
Section 4129 requires: (1) Elimination of the requirement for 3 years of
experience operating CMVs while being treated with insulin; and (2)
establishment of a specified minimum
period of insulin use to demonstrate
stable control of diabetes before being
allowed to operate a CMV.

In response to section 4129, FMCSA
made immediate revisions to the
diabetes exemption program established
by the September 3, 2003 notice.
FMCSA discontinued use of the 3-year
driving experience and fulfilled the
requirements of section 4129 while
continuing to ensure that operation of
CMVs by drivers with ITDM will
achieve the requisite level of safety
required of all exemptions granted
under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA
to ensure that drivers of CMVs with
ITDM are not held to a higher standard
than other drivers, with the exception of
limited operating, monitoring and
medical requirements that are deemed
medically necessary. The FMCSA
concluded that all of the operating,
monitoring and medical requirements
set out in the September 3, 2003 notice,
except as modified, were in compliance
with section 4129(d). Therefore, all of
the requirements set out in the
September 3, 2003 notice, except as
modified by the notice in the Federal
Register on November 8, 2005 (70 FR
67777), remain in effect.

Issued on: April 7, 2011.

Larry W. Minor,
Associate Administrator, Office of Policy.

DEPARTMENT OF TRANSPORTATION
Motor Carrier Safety Regulations

[FR Doc. 2011–9323 Filed 4–15–11; 8:45 am
BILLING CODE 4910–44–P]

This decision is effective May 7,
2011. Comments must be received on or before May 18, 2011.

APPLICATIONS; Vision

Applications; Vision

2008–0398; FMCSA–2009–0054

2008–0340; FMCSA–2008–0398;

2006–25246; FMCSA–2008–0340;

FMCSA–2003–14223; FMCSA–

2007–27897; FMCSA–2006–25246;


FMCSA–2009–0054, 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
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acknowledgment that we received your
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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 DOT’s Privacy Act
Statement for the FDMS published in the
Federal Register on January 17,
2008 (73 FR 3316), or you may visit
http://edocket.access.gpo.gov/2008/pdf/
E8–785.pdf.

FOR FURTHER INFORMATION CONTACT: Dr.
Mary D. Gunnels, Director, Medical
Programs, (202) 366–4001,
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:
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.

Exemption Decision

This notice addresses 40 individuals
who have requested renewal of their
exemptions in accordance with FMCSA
procedures. FMCSA has evaluated these
40 applications for renewal on their
merits and decided to extend each
exemption for a renewable two-year
period. They are:

Rex A. Botsford
Curts F. Caddy, III.
William D. Cardiff
Roger C. Carson
Dan B. Clark
Gregory L. Cooper
Kenneth D. Craig
Terry J. Dare
Christopher A. Deadman
Vincent C. Durazzo, Jr.
Jerald O. Edwards
Breck L. Falcon
Kenneth Fluck, Jr.
Maylin E. Frickey
David R. Gross
Vincent E. Hardin
Larry M. Hawkins
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 standard 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 provides 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.

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 40 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 78256; 66 FR 16311; 67 FR 76439; 68 FR 10298; 68 FR 10301; 68 FR 13360; 68 FR 19596; 69 FR 33997; 69 FR 61292; 69 FR 64806; 70 FR 16886; 70 FR 16887; 70 FR 2701; 70 FR 2705; 70 FR 7543; 70 FR 71884; 71 FR 4632; 72 FR 11426; 72 FR 11425; 72 FR 12666; 72 FR 18726; 72 FR 180; 72 FR 184; 72 FR 5489; 72 FR 25831; 72 FR 39879; 72 FR 52419; 72 FR 18726; 72 FR 9397; 73 FR 6246; 73 FR 75803; 74 FR 15584; 74 FR 15586; 74 FR 11988; 74 FR 11991; 74 FR 21427; 74 FR 6209; 74 FR 6211; 74 FR 7097; 74 FR 8842). Each of these 40 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard 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 standards. 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.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver’s safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by May 18, 2011.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 40 individuals from the vision requirements in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited Federal Register publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the objectives and 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: April 7, 2011.
Larry W. Minor,
Associate Administrator, Office of Policy.
[FR Doc. 2011–9321 Filed 4–15–11; 8:45 am]
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION
Surface Transportation Board
[Docket No. FD 35484]


Arkansas Shortline Railroads, Inc. (ASR), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Camden & Southern Railroad, Inc. (C&S), upon C&S’s becoming a Class III rail carrier.

This transaction is related to a verified notice of exemption filed on April 7, 2011, in Docket No. FD 35483, Camden & Southern Railroad, Inc.—Lease & Operation Exemption—Camden Area Industrial Development Corporation. In that proceeding, C&S seeks an exemption under 49 CFR 1150.31 to lease and operate 17,837 feet of trackage owned by Camden Area Industrial Development Corporation, located at Zone JH482, Yard 06, opposite milepost 463 of Union Pacific Railroad Company’s Gurdon Subdivision. Camden, Ouachita County, Ark.

The parties intend to consummate the transaction on or shortly after the effective date of the related notice.

ASR currently controls 2 Class III railroads, Dardanelle & Russellville Railroad, Inc. and Ouachita Railroad. ASR represents that: (1) The rail line to be operated by C&S does not connect with any other railroads in the corporate family; (2) the transaction is not part of...