

facilities governing emergency response in 49 CFR 195.402. Operators must have emergency response procedures that require, among other things, having sufficient resources available at the scene, taking necessary action (such as emergency shutdown) to minimize the volume of hazardous liquid released, controlling released hazardous liquid, and minimizing public exposure to injury. Operators must also maintain liaison with emergency responders and other appropriate public officials, and coordinate preplanned and actual emergency responses. PHMSA regularly inspects operators' compliance with these requirements during on-site inspections.

On April 20, 2010, an explosion and fire on the Deepwater Horizon mobile drilling unit, approximately 40 miles offshore in the Gulf of Mexico, led to a massive release of crude oil from a well on the sea floor. The oil spill is estimated to be the largest offshore spill in United States history. The catastrophic event, which has proven to be far worse than originally estimated, is diverting resources from all over the Nation to the areas impacted by the spill and potentially affecting the availability of resources identified in pipeline operators' oil spill response plans, resulting in circumstances that could affect full implementation of pipeline operators' plans.

While offshore drilling is not governed by 49 CFR part 194, PHMSA is reminding onshore hazardous liquid pipeline operators of their responsibilities under such regulations to review, update, and maintain their oil spill response plans to ensure that each plan: properly calculates the worst case spill scenario for the pipeline facility; identifies and ensures by contract or otherwise sufficient resources to respond, to the maximum extent practicable, to such a discharge; and evaluates the identified resources' remaining capability given the ongoing relocation of resources to the Gulf. PHMSA will not consider it "practicable" to list resources for responding to a worst case discharge, if such resources are, or are requested to be, relocated to respond to the Deepwater Horizon oil spill until such resources are returned. Operators must conduct this review and submit any updates to their oil spill response plans as set forth in § 194.121 within 30 days. Operators are further reminded of their responsibilities to maintain their response plans on-site, to conduct regular drills of their plans, and to maintain the necessary liaison with emergency responders and other appropriate public officials. PHMSA

intends to evaluate operators' performance of these efforts during upcoming field audits.

Advisory Bulletin (ADB-10-05)

To: Operators of Hazardous Liquid Pipeline Systems.

Subject: Updating Facility Response Plans in Light of the Deepwater Horizon Oil Spill.

Advisory: Operators of onshore pipelines that could reasonably be expected to cause significant or substantial harm to the environment by discharging oil into or on any navigable waters of the United States or adjoining shorelines must prepare and submit an oil spill response plan pursuant to 49 CFR part 194. Among other requirements, a response plan must include a proper calculation of a worst case discharge and identify the available resources to respond. (*See also* 49 CFR appendix A to part 194).

The April 20, 2010, explosion and subsequent fire on the Deepwater Horizon mobile drilling unit in the Gulf of Mexico has led to a massive release of crude oil from a well on the sea floor. The oil spill has proven to be far worse than originally estimated and is diverting resources from all over the Nation to the areas impacted by the spill, thereby potentially affecting the availability of resources identified in pipeline operators' oil spill response plans.

In light of these circumstances, PHMSA is stressing to operators their responsibilities under 49 CFR part 194 to update their oil spill response plans to ensure the necessary response to a properly calculated worst case discharge.

In accordance with those regulations, operators of onshore hazardous liquid pipeline facilities must review their oil spill response plans and update, as necessary: the calculation of a worst case spill scenario for their pipeline facility; the identification of resources needed to respond, to the maximum extent practicable, to the scenario; and an assessment of the resources' remaining capability given the ongoing relocation of resources to the Gulf. PHMSA will not consider it "practicable" to list resources for responding to a worst case discharge, if such resources are, or are requested to be, relocated to respond to the Deepwater Horizon oil spill until such resources are returned. Operators must conduct this review and submit any updates to their oil spill response plans as set forth in the applicable regulations within 30 days. PHMSA requests that operators who find no need to update their plan following this review still

notify PHMSA at the above contact information within 30 days, with the reasons no updates were needed.

Operators are also asked to confirm that drills have been performed at the frequency specified in their plans. Operators whose response resources have been, or are subsequently relocated to the Gulf to respond to the Deepwater Horizon event should also notify PHMSA.

Operators are further reminded of their responsibilities to maintain their response plans on-site and to maintain the necessary liaison with emergency responders and other appropriate public officials. PHMSA intends to evaluate operators' efforts during upcoming field audits.

Issued in Washington, DC, on June 23, 2010.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-6480; FMCSA-2001-11426; FMCSA-2003-16241; FMCSA-2003-16564; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2005-22727; FMCSA-2005-23099; FMCSA-2007-0017; FMCSA-2007-0071]

Qualification of Drivers; Exemption Renewals; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 17 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 exemptions will 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 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. The comment period ended on April 23, 2010 (75 FR 20881).

Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 17 renewal applications, FMCSA renews the Federal vision exemptions for Roy L. Allen, Lyle H. Banser, Lloyd J. Botsford, Walter M. Brown, Charley J. Davis, Derek T. Ford, Paul D. Gaither, Taras G. Hamilton, Thomas R. Hedden, Laurent G. Jacques, Lucio Leal, Earl R. Mark, Douglas A. Mendoza, Michael R. Moore, Richard W. Neyens, John P. Rodrigues and Charles W. Towner, Jr.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 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 and 31315.

Issued on: June 21, 2010.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. 2010-15663 Filed 6-25-10; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2010-0162]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemption from the diabetes mellitus standard; request for comments.

SUMMARY: FMCSA announces receipt of applications from 20 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before July 28, 2010.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2010-0162 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 ID 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 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://www.regulations.gov>.

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 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.” The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 20 individuals listed in this Notice have recently requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMV in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statutes.

Qualifications of Applicants

Gary L. Alexander

Mr. Alexander, age 54, has had ITDM since 2009. His endocrinologist examined him in 2010 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Alexander meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A Commercial Driver's License (CDL) from Missouri.

Michael J. Baron

Mr. Baron, 43, has had ITDM since 1987. His endocrinologist examined him in 2010 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the