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### Background

The FHWA, in cooperation with the Wisconsin Department of Transportation, is continuing to prepare an Environmental Impact Statement (EIS) on proposed improvements to address safety, operational and capacity concerns on an approximate 11-mile (17-kilometer) portion of U.S. 51 between Terminal Drive/Voges Road (Village of McFarland) and WIS 19 (Village of DeForest) in Dane County. These improvements are being considered to address existing and future transportation demand on U.S. 51 as identified in the 2003 Stoughton Road Needs Assessment Technical Report; safety and operational concerns documented in the 2010 Traffic, Safety and Needs Report; and to identify land which may need to be preserved for future transportation improvements.

FHWA's decision to prepare an EIS is based on the initial environmental assessment that indicates the proposed action is likely to have significant impacts on the environment, including wetlands. The EIS will evaluate the social, economic, and environmental impacts of the alternatives including no build, improvements within the existing highway corridor, and possible improvements on new location.

Information describing the proposed action and soliciting comments has been sent to appropriate Federal, State, and Local agencies, American Indian Tribes, private agencies and organizations, and citizens who have expressed or are known to have an interest in this proposal. Coordination will continue to be solicited through public information meetings, agency coordination meetings, and other meetings with interested parties throughout the environmental analysis process.

During the Needs Assessment activities, coordination was conducted with State and Federal review agencies, and there was extensive coordination with Local Officials. Several ongoing focus group meetings and workshops have been held since 2002. A Policy Advisory Committee (PAC) consisting of neighborhood & business representatives and elected officials has met periodically when their input on new information seems appropriate since the study began in 2002. A

Technical Advisory Committee (TAC) comprised of technical staff from Local, State, and Federal agencies with stakeholder interests has also been actively involved in the development of alternatives and their impacts since 2004. A Pre-Consultation/NEPA 404 Merger Scoping Meeting was held with State and Federal agencies in April 2005. Later, the project Purpose and Need (NEPA/404 Concurrence Point #1) and the Range of Alternatives (NEPA/404 Concurrence Point #2) were also concurred in by State and Federal resource agencies in 2005. The expanded coordination procedures provided under Section 6002 of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU) as codified in 23 U.S.C. 139 were implemented in 2007. Opportunities to be a Participating and/or Cooperating Agency and to provide input on the project's Coordination Plan (CP) and Impact Assessment Methodology (IAM) were afforded to all Local, State, and Federal agencies and American Indian Tribes with interest in the project area. Public input was obtained on the draft project CP and IAM plan at the October 2007 Public Information Meeting (PIM). The completed project CP and IAM plan was issued in October 2008. A follow-up Agency Coordination Meeting and PIM are planned for 2012 in order to update all interested parties on the current status of the EIS study and the issuance of an updated CP and IAM plan.

Two PIMs were held in 2006 and 2007 before the project was placed on "hold" by the WisDOT. At least two additional PIMs are planned while the Draft EIS is being written in order to update the public on the current status of the EIS study and to obtain additional public input. Following completion and publishing of the Draft EIS, a Public Hearing will be held to address the impacts of each alternative. Public notices will be given announcing the time and place of the meetings, and the Draft EIS will be available for public and agency review and comment prior to the Public Hearing. After the Draft EIS is circulated for comment, and comments from the Public Hearing are evaluated, the State and Federal resource agencies will be asked to concur in the Preferred Alternative selected by WisDOT (NEPA/404 Concurrence Point #3). Information on the Preferred Alternative, anticipated impacts, and proposed mitigation measures are also being planned to be shared with the public at another PIM before the Final EIS is published and distributed. Any additional substantive

comments received on the Final EIS will be addressed in the Record of Decision (ROD).

This study shall comply with Title VI of the Civil Rights Act and of Executive Order 12898, which prohibits discrimination on the basis of race, color, age, sex, or country of national origin in the implementation of this action. To ensure that the full range of issues related to this proposed action is addressed, and all substantive issues are identified, comments and suggestions are invited from all interested parties.

In order to ensure that the full range of issues related to this proposed action is addressed, and all substantive issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the draft EIS should be directed to FHWA or the Wisconsin Department of Transportation at the addresses provided under the heading **FOR FURTHER INFORMATION CONTACT**.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

**Authority:** 23 U.S.C. 315; 49 CFR 1.48.

Issued on: August 1, 2012.

**Johnny M. Gerbitz,**

*Field Operations Engineer, Federal Highway Administration, Madison, Wisconsin.*

[FR Doc. 2012-19090 Filed 8-3-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2012-0162]

#### 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 17 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 August 6, 2012. The exemptions expire on August 6, 2014.

**FOR FURTHER INFORMATION CONTACT:**

Elaine M. Papp, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@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 June 18, 2012, FMCSA published a notice of receipt of Federal diabetes exemption applications from 17 individuals and requested comments from the public (77 FR 36333). The public comment period closed on July 18, 2012, and no comments were received.

FMCSA has evaluated the eligibility of the 17 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 requirement 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 17 applicants have had ITDM over a range of 1 to 23 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 requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the June 18, 2012, **Federal Register** notice and they will not be repeated in this notice.

**Discussion of Comments**

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 requirement 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 requirement 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 17 exemption applications, FMCSA exempts Bruce R. Bennett (MN), Stephen W. Best (PA), Steven L. Cornwell (IA), Steven D. Hancock (IN), Michael A. Hendrickson (OR), James B. Hills (KS), Charles Keegan, Jr. (NJ), Londell W. Luther (MD), Darrell L. Meadows (TX), John P. Miller (OK), Gary J. Rice (VT), Jose A. Rosario (NY), Jordan D. Seeburger (PA), Allyn E. Smith (SD), Hayden P. Thielen (MN), Larry J. Vanzalen (MI), and Jason R. Zeorian (NE) from the ITDM requirement 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 the following occurs: (1) The person

fails to comply with the terms and conditions of the 1/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: July 27, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2012-19119 Filed 8-3-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0214]

#### 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 12 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

**DATES:** Comments must be received on or before September 5, 2012.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2012-0214 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 that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

**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 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 Division, (202) 366-4001, [fmcamedical@dot.gov](mailto: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 grant an exemption from the Federal Motor Carrier Safety Regulations 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." FMCSA can renew exemptions at the end of each 2-year period. The 12 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR

391.41(b)(10), 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 statute.

#### Qualifications of Applicants

##### Michael J. Bechta

Mr. Bechta, age 28, had had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2012, his ophthalmologist noted, "With these parameters, in my opinion, Michael is safe and qualified visually to drive commercial vehicles." Mr. Bechta reported that he has driven straight trucks for 7 years, accumulating 36,400 miles. He holds a Class C operator's license from Pennsylvania. His driving record for the last 3 years shows one crash, which he was not cited for, and no convictions for moving violations in a CMV.

##### Bryan G. Brockus

Mr. Brockus, 42, had an enucleation of his left eye due to a traumatic injury sustained as a child. The visual acuity in his right eye is 20/20. Following an examination in 2012, his ophthalmologist noted, "In my opinion, this patient has sufficient vision to perform the driving tasks to operate a commercial vehicle." Mr. Brockus reported that he has driven straight trucks for 14 years, accumulating 252,000 miles, and tractor-trailer combinations for 3 years, accumulating 15,000 miles. He holds a Class A Commercial Driver's License (CDL) from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

##### Larry Clay

Mr. Clay, 55, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2012, his optometrist noted, "I do believe Mr Clay has sufficient vision to perform his job in operating a commercial vehicle." Mr. Clay reported that he has driven straight trucks for 10 years, accumulating 52,000 miles. He holds a Class D operator's license from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.