

last seizure was November 2009. He follows up regularly with his physician and his blood levels are in a therapeutic range. His physician states that he believes that in granting Mr. Hogan the exemption, he would maintain the same level of safety as other CMV drivers.

Jordan Hyster

Mr. Hyster is a 22-year-old CMV driver in the state of Ohio. Mr. Hyster was diagnosed with epilepsy in 2005 and placed on anti-seizure medication. His last seizure was in January 2009, after being told to stop his medication by previous physician. He is again on anti-seizure medication. The dosage and frequency of the anti-seizure medication has remained the same for 23 months. His physician states that he believes that Mr. Hyster will likely achieve a level of safety expected of drivers as long as he remains on medication.

David R. Kietzman

Mr. Keitzman is a 49-year-old CMV driver in the state of Wisconsin. In December 2007 he underwent surgery to remove a right parietal vascular malformation. His physician states that this brain abnormality was the cause of his seizures. He has been on the same anti-seizure medications with the dosage and frequency remaining the same since October 2008. His last seizure was October 2008. His physician states that he is neurologically normal. His current employer states that he has been an intrastate tractor semi-trailer driver for them since 1991 and has proven to be a safe, competent, and conscientious driver.

Joseph Kogut

Mr. Kogut is a 53-year-old CMV driver in the state of North Carolina. He was involved in a motor vehicle accident in 1982 and sustained a head injury. Following the accident, he had a single seizure. He has taken the same anti-seizure medication for more than 29 years with no change in dosage or frequency of use. His physician states that he feels that Mr. Kogut should be allowed to drive CMVs.

Philip McLain

Mr. McLain is 47-year old CMV driver in the state of Maine. He had a nighttime seizure-like episode in August 2010. He was diagnosed subsequently with AVM (Arteriovenous Malformation), a brain congenital condition. He underwent surgery to remove the defect and has had no further seizures or seizure-like episodes. His last seizure was in August 2010. He was given anti-seizure medication following the operation and has been off

the medication since October 2010. He remains asymptomatic and his physician states she is in favor of allowing him to drive without restrictions.

Mr. Andy McNeal

Mr. McNeal is a 49-year-old driver in the state of Indiana. In 2007, he had a single seizure event and was diagnosed with a brain tumor. He had the tumor removed successfully and his last seizure was May 2007. He is taking anti-seizure medication, with the dosage and frequency for over 4 years. He has had an electro-encephalogram (EEG) in 2009 that showed no epileptiform activity and an Magnets Imaging Resonance (MRI) in 2010 showed no evidence of tumor recurrence. His physician states that although there is no way to guarantee his never having another seizure, neurological examination currently shows no deficits which would impair his safe operation of a motor vehicle.

Lonnie Reiker

Mr. Reiker is a 52-year-old driver who drives in the state of Illinois. Mr. Reiker was diagnosed with a brain tumor in December 2009 following a single seizure event in November 2009. He had surgery in March 2010 to remove the tumor and has been given anti-seizure medication following the surgery. The dosage and frequency of the anti-seizure medication has remained the same for more than 2 years. His last seizure was December 2009. Three subsequent MRIs indicate no tumor re-growth. His physician states that, in his opinion, at this time Mr. Reiker's driving safety is equivalent to other CMV drivers.

Mark A. Smith

Mr. Smith is a 51-year-old CMV driver in the state of California. He had a single episode of loss of consciousness in August 2010. He is taking the same anti-seizure medication with the dosage and frequency remaining the same for 16 months. His last seizure was August 2010. He is under the regular care of a neurologist, who states he is stable and doing very well. He states further that Mr. Smith is likely to achieve a level of safety that is equivalent or greater than the level of any other person to drive. He would be driving a semi truck and seeks to work five days on and then two days off.

Cheryl Woskie

Ms. Woskie is a 41-year-old Class B bus driver in the state of Massachusetts. She was diagnosed with a Cavernoma, a brain malformation, in October 2010, causing her to have three seizures

within one month. Surgery was performed to remove the congenital defect and she was placed on anti-seizure medication, which was discontinued in November 2011. She would like to begin driving a bus again.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: December 22, 2011.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0325]

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 twelve 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 6, 2012.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2011-0325 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 acknowledgment 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, 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 twelve 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

Rene Amaya

Mr. Amaya, age 36, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/15 and in his left eye, 20/200. Following an examination in 2011, his optometrist noted, "In my medical opinion, Rene Amaya has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Amaya reported that he has driven straight trucks for 2 years, accumulating 78,000 miles and tractor-trailer combinations for 2½ years, accumulating 102,500 miles. He holds a Class A Commercial Driver's License (CDL) from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Brian K. Cline

Mr. Cline, 32, 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, 20/60. Following an examination in 2011, his optometrist noted, "In my medical opinion, with his vision correction, his vision allows him to perform commercial driving tasks." Mr. Cline reported that he has driven straight trucks for 3½ years, accumulating 88,000 miles and tractor-trailer combinations for 3 years, accumulating 18,000 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.

