Kurt E.  
 Edwards, Cleveland  
 Ellis, Bruce A.  
 Fierro, Saul  
 Fleming, William D.  
 Garvin, Jay M.  
 Greenfield, Larry L.  
 Hare, Dwight A.  
 Hargrove, Raymond C.  
 Harrison, Timothy E.  
 Heaps, Isaac P.  
 Hendren, Dillon L.  
 Henifin, Mark  
 Hever, Jr., Frank S.  
 Holder, Samuel  
 Honeywell, Verne A.  
 Johnson, William C.  
 Jones, Paul D.  
 Julian, Charles  
 Lab, Kenneth Wade  
 Lampus, Jr., Richard D.  
 Lofthus, Barry G.  
 Makus, Fred A.  
 Messier, Charles D.  
 Miller, Vernie H.  
 Molenaar, Dale R.  
 Moore, Richard E.  
 Nevezi, John  
 Nickel, Jeffrey D.  
 Nowviocok, Al V.  
 Parks, Willie L.  
 Perry, Sr., Christopher B.  
 Price, Dean L.  
 Prince, Kenneth W.  
 Proctor, Gilbert D.  
 Quarles, Chad M.  
 Rebhahn, Craig  
 Reece, Tommy R.  
 Rhodes, Clifford W.  
 Rigney, Kevin J.  
 Roberts, Kyle  
 Robertson, Billy D.  
 Shaw, Mark R.  
 Slayton, Johnny J.  
 Stanten, Leonard R.  
 Stanton, Larry E.  
 Stavedahl, Curtis R.  
 Strub, Jeremy M.  
 Survis, Thomas L.  
 Thomas, George W.  
 Thompson, Joe L.  
 Vasquez, Joel  
 Vickerman, Ronald E.  
 Von Haden, Norman L.  
 Warnock, Melvin  
 White, Jeffrey S.  
 Williams, Charles  
 Woosley, Darrell F.

The following 32 applicants did not have 3 years of recent experience

driving a CMV with the vision deficiency.

Boersma, Michael L.  
Brock, Jim  
Dahleen, Larry A.  
Foster, Kelly L.  
Frank, Bradley D.  
Frazier, Jr., Willie  
Furgerson, Danny F.  
Garza, Jr., Gabino  
Gelats, Miguel E.  
Gillespie, Larry D.  
Gowens, Eddie L.  
Hettinger, Edward  
Hill, Jr., Albert J.  
Jerkovich, Frank  
Kennedy, John E.  
Leonard, Richard B.  
Lococo, Anthony  
McDaniel, Bobby G.  
McGrew, Charles E.  
McLaughlin, James F.  
Olson, Harold J.  
Pate, Ronald L.  
Paulson, Michael A.  
Perryman, Duane R.  
Rush, Jr., Kenneth L.  
Schafer, Justin M.  
Seagroves, Larry K.  
Serrano, Manuel A.  
Smiley, Richard  
Smith, Matthew  
Steckmyer, Mark A.  
Tisdale, Raphis L.

The following 51 applicants did not have sufficient driving experience over the past 3 years under normal highway operating conditions.

Bennett, Stephen T.  
Bierschbach, James B.  
Brawley, Lawrence  
Clem, Michael G.  
Cliffe, Terry L.  
Conner, Harvey D.  
Cumbie, Eddie L.  
Dewey, Scott H.  
Dixon, David J.  
Espinoza, Miguel H.  
Fossum, Jr., Kyle K.  
Games, George J.  
Goetze, Horst W.  
Greenwood, James  
Greil, Bruce J.  
Hammond, Latashia L.  
Handy, Kenneth L.  
Hartigan, Patrick T.  
Hilmer, Steven H.  
Isadore, James  
Johnson, Charles  
Keeling, Alton A.  
Kleen, Keith D.  
Kniesly, Nickolas L.  
Kushak, Joseph K.  
Lewis, Christopher W.  
Maxwell, Brian A.  
McGinley, Patrick M.  
Mishler, Manford C.  
Mozee, Phillip H.

Nordrum, Joseph H.  
Ontiveros, Joe E.  
Pagan, Pedro L.  
Parker, Milton  
Perry, Suzanne M.  
Peterson, David A.  
Popp, Francis  
Prewett, Paul  
Prince, Kenneth N.  
Robbins, Thomas G.  
Serfass, Eugene A.  
Simmons, Rodger S.  
Taylor, Wade D.  
Terry, Charles A.  
Toews, Delton D.  
Varga, Paul G.  
Walker, Ronald L.  
West, Andrew F.  
Whitehead, Hilliard  
Wilburn, Wesley L.  
Yeilding, Robert A.

One applicant, Larry D. Neely, had more than 2 commercial motor vehicle violations during a 3-year period and/or application process. Each applicant is only allowed 2 moving citations.

One applicant, Sean C. Beland, did not have sufficient peripheral vision in the better eye to qualify for an exemption.

One applicant, Donald M. Neil, had other medical conditions making applicant otherwise unqualified under the Federal Motor Carrier Safety Regulations. All applicants must meet all other physical qualifications standards in 49 CFR 391.41(b)(1-13).

One applicant, Danny F. Ahlgren, had more than 2 serious CMV violations within a three-year period. Each applicant is allowed a total of 2 moving violations, one of which can be serious.

The following 11 applicants had commercial driver's licenses suspensions during the three-year review period in relation to a moving violation. Applicants do not qualify for an exemption with a suspension during the three-year period.

Carman, Mitchell L.  
Couch, John L.  
Day, Richard R.  
MacInnis, Robert J.  
Pellom, Jr., Evert  
Potthast, Michael D.  
Skinner, Shane  
Turley, Douglas M.  
Turner, Emerson J.  
Vidal, Moises L.  
Witzel, Michael

The following 7 applicants did not have verifiable proof of commercial driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

Farrow, Harold J.

Harris, Dave N.  
Hough, Norman  
Ochse, Raymond K.  
Raley, Johnnie  
Staley, Ronald W.  
Wood, Wayne

The following 11 applicants did not hold a license which allowed operation of vehicles over 10,000 pounds for all or part of the three-year period.

Barnes, Matthew D.  
Harris, Richard J.  
Howell, David  
Lins, James P.  
Loebbrick, Elvin E.  
Lopez, Daniel L.  
Rounsley, Michael W.  
Routin, Kevin L.  
Sancho, Mark  
Updegrove, Gregory  
Young, Walter H.

Two applicants, James W. Harris and Gene Schipper, were denied because their optometrist/ophthalmologist was not willing to state that Mr. Harris and Mr. Schipper are able to operate a CMV from a vision standpoint.

The following 27 applicants were denied for miscellaneous reasons.

Austin, David  
Bottorff, Robert M.  
Brown, Charlene  
Bryan, Elvis J.  
Campbell, Richard  
Eakin, Bobby D.  
Engle, Denice M.  
Gardner, Eric W.  
Gardner, James  
Grant, Paul  
Hilliard, James  
Houle, Douglas F.  
Jones, Dennis W.  
Koceja, Douglas  
Lake, Joseph  
Lambert, Kevin R.  
Livingston, Jr. Donald R.  
Lowe, Jerry  
Lowery, Eric R.  
Moser, Gary P.  
Oestmann, Ronald L.  
Reed, Jr., James C.  
Reid, Robert C.  
Schreifels, Eldred  
Sherman IV, Charles A.  
Vazquez, Santos  
Williams, Roy G.

One applicant, Thomas Williams, has not had stable vision for a 3-year period.

Two applicants, Plynie A. Deen and Leonard L. LaChance, never submitted required documents.

One applicant, Taylor B. Villeneuve, was a Canadian applicant.

Two applicants, Gene R. Foss and Earnest M. Meeks, did not meet the vision standard in the better eye.

Finally, the following 44 applicants met the current federal vision standards.

Exemptions are not required for applicants that meet the current regulations for vision.

Abadie, Ronald G.  
Ashe, Harry R.  
Barr, Frank H.  
Beier, Roger H.  
Benton, Thomas F.  
Bickers, Larry M.  
Biggs, Dwayne A.  
Brooks, Sherry L.  
Brown, Bruce S.  
Butler, Steven  
Caldwell, Kenneth  
Caluen, Robert G.  
Costlow, James K.  
Crachy, Mark S.  
Czarneski, Franklyn J.  
Downey, Michael  
Duby, James C.  
Ericson, Matthew A.  
Farr, Thomas W.  
Gallardo, Julio  
Hambrick, Gary J.  
Hoffman, Daryl A.  
Jackson, Eddie, L.  
Johnson, Donald  
Johnson, Nicholas  
Krill, Harold J.  
Leary, Kevin C.  
Ledford, David L.  
Leriche, Samson  
Majewski, Mariusz  
Mann, Jonathan D.  
McGaffey, Wesley L.  
Myers, Michael  
Nyman, Timothy C.  
Oldacker, Edward  
Peterson, Donald T.  
Porter, Larry H.  
Pringle, Juanita F.  
Savely, Danny W.  
Schwab, Charles F.  
Stokes, Jr., Linwood L.  
Tibbetts, Norman  
Tousignant, Daniel  
Whall, David

Issued on: July 30, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E8-17858 Filed 8-4-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket ID. FMCSA-2008-0175]

#### Qualification of Drivers; Exemption Applications; Diabetes

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

**ACTION:** Notice of applications for exemptions from the diabetes standard; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 47 individuals for exemptions from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate commercial motor vehicles in interstate commerce.

**DATES:** Comments must be received on or before September 4, 2008.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2007-0175 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., Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket ID 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 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:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000

(65 FR 19476). This information is also available at <http://Docketinfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (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:

##### Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption 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." The statutes also allow the Agency to renew exemptions at the end of the 2-year period. The 47 individuals listed in this notice have recently requested exemptions from the diabetes prohibition in 49 CFR 391.41(b)(3), 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 the statutes.

##### Qualifications of Applicants

###### *Robert V. Balmes*

Mr. Balmes, age 40, has had ITDM since 2004. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Balmes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A Commercial Driver's License (CDL) from Illinois.

###### *David R. Bauerdorf*

Mr. Bauerdorf, 34, has had ITDM since 1993. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring;