

His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Connecticut.

*Mark S. Shepherd*

Mr. Shepherd, 55, has had ITDM since 1993. His endocrinologist examined him in 2012 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. His endocrinologist certifies that Mr. Shepherd understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Shepherd meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Massachusetts.

*L. Everett Stamper*

Mr. Stamper, 70, has had ITDM since 2010. His endocrinologist examined him in 2012 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. His endocrinologist certifies that Mr. Stamper understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stamper meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

*Daniel C. Tow*

Mr. Tow, 41, has had ITDM since 1986. His endocrinologist examined him in 2012 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. His endocrinologist certifies that Mr. Tow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tow meets the vision

requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Washington.

*Vernon F. Walters*

Mr. Walters, 57, has had ITDM since 2011. His endocrinologist examined him in 2012 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. His endocrinologist certifies that Mr. Walters understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Walters meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Idaho.

*Christopher M. Young*

Mr. Young, 26, has had ITDM since 1990. His endocrinologist examined him in 2012 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. His endocrinologist certifies that Mr. Young understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Young meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Oklahoma.

**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. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR

52441).<sup>1</sup> 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: November 14, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2012-28572 Filed 11-23-12; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2012-0337]

**Qualification of Drivers; Exemption Applications; Vision**

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

**ACTION:** Notice of applications for exemptions; request for comments.

<sup>1</sup> 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.

**SUMMARY:** FMCSA announces receipt of applications from 18 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

**DATES:** Comments must be received on or before December 26, 2012.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2012–0337 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 Programs Division, (202) 366–4001, [fmcamedical@dot.gov](mailto:fmcamedical@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 18 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**

*Joseph Colecchi*

Mr. Colecchi, age 27, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, “In my opinion, Mr. Colecchi has more than adequate vision required to operate a commercial vehicle and there is no reason that he should not continue to receive his CDL.” Mr. Colecchi reported that he has driven straight trucks for 8 years, accumulating 80,000 miles, and tractor-trailer combinations for 8 years, accumulating 80,000 miles. He holds a Class AM Commercial Driver's License (CDL) from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*William A. Donovan*

Mr. Donovan, 54, has had a cataract in his left eye since childhood due to a traumatic incident. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2012, his optometrist noted, “In my medical opinion, Mr. Donovan has sufficient vision to perform the driving tasks required to drive a vehicle while on the job.” Mr. Donovan reported that he has driven straight trucks for 17 years, accumulating 142,800 miles. He holds an operator's license from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Douglas Eamens*

Mr. Eamens, 51, has had no light perception in his left eye since childhood due to a traumatic incident. The best corrected visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2012, his optometrist noted, “In my medical opinion, I feel that Mr. Eamens has sufficient vision to operate a commercial vehicle.” Mr. Eamens reported that he has driven straight trucks for 5 years, accumulating 300,000 miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Brian Knust*

Mr. Knust, 47, has had a retinal detachment in his right eye since February 2004. The best corrected visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, “Brian Knust, in my medical opinion, has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Knust reported that he has driven straight trucks for 17 years, accumulating 637,500 miles. He holds a Class D operator's license from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Scott A. Lambertson*

Mr. Lambertson, 48, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/15, and in his left eye, 20/60. Following an examination in 2011, his optometrist noted, “There is no reason for me to believe that this patient would have any difficulty performing the driving tasks required to operate a commercial motor vehicle.” Mr. Lambertson reported that he has driven

straight trucks for 3 years, accumulating 18,000 miles, and tractor-trailer combinations for 4 years, accumulating 8,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*James W. Long*

Mr. Long, 57, has had a traumatic cataract in his right eye since 1967. The best corrected visual acuity in his right eye is counting fingers, and in his left eye, 20/15. Following an examination in 2012, his optometrist noted, "Patient has sufficient vision for commercial vehicle operation." Mr. Long reported that he has driven straight trucks for 35 years, accumulating 875,000 miles, and tractor-trailer combinations for 3 years, accumulating 90,000 miles. He holds a Class D operator's license from Arkansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Dean L. Price*

Mr. Price, 45, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, "In my opinion, I believe that Dean has the sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Price reported that he has driven straight trucks for 10 years, accumulating 25,000 miles, and tractor-trailer combinations for 4 years, averaging 216,000 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.

*Roberto Ramos*

Mr. Ramos, 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, 20/100. Following an examination in 2012, his optometrist noted, "In my opinion, and by DPS state standards, Mr. Ramos has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Ramos reported that he has driven buses for 14 years, accumulating 909,538 miles. He holds a Class B CDL from Texas. His driving record for the last 3 years shows no crashes and one conviction for speeding in a CMV; he exceeded the speed limit by 5 mph.

*Johnie Reed*

Mr. Reed, 54, has had open angle glaucoma in his right eye since 2008. The best corrected visual acuity in his right eye is 20/150, and in his left eye, 20/20. Following an examination in 2012, his ophthalmologist noted, "The patient has sufficient vision to drive a commercial vehicle." Mr. Reed reported that he has driven tractor-trailer combinations for 24 years, accumulating 1.2 million miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Charles Roudebush*

Mr. Roudebush, 36, has had a macular scar and amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/200, and in his left eye, 20/25. Following an examination in 2012, his ophthalmologist noted, "In my opinion, Mr. Roudebush's retina shows scarring of macula and periphery of right eye. This correlates with longstanding amblyopia. The left was clear of any retinopathy. I feel based on this information that he is able to perform driving tasks to operate a commercial vehicle." Mr. Roudebush reported that he has driven straight trucks for 3 years, accumulating 72,000 miles. He holds Class D operator's license from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Mario G. Sanseverino*

Mr. Sanseverino, 59, has complete loss of vision in his left eye due to a traumatic incident in 2008. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2012, his optometrist noted, "Mr. Sanseverino has been operating a commercial vehicle for 3 years post injury to his left eye. He has been accident free during this time. Therefore, I feel he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Sanseverino reported that he has driven straight trucks for 33 years, accumulating 330,000 miles, and tractor-trailer combinations for 33 years, accumulating 1.32 million miles. He holds a Class A CDL from Oklahoma. His driving record for the last 3 years shows no crashes and one conviction for speeding in a CMV; he exceeded the speed limit by 10 mph.

*Samuel Soles*

Mr. Soles, 29, has had aphakia and a corneal scar in his right eye since

childhood due to a traumatic incident. The best corrected visual acuity in his right eye is light perception only, and in his left eye, 20/20. Following an examination in 2012, his ophthalmologist noted that Mr. Soles "has full field OS and has the ability to recognize the colors of traffic control signals and devices showing red, green, and amber, and in my opinion has sufficient vision in the left eye to operate a commercial vehicle." Mr. Soles reported that he has driven straight trucks for 4.5 years, accumulating 64,800 miles. He holds a Class C chauffeur license from Michigan. His driving record for the last 3 years shows no crashes and one conviction for speeding in a CMV; he exceeded the speed limit by 5 mph.

*Joseph Stenberg*

Mr. Stenberg, 34, has had complete loss of vision in his left eye since 2008 due to a traumatic incident. The best corrected visual acuity in his right eye 20/20. Following an examination in 2012, his optometrist noted, "In my opinion, Joe has sufficient vision to perform many tasks including driving a commercial motor vehicle." Mr. Stenberg reported that he has driven straight trucks for 16 years, accumulating 720,000 miles, tractor-trailer combinations for 11 years, accumulating 770,000 miles, and buses for 4 months, accumulating 8,000 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.

*Karl H. Strangfeld*

Mr. Strangfeld, 58, 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, 20/70. Following an examination in 2012, his optometrist noted, "In my medical opinion, he has sufficient vision to perform the driving tasks necessary to operate a commercial vehicle." Mr. Strangfeld reported that he has driven straight trucks for 6 years, accumulating 18,000 miles, and tractor-trailer combinations for 6 years, accumulating 90,000 miles. He holds a Class A CDL from Utah. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Grover C. Taylor*

Mr. Taylor, 57, has had refractive amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2012, his optometrist noted, "In my

opinion and without reservation I believe Mr. Taylor is able to visually perform the task of operating a commercial vehicle." Mr. Taylor reported that he has driven tractor-trailer combinations for 3 years, accumulating 111,000 miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

#### Jimmy Van Meter

Mr. Van Meter, 63, has had a traumatic cataract and glaucoma since age 15, causing a field defect in his right eye. The best corrected visual acuity in his right eye is 20/25, and in his left eye, 20/30. Following an examination in 2012, his ophthalmologist noted, "There have been no changes in your visual acuity or visual fields since 2007. It is my opinion that if you have been able to operate a commercial vehicle since that time, then there is no reason to make a change at this time." Mr. Van Meter reported that he has driven tractor-trailer combinations for 44 years, accumulating 5.5 million miles. He holds a Class A CDL from Arkansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

#### Keith Washington

Mr. Washington, 55, has had a branch retinal artery occlusion in his right eye since 1985 due to a traumatic incident. The best corrected visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2012, his ophthalmologist noted, "Patient has sufficient vision to drive and operate a commercial vehicle." Mr. Washington reported that he has driven straight trucks for 6 years, accumulating 366,000 miles, and tractor-trailer combinations for 19 years, accumulating 1.08 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.

#### Donald L. Weston

Mr. Weston, 39, has had medullated nerve fibers in his right eye since birth. The best corrected visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, "Donald's right eye alone has about 65% intact visual field and along with the normal vision and full field of his left eye, again I have no concern that Donald will be more than capable of operating a commercial vehicle." Mr. Weston reported that he has driven straight trucks for 7 years, accumulating

77,000 miles, and buses for 7 months, accumulating 9000 miles. He holds an operator's license from Pennsylvania. 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 December 26, 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: November 14, 2012.

#### Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2012-28574 Filed 11-23-12; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0106; FMCSA-2008-0174; FMCSA-2008-0292; FMCSA-2010-0114; FMCSA-2010-0327]

#### 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 16 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 December 17, 2012. Comments must be received on or before December 26, 2012.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [FMCSA-2008-0106; FMCSA-2008-0174; FMCSA-2008-0292; FMCSA-2010-0114; FMCSA-2010-0327], 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.

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- Fax: 1-202-493-2251.

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**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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