Robert E. Judd

Mr. Judd, 49, 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, 20/200. Following an examination in 2011, his optometrist noted, "It is my opinion that Mr. Judd has sufficient vision to perform driving tasks in a commercial vehicle." Mr. Judd reported that he has driven straight trucks for 9 years, accumulating 135,000 miles. He holds an operator's license from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mickey E. Lawson

Mr. Lawson, 50, 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, 20/400. Following an examination in 2011, his optometrist noted, "I see no visual reason that Mr. Lawson would not be able to continue driving commercially (as he has for many years)."

Mr. Lawson reported that he has driven straight trucks for 10 years, accumulating 21 million miles and tractor-trailer combinations for 15 years, accumulating 577,000 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.

Robbey J. Nelson

Mr. Nelson, 42, has had keratoconus in his left eye since 2002. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/100. Following an examination in 2011, his optometrist noted, "This patient has normal color vision and has sufficient vision to operate a motor vehicle commercial or otherwise." Mr. Nelson reported that he has driven straight trucks for 20 years, accumulating 500,000 miles and tractor-trailer combinations for 20 years, accumulating 400,000 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.

Thomas M. Nubert

Mr. Nubert, 55, has had reduced vision in his right eye due to a birth defect. The best corrected visual acuity in his right eye is 20/400 and in his left eye, 20/20. Following an examination in 2011, his optometrist noted, "I feel that he does have sufficient vision to perform the driving tasks to operate a commercial vehicle."

Mr. Nubert reported that he has driven straight trucks for 26 years, accumulating 572,000 miles and tractor-trailer combinations for 8 years, accumulating 240,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Terri D. Payne

Ms. Payne, 43, has had amblyopia in her left eye since birth. The best corrected visual acuity in her right eye is 20/20 and in her left eye, 20/70. Following an examination in 2011, her optometrist noted, "Based upon my findings and medical expertise, I, W.E. Robinson, Jr., hereby certify Terri D.

Payne to be visually able to safely operate a commercial motor vehicle.” Ms. Payne reported that she has driven straight trucks for 12 years, accumulating 57,600 miles. She holds a Class D operator’s license from Kentucky. Her driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael C. Reese

Mr. Reese, 46, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/400 and in his left eye, 20/20. Following an examination in 2011, his optometrist noted, “In my opinion, you have sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Reese reported that he has driven tractor-trailer combinations for 15 years, accumulating 61,500 miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mark C. Reineke

Mr. Reineke, 60, has had macular scarring in his left eye due to a traumatic injury sustained in 1981. The best corrected visual acuity his right eye is 20/25 and in his left eye is finger-count vision. Following an examination in 2011, his ophthalmologist noted, “I believe Mr. Reineke to have sufficient vision to operate a commercial vehicle.”

Mr. Reineke reported that he has driven straight trucks for 6 years, accumulating 18,000 miles and tractor-trailer combinations for 4 years, accumulating 60,000 miles. He holds a Class A CDL from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert T. Reynolds

Mr. Reynolds, 51, has had retinal vein occlusion in his right eye for the past five years. The best corrected visual acuity in his right eye is 20/400 and in his left eye, 20/20. Following an examination in 2011, his ophthalmologist noted, “Due to the fact your vision is stable, I believe you have sufficient vision to perform your job as a commercial vehicle operator.” Mr. Reynolds reported that he has driven straight trucks for 23 years, accumulating 3.4 million miles and tractor-trailer combinations for 5 years accumulating 1 million miles. He holds a Class D operator’s license from Ohio. His driving record for the last 3 years shows no crashes and no convictions in a CMV.

Lawrence D. Ventimiglia

Mr. Ventimiglia, 46, has had reduced vision in his right eye since birth. The best corrected visual acuity in his right eye is count-finger vision and in his left eye, 20/25. Following an examination in 2011, his optometrist noted, “I certify that Larry has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Ventimiglia reported that he has driven straight trucks for less than 3 years, accumulating about 31,200 miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes and no convictions in a CMV.

Chadwick L. Wyatt

Mr. Wyatt, 34, has had a central corneal scar in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/100. Following an examination in 2011, his optometrist noted, “Patient can recognize traffic control colors and has sufficient vision to operate a commercial vehicle.” Mr. Wyatt reported that he has driven straight trucks for 2½ years, accumulating 137,500 miles and tractor-trailer combinations for 2½ years, accumulating 137,500 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.

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 6, 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: December 22, 2011.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0298]

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 seven 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 requirement. 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 January 5, 2012. The exemptions expire on January 5, 2014.

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:

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.

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