

Granting of Exemption Renewal

FMCSA has evaluated Volvo's application for exemption renewals for Johnny Adolfsson, Goran Alsen, Freddy Blixt, Peter Hofsten, and Lars Svensson and decided to grant them for an additional 2-year extension, i.e. from April 23, 2011 to April 23, 2013. These exemptions are renewed subject to the following terms and conditions: (1) This exemption is valid only when the drivers are acting within the scope of their employment by Volvo; (2) the drivers and Volvo must adhere to drug and alcohol regulations, including testing, as provided by in 49 CFR part 382; (3) the drivers and Volvo must adhere to driver disqualification rules under 49 CFR parts 383 and 391 that apply to all CMV drivers in the United States; (4) the drivers are subject to all other provisions of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR parts 390–397) unless specifically exempted herein; (5) the drivers must keep a copy of the exemption on the vehicle at all times for presentation to a duly authorized Federal, State, or local enforcement official; (6) Volvo must notify FMCSA in writing of any accident, as defined in 49 CFR 390.5, involving an exempted driver; and (7) Volvo must notify FMCSA in writing if an exempted driver is convicted of a disqualifying offense described in sections 383.51 or 391.15 of the FMCSRs.

These exemptions will be valid for 2 years unless revoked earlier by FMCSA. The exemptions will be revoked if: (1) The drivers fail 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(e) and 31315.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4), FMCSA requests public comment on the renewal of the exemption from the requirements of 49 CFR 383.23 for Johnny Adolfsson, Goran Alsen, Freddy Blixt, Peter Hofsten, and Lars Svensson. The Agency requests that interested parties with specific data concerning these individuals' safety records submit comments by June 6, 2011. FMCSA will review all comments received by this date and determine whether renewal of the exemption is consistent with the requirements of 49 U.S.C. 31136(e) and 31315. As indicated above, the Agency has previously determined that providing an exemption

for these Volvo drivers