52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

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: January 13, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2012–1387 Filed 1–23–12; 8:45 am]

**BILLING CODE 4910–EX–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2011–0365]**

### 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 thirteen 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 requirement.

**DATES:** Comments must be received on or before February 23, 2012.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2011–0365 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 Program Division, (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 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 thirteen 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

*Daniel C. Berry*

Mr. Berry, age 46, has had a prosthetic right eye due to a traumatic injury sustained in childhood. The best corrected visual acuity in left eye, 20/20. Following an examination in 2011, his optometrist noted, ''Mr. Berry has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Berry reported that he has driven straight trucks for 27 years, accumulating 540,000 miles and tractor-trailer combinations for 27 years, accumulating 540,000 miles. He holds a Class A Commercial Driver's License (CDL) from Arkansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a Commercial Motor Vehicle (CMV).

*Jeffrey H. Bohr*

Mr. Bohr, 42, has had a prosthetic left eye due to a traumatic injury sustained in 1987. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2011, his optometrist noted, ''As previously stated Mr. Bohr has completely normal vision in his right eye and should be able to perform

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

driving tasks in a commercial vehicle safely.'' Mr. Bohr reported that he has driven straight trucks for 7 years, accumulating 385,000 miles. He holds a Class B CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*William J. Byron*

Mr. Byron, 66, has had a macular scar in his right eye due to a traumatic injury sustained in 1977. The best corrected visual acuity in his right eye is 20/125 and in his left eye, 20/20. Following an examination in 2011, his ophthalmologist noted, ''Based on his history and my clinical exams for nearly two years, it is my opinion that Mr. Byron has sufficient vision to safely drive a commercial vehicle.'' Mr. Byron reported that he has driven straight trucks for 10 years, accumulating 120,000 miles and tractor-trailer combinations for 27 years, accumulating 2.295 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Michael P. Callihan*

Mr. Callihan, 49, has had amblyopia in his right eye since childhood. 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 optometrist noted, ''Upon review of Mr. Callihan's test results I believe that in my medical opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Callihan reported that he has driven straight trucks for 20 years, accumulating 150,000 miles. He holds a Class B CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*John Edmondson*

Mr. Edmondson, 66, has had amblyopia in left eye since childhood. The best corrected visual acuity in his right eye is 20/400 and in his left eye, 20/25. Following an examination in 2011, his optometrist noted, ''In my medical opinion Mr. Edmondson has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Edmondson reported that he has driven tractor-trailer combinations for 37 years, accumulating 925,000 miles. He holds a Class D operator's license from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Richard P. Frederiksen*

Mr. Frederiksen, 29, has had a prosthesis left eye since age 3 due to a traumatic injury. The best corrected visual acuity in his right eye is 20/120. Following an examination in 2011, his optometrist noted, ''In my professional opinion, Mr. Frederiksen has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Frederiksen reported that he has driven tractor-trailer combinations for 11 years, accumulating 550,000 miles. He holds a Class A CDL from Wyoming. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Stephen J. Hall*

Mr. Hall, 46, has had amblyopia in his right eye due since childhood. 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, ''I certify that Stephen James Hall, in my medical opinion, has sufficient vision at this point in time to perform the driving tasks required to operate a commercial vehicle.'' Mr. Hall reported that he has driven straight trucks for 22 years, accumulating 1.1 million miles and tractor-trailer combinations for 22 years, accumulating 1.65 million miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Lonnie B. Hicks, Jr.*

Mr. Hicks, 33, has had congenial optic atrophy in his right eye since birth. The best corrected visual acuity in his right eye is hand motion vision and in his left eye, 20/20. Following an examination in 2011, his optometrist noted, ''Mr. Hicks has had this condition since birth and has sufficient vision to continue operating a commercial vehicle.'' Mr. Hicks reported that he has driven straight trucks for 15 years, accumulating 270,000 miles and tractor-trailer combinations for 15 years, accumulating 198,000. He holds a Class D operator's license from Oklahoma. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Samuel V. Holder*

Mr. Holder, 61, has had ocular hypertension in his right eye since 2009 and retinal detachment in his left eye since 2006. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2011, his ophthalmologist noted, ''I felt his vision was good enough to drive a commercial or personal vehicle. I certify his vision is good enough to do this.'' Mr. Holder reported that he has driven straight trucks for 10 years, accumulating 200,000 miles and tractor-trailer combinations for 41 years, accumulating 3.5 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.

*Timothy L. Klompien*

Mr. Klompien, 51, has had a retina detachment in his right eye due to a traumatic injury sustained in 2006. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/20. Following an examination in 2011, his ophthalmologist noted, ''I feel he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Klompien reported that he has driven straight trucks for 5 years, accumulating 150,000 miles and tractor-trailer combinations for 15 years, accumulating 1.05 million miles. He holds a Class A CDL from Montana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Jerry L. Pettijohn*

Mr. Pettijohn, 62, has had cataracts in his right eye since 1987. The best corrected visual acuity in his right eye is hand motion vision and in his left eye, 20/20. Following an examination in 2011, his optometrist noted, ''I certify that in my medical opinion, Jerry Pettijohn does have sufficient vision to perform the driving tasks required to operate a commercial vehicle and should qualify for a vision exemption.'' Mr. Pettijohn reported that he has driven straight trucks for 44 years, accumulating 880,000 miles and tractor-trailer combinations for 17 years, accumulating 935,000 miles and buses for 5 years accumulating 25,000 miles. He holds a Class D operator's license from Oklahoma. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Jake Richter*

Mr. Richter, 27, has had corneal scarring in his left eye since 1999. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/400. Following an examination in 2011, his optometrist noted, ''My medical opinion is that Mr. Richter has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Richter reported that he has driven straight trucks for 12 years,

accumulating 9,000 miles and tractor-trailer combinations for 3 years, accumulating 18,000 miles. He holds a Class A CDL from Kansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Bradley S. Sanders*

Mr. Sanders, 43, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/60. Following an examination in 2011, his ophthalmologist noted, ''At this time, given Mr. Bradley Sanders' visual acuity bilaterally, the patient has sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. Sanders reported that he has driven straight trucks for 8 years, accumulating 21,840 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.

**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 February 23, 2012. 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: January 13, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2012–1390 Filed 1–23–12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2001–10578; FMCSA–2003–16241; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2009–0303]**

### 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 6 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 February 9, 2012. Comments must be received on or before February 23, 2012.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: FMCSA–2001–10578; FMCSA–2003–16241; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2009–0303, 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.

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**FOR FURTHER INFORMATION CONTACT:** Elaine M. Papp, Chief, Medical Programs Division, (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 6 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 6 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

James S. Ayers (GA)
Ricky C. Dalton (UT)
Vernon J. Dohrn (MN)
Dennis L. Maxcy (NY)
Cameron S. McMillen (NM)
Dean B. Ponte (MA).

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 requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the