

convictions for moving violations in a CMV.

*Ricky L. Watts*

Mr. Watts, 49, has had macular scarring in his left eye since 2002. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/400. Following an examination in 2010, his optometrist noted, "He meets the requirements of the State of Florida to be able to drive safely, and I see no reason for him to have any visual hindrance to interstate commercial driving." Mr. Watts reported that he has driven tractor-trailer combinations for 24 years, accumulating 1.8 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 cited, and one conviction for a moving violation in a CMV; careless driving.

*Cameron R. Whitford*

Mr. Whitford, 50, has had a prosthetic right eye since childhood. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2010, his optometrist noted, "Cameron Whitford in my opinion has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Whitford reported that he has driven straight trucks for 6 years, accumulating 240,000 miles. He holds a Class B CDL from New York. 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.

*Olen L. Williams, Jr.*

Mr. Williams, 59, has had ischemic optic neuropathy in his left eye since 2003. The best corrected visual acuity in his right eye is 20/25 and in his left eye, count-finger vision. Following an examination in 2010, his optometrist noted, "In my opinion Mr. Williams has sufficient vision to operate any commercial motor vehicle safely and efficiently." Mr. Williams reported that he has driven tractor-trailer combinations for 34 years, accumulating

5.1 million miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes and one conviction for a moving violation. He exceeded the speed limit by 10 mph.

**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 January 13, 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: December 6, 2010.

**Larry W. Minor,**

*Associate Administrator, Office of Policy.*

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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 103 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, U.S. Department of Transportation, FMCSA, 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 2-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 forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 103 individual exemption requests on their merit 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 the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in this notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 11 applicants lacked sufficient driving experience during the 3-year period prior to the date of their applications:

Tonny Bailey  
Charles J. Dawber  
Richard C. Dickinson  
Harold L. Elders

Randall S. Grauer  
Darrell A. Harmon  
Thomas W. Keel, Jr.  
Jay Rider

Wesley A. Roberson  
David M. Taylor  
David M. Wcisel

The following 7 applicants had no experience operating a CMV:

Floyd Aldridge  
Stanly J. Baumann  
Janie Burford

William Chisley  
William Cusano  
Shelby B. Richardson

Keith M. Vanderhyde

The following 24 applicants did not have 3 years of experience driving a

Dwight D. Andersen  
William M. Bell  
Barry Bunker  
John P. Chuda  
David L. Ellis  
Darrel E. Graumann  
Ronald Hutchins  
James Jaramillo

CMV on public highways with the vision deficiency:

Kenneth P. Littlefield  
Ricardo A. Montano  
George Edward Mulherrin III  
Mark Paugh  
James Perusse  
Larry Robins  
Stanley W. Rowden  
Clayton Slone

Michael R. Spieth  
Troy M. Standifer  
Alan D. Strain  
Ronald R. Sumpter  
George G. Ulferts, Jr.  
Michael S. Westervelt  
Michael P. Witkowski  
Brian P. Wunn

The following 6 applicants did not have 3 years of recent experience

Ronald C. Ashley  
John E. Cahall

driving a CMV with the vision deficiency:

Anthony Chastain  
Terrance J. Hurley

Allen L. Segotta  
Kevin Weaver

The following 18 applicants did not have sufficient driving experience

Raymond W. Anderson  
Andres Castanon, Jr.  
Dickie R. Clough  
Scott A. Cole  
Richard W. Futrell  
Carlos R. Galarza

during the past 3 years under normal highway operating conditions:

Steve Garrett  
Marc D. Groszkrueger  
Darris Hardwidge  
Shawn M. Hebert  
Milan Jokic  
Douglas Jones

Wayne A. LeClaire  
Christopher J. McCulla  
Darrell Rogers  
Karl H. Strangfeld  
Jacob E. Wadewitz  
Stephen H. Ward

The following 3 applicants had more than 2 commercial motor vehicle violations during the application

Wesley M. Creamer

process. Each applicant is only allowed 2 moving citations:

Gregory C. Simmons

Christopher J. Van Dyke

One applicant, William E. Woodhouse, has other medical conditions making him unqualified under Federal Motor Carrier Safety Regulations. All applicants must meet all other physical qualifications standards in 49 CFR 391.41(b)(1–13).

Two applicants, Shorty Ellis and Charles J. Kruggel, had commercial

Samuel Golden  
David W. Herbert

driver's license suspensions during the 3-year review period for moving violations. Applicants do not qualify for an exemption with a suspension during the 3-year period.

One applicant, James F. Partin, did not have verifiable proof of commercial driving experience over the past 3 years under normal highway operating

Matthew B. Lairamore  
Gerald Lord

conditions that would serve as an adequate predictor of future safe performance.

The following 5 applicants were denied for miscellaneous/multiple reasons:

John Thomas White, Jr.

The following 16 applicants met the current federal vision standards. Exemptions are not required for

Anthony Benally  
Larry D. Cooper  
Sid L. Crumpton  
Gerald Davis  
Eric N. Fitzgerald  
Larry D. Cooper

applicants who meet the current regulations for vision:

Craig R. Gross  
Ray O. Howell  
Ervin A. Kope  
Fernando M. Magana  
Ignacio V. Maldonado  
Richard G. Myers

Gaylon Nelson  
Brian J. Ruzalski  
Travis Stroming  
Todd M. Sucharda  
Scott M. Tommen

One applicant, Thomas D. Laws, was issued a medical certificate for 3 months. Applicants with a medical

John Gallagher  
Derrick A. Hardy  
John F. Murphy

certificate valid for less than 6 months do not meet the exemption program eligibility criteria.

Steven R. Parker  
Jay L. Pendergas  
Mohammad Suhail

The following 7 applicants drove interstate while restricted to intrastate driving:

Michael Watters

Finally, one applicant, Wilford Mendoza, will not be driving interstate, interstate commerce, or not required to carry a DOT medical card.

Issued on: December 6, 2010.

**Larry W. Minor,**

*Associate Administrator, Office of Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2010-0386]

#### 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 17 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 January 13, 2011.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2010-0386 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 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:** Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, [fmcsamedical@dot.gov](mailto: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 17 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b) (3), which applies to drivers of CMVs 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

##### *Richard B. Angus*

Mr. Angus, age 55, has had ITDM since 2010. His endocrinologist examined him in 2010 and certified that he has had no severe 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 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Angus meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A operator's license from Wisconsin.

##### *James T. Bezold*

Mr. Bezold, 34, has had ITDM since 2003. His endocrinologist examined him in 2010 and certified that he has had no severe 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 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Bezold meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Kentucky.

##### *Allen C. Cornelius*

Mr. Cornelius, 53, has had ITDM since age 9. His endocrinologist examined him in 2010 and certified that he has had no severe 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 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Cornelius 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 D operator's license from Delaware.