

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. 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: March 31, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

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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 112 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, 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 vision standard for a renewable two-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 out in 49 CFR part 381.

Accordingly, FMCSA evaluated 112 individual exemption requests on their merits 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 his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published today summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denials.

The following 14 applicants lacked sufficient driving experience during the 3-year period prior to the date of their application:

Richard L. Bilby
Phillip J. Collova
Layne Coscorrosa
Craig D. Delph
Jerry L. Gray
Daniel Hill
Matthew B. Lairamoe
James F. McMahon, Jr.
Gary R. Morgan
Dale E. Schoettmer
Jack Skaw
Edward S. Stout
Kenneth D. Summers
George R. Van Gelder

The following 11 applicants did not have any experience operating a CMV.

Joey J. Abney
Amy J. Armstrong
Anthony W. Armstrong
James Bay
John H. Beenenga
Leo M. Lampinen
Rod Mosby
Andrea R. Piatz
Litter Rivera
Sirrane Traylor
Plato Watkins

The following 22 applicants did not have 3 years of experience driving a CMV on public highways with the vision deficiency.

Dylan T. Arndt
Fred R. Ballard, Jr.
Dwight A. Bennett
Walter Crean, III
James E. Creswell
Chris Croteau
Jerold D. Endress
Alvaro Esparza
James L. Gordon
Jerry N. Greear
Semir Husnic
Edward Kimpel
Daryl C. Lenz
Robert D. Lotz
Guy E. McCraw
Eric R. Mills
Rodney Richardson
Matthew N.D. Robbins
Temistocles E. Sanchez
Thomes L. Steinbach
Glenn R. Theis
Gary E. Valentine

The following 7 applicants did not have 3 years of recent experience driving a CMV with the vision deficiency.

Leonard C. Jackson
Larry S. Keith
Oliver A. Murphy
Herbert Recore, Jr.
William Rogers
Jeffery C. Stokes
Lyndon W. Williams

The following 19 applicants did not have sufficient driving experience over the past 3 years under normal highway operating conditions.

Danny F. Ahlgren
Ronald Bishop
James W. Carpenter
Travis M. Christian
Sean Conorman
John Doyle
Herman Froehle
Steven H. Harris
Jason L. Hoovan
Jeffrey D. Huckle
Ronald L. Kitchens
Larry P. Magrath
Jame R. Salsgiver
Eric C. Sevier
Claude L. Snider, Sr.
Ronald C. Stringfellow
Douglas E. Weld
Scott Westphal
Casey Willis, Jr.

Two applicants, Martin L. Bailey and Darrol W. Rippee, had more than 2 commercial motor vehicle violations during the 3-year review period and/or application process. Each applicant is only allowed 2 moving citations.

One applicant, Joseph Ivey, did not have sufficient peripheral vision in his better eye to qualify for an exemption.

The following 7 applicants had commercial driver's license suspensions during the 3-year review period in

relation to a moving violation. Applicants do not qualify for an exemption with a suspension during the 3-year period.

Gary Alvarez
Giovanni Cerino
Robert O. Dolphin
Todd Gilliam
Paul H. Glowinski
Ranjodh Singh
Stephen Whitt

One applicant, Robert D. Crumb, had 2 serious commercial motor vehicle violations within a 3-year period. Each applicant is only allowed a total of 2 moving violations, 1, which can be serious.

One applicant, Charles H. Allen, did not have verifiable proof of commercial driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

One applicant, Justin M. Pool, did not hold a license which allowed operation of vehicles over 10,000 pounds for all or part of the 3-year period.

The following 9 applicants were denied for miscellaneous/multiple reasons.

John P. Atkinson
Randy S. Benitez
Kevin Byrd
Gary M. Eggers
Bradley C. Hansell
Randall E. Harnack
Owen E. Jackson
Valentino Parker
Dustin A. Wilson

The following 4 applicants never submitted the required documents.

James R. Blair
Charles V. Fitzgerald
Herman Gray
Norman Patterson

Finally, the following 13 applicants met the current federal vision standards. Exemptions are not required for applicants that meet the current regulations for vision.

Jose F. Armenta
Carlos R. Cordova
Frederick L. Feyen
Kenneth A. Keen
Diana L. Martin
Freddie B. Mills
James W. Mize, Sr.
James A. Shearin
Oliver Smith
Kenneth L. Sutphin
Kenneth C. Thornton
Edward Werling
Leroy C. Williams

Issued on: March 27, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID. FMCSA-2008-0398]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 33 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision standard. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective April 6, 2009. The exemptions expire on April 6, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, *fmcsmmedical@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:

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> 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 the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://Docketsinfo.dot.gov>.

Background

On February 12, 2009, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (74 FR 7098). That notice listed 33 applicants' case histories. The 33 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption 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." The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 33 applications on their merits and made a determination to grant exemptions to all of them.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 33 exemption applicants listed in this notice are in this category. They are