

*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 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 25 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 25 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. *They are:*

Todd J. Berglund, Sr.	Eric E. Myers
Robert A. Casson	Kenneth L. Nau
Charles C. Chapman	David W. Peterson
Jeffery W. Cotner	Randel G. Pierce
Everett A. Doty	Timmy J. Pottenbaum
John K. Fank	Manuel H. Sanchez
Bobby G. Fletcher	George D. Schell
Heather M.B. Gordon	David M. Stout
Raymond G. Hayden	Kenneth E. Suter, Jr.
Robert E. Hendrick	Thaddeus E. Temoney
Gene A. Leshar, Jr.	Daniel R. Viscaya
Wallace F. Mahan, Sr.	Harold R. Wallace
Anthony R. Miles	

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 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 Each exemption will be valid for two years unless rescinded earlier by FMCSA.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exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was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.

##### 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 25 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 33406; 65 FR 57234; 65 FR 66286; 65 FR 78256; 66 FR 13825; 66 FR 16311; 67 FR 46016; 67 FR 57267; 67 FR 76439; 68 FR 10298; 68 FR 10300; 68 FR 10301; 68 FR 13360; 68 FR 19596; 69 FR 33997; 69 FR 61292; 69 FR 62741; 70 FR 2701; 70 FR 7545; 70 FR 12265; 70 FR 14747; 70 FR 17504; 70 FR 30997; 70 FR 16886; 70 FR 16887; 71 FR 62147; 71 FR 63379; 72 FR 180; 72 FR 1050; 72 FR 7812; 72 FR 9397; 72 FR 11426; 72 FR 12665; 72 FR 12666; 72 FR 27624; 72 FR 25831; 73 FR 78422; 74 FR 6211; 74 FR 7097; 74 FR 9329; 74 FR 11988; 74 FR 15584; 74 FR 15586; 74 FR 19270; 74 FR 21427). Each of these 25 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 June 6, 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 25 individuals from the vision requirement 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 goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: April 22, 2011.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2011-11007 Filed 5-4-11; 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 106 applications from individuals who requested an exemption 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 2-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 forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 106 individual exemption requests on their merit and made a determination 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 the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in this notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 4 applicants lacked sufficient driving experience during the 3-year period prior to the date of their applications:

Jerry Swedberg, James Marrone, Clinton H. Ezell, Wanda Rivera.

The following 17 applicants had no experience operating a CMV:

Howard Karrick, Alexander Tsvetkov, Jamie Donald Daniels, Robert S. Lewton, Michael A. Carson, Todd J. Stubb, James Garvin, James McGlown, Larry McKnight, Jr., Tommy Nguyen, Fatos Sylva, Bryan Baker, Ivan Castillo Leon, Jared Matthew Bauer, Shaun Adam Cahoon, John David Beebee, Donald Cyrus Zwanzig.

The following 9 applicants did not have 3 years of experience driving a CMV on public highways with the vision deficiency:

Christopher Kahl, Althea Renita Dowell, Steven DuBois, Steve Campbell, Kenneth Trouth, Robert Hendricks, Sam Antinora, Juan Curiel, Keith Reed.

The following 12 applicants did not have 3 years of recent experience driving a CMV with the vision deficiency:

Gary Aliff, Pedro Pulido, Oliver Murphy, Jerome Smalls, Alan Jenkins, Ryan Forsythe, Terry L. Randall, Edward Joseph Simanek III, Sven R. Aragon, Joe Alfred Root, Gary L. Smith, Arthur B. Wolf.

The following 7 applicants did not have sufficient driving experience during the past 3 years under normal highway operating conditions:

Robert Salazar, Evan Anderson, John Lunsford, Jerome Sheets, Robert Seals, James Lucas, Gregory T. Grierson.

The following 2 applicants do not have sufficient peripheral vision in the better eye to qualify for an exemption.

Thomas L. Newingham, Joseph Barlow.

The following 2 applicants do not have sufficient visual acuity in the better eye to qualify for an exemption.

Earl L. Wilson, Richard Stewart.

The following 2 applicants had a commercial driver's license suspension during the 3-year review period for moving violations. Applicants do not qualify for an exemption with a suspension during the 3-year period.

Royce Thomas, Randy Fielder.

The following 4 applicants were denied for miscellaneous/multiple reasons:

Ramon Green, Larry Hattery, Joey Heuser, Travis Tucker.

The following 2 applicants never submitted the required documents:

Floyd Butler, John Jacobson.

The following 13 applicants met the current federal vision standards. Exemptions are not required for applicants who meet the current regulations for vision:

David Everts, John Flanders, John Harmon, Jeffery Willemarck, Rick Smith, Luther Smith, Frank Piscitello, Jr., Cortez Burnett, Lee Rains, Yewnet Lakew, Marci Casteel, Ronald Boggs, Robert Shanks.

Finally, the following 32 applicants will not be driving interstate, interstate commerce, or not required to carry a DOT medical card:

Jose Becerra, Merle Burger, Kenneth Dean, Tyrane Harper, Robert Jones, Alfonso Hawthorne, Nathaniel Guy Edwards, John C. Yoder, Fred Jeffrey, Albert Parker, James Plemmons, Roy

Priest, Robert Shepherd, Thomas Guckert, Barry L. Ream, Roger Freeman, Timothy Curran, Jonathan Black Elk, Ward Howard, Alberto Mireles, Jr., Jeremy Pruemer, Larry Keith Abbott, Alan G. Paci, John Savage, Edward Lee Clark, Robert Haynes, Richard A. Whispell, Terry Dennis Helm, Randy Lee Stevens, Rodney D. Neujahr, Dennis R. Bergstrom, Thomas E. Elliott.

Issued on: April 22, 2011.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2011-0079]

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

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

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

**SUMMARY:** FMCSA announces receipt of applications from 14 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

**DATES:** Comments must be received on or before June 6, 2011.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2011-0079 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.

*Instructions:* Each submission must include the Agency name and the docket numbers for this notice. Note