

record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Merle M. Price

Mr. Price, 56, has a prosthetic right eye due to a traumatic injury that occurred 36 years ago. The visual acuity in his left eye is 20/20. Following an examination in 2011, his optometrist noted, "I certify that Mr. Price demonstrates that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Price reported that he has driven straight trucks for 5 years, accumulating 25,000 miles and tractor-trailer combinations for 20 years, accumulating 500,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Terrence F. Ryan

Mr. Ryan, 49, has had refractive amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/50. Following an examination in 2011, his optometrist noted, "I certify in my medical opinion that Terrence Ryan has sufficient vision to operate a commercial vehicle." Mr. Ryan reported that he has driven straight trucks for 12 years, accumulating 600,000 miles and tractor-trailer combinations for 14 years, accumulating 1.1 million miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows one crash for which he was not cited, and no convictions for moving violations in a CMV.

Kirby R. Sands

Mr. Sands, 49, has had a cornea scar in his right eye, due to a traumatic injury sustained at age 9. The best corrected visual acuity in his right eye is hand motion vision and in his left eye, 20/15. Following an examination in 2011, his optometrist noted, "My conclusion is that Kirby Sands is qualified to perform the driving tasks required to operate a commercial vehicle." Mr. Sands reported that he has driven straight trucks for 5 years, accumulating 128,000 miles and tractor-trailer combinations for 15 years, accumulating 1.8 million miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dennis W. Stubrich

Mr. Stubrich, 57, has had Eales' disease in his right eye since 1984. The

best corrected visual acuity in his right eye is 20/60 and in his left eye, 20/20. Following an examination in 2010, his ophthalmologist noted, "In my opinion, Mr. Stubrich's vision is sufficient to perform driving tasks required to operate commercial vehicles." Mr. Stubrich reported that he has driven straight trucks for 26 years, accumulating 1.7 million miles and tractor-trailer combinations for 5 years, accumulating 72,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Stephen W. Verrette

Mr. Verrette, 44, has had cataract in his right eye due to a traumatic injury sustained at age 10. The best corrected visual acuity in his right eye is 20/150 and in his left eye, 20/20. Following an examination in 2011, his optometrist noted, "In light of this, I feel Steve can safely perform driving tasks necessary to operate a commercial motor vehicle." Mr. Verrette reported that he has driven straight trucks for 25 years, accumulating 75,000 miles. He holds a Class A CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph A. Wells

Mr. Wells, 46, had a corneal transplantation in the 1990s and retinal detachment repair in 2009 due to a prior history of trauma in his right eye. The best corrected visual acuity in his right eye is 20/70 and in his left eye, 20/20. Following an examination in 2011, his ophthalmologist noted, "I believe based on the clinical examination, he is capable of operating commercial motor vehicles without difficulty." Mr. Wells reported that he has driven straight trucks for 25 years, accumulating 1.2 million miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Leslie H. Wylie

Mr. Wylie, 55, has loss of vision in his right eye due to a traumatic injury sustained in 1985. The best corrected visual acuity in his right eye is 20/400 and in his left eye, 20/20. Following an examination in 2010, his ophthalmologist noted, as long as he meets the criteria in regard to his visual field for operation of a commercial vehicle, I see no problems with his operation of a commercial vehicle." Mr. Wylie reported that he has driven straight trucks for 17 years,

accumulating 3,400 miles and tractor-trailer combinations for 17 years, accumulating 3,400 miles. He holds a Class D operator's license from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business July 25, 2011. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: June 17, 2011.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2011-15928 Filed 6-23-11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[**FMCSA Docket No. FMCSA-2011-0103]**

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt twenty-four individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective June 24, 2011. The exemptions expire on June 24, 2013.

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs, (202) 366-4001, fincsamedical@dot.gov, FMCSA, Room W64-224, Department of Transportation, 1200 New Jersey

Avenue, SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/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.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's 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, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (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>.

Background

On May 5, 2011, FMCSA published a notice of receipt of Federal diabetes exemption applications from twenty-four individuals and requested comments from the public (76 FR 25769). The public comment period closed on June 6, 2011 and no comments were received.

FMCSA has evaluated the eligibility of the twenty-four applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current standard for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that “A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control” (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the

Agency’s July 2000 study entitled “A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.” The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible.

The September 3, 2003 (68 FR 52441) **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777) **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These twenty-four applicants have had ITDM over a range of 1 to 34 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision standard at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the May 5, 2011, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comment

FMCSA did not receive any comments in this proceeding.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants’ ITDM and vision, and reviewed the treating endocrinologists’ medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants

from the diabetes standard in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist’s or optometrist’s report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file, or keep a copy in his/her driver’s qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Conclusion

Based upon its evaluation of the twenty-four exemption applications, FMCSA exempts, Alfonso L. Abeyta, Perfecto Aquino, James C. Ayotte, John C. Beason, Jr., Charles A. Best, Gregory E. Bichsel, II., Raymond D. Dubose, Adam Erickson, Jon M. Greiner, Gregory M. Hoyt, Robert E. Jackson, Kimm D. Jacobson, Daryl D. Jibben, Jimmy G. Lee, Jr., Daniel S. May, Gerald D. McElya, Michael L. Moore, Stacey W. Nelson, Ervin W. Ponto, Donald B. Ramaley, Bart H. Rideout, Floyd M. Tyler, Richard G. Wunderlich and Mathew E. Yeates from the ITDM standard in 49 CFR 391.41(b)(3), subject to the conditions listed under “Conditions and Requirements” above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked 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. If the exemption is still effective 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: June 15, 2011.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2011-15927 Filed 6-23-11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-5748; FMCSA-2000-8398; FMCSA-2005-20560; FMCSA-2006-26066; FMCSA-2007-0071; FMCSA-2007-26653; FMCSA-2007-27515; FMCSA-2008-0398; FMCSA-2009-0086]

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 24 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 July 2, 2011. Comments must be received on or before July 25, 2011.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: FMCSA-1999-5748; FMCSA-2000-8398; FMCSA-2005-20560; FMCSA-2006-26066; FMCSA-2007-0071; FMCSA-2007-26653; FMCSA-2007-27515; FMCSA-2008-0398; FMCSA-2009-0086, 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: 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: Elaine M. Papp, Chief, Medical Programs, (202)-366-4001, 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 24 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 24 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are: Carl W. Adams, Michael W. Anderson, William E. Beckley, Michael R. Bradford, Richard A. Brown, Jr., John J. Caricola, Jr., William P. Caulfield, Denise M. Engle, Michael A. Hildebrand, Wade M. Hillmer, Michael W. Jensen, Caleb T. Kass, Clifford E. Masink, Michael J. McGregor, Felix L. McLean, Earl R. Neugebauer, Willie E. Nichols, John P. Perez, Jeffrey W. Pike, Jr., Scott K. Richardson, Jose C. Sanchez-Sanchez, Kyle C. Shover, Charles H. Smith, Robert G. Springer.

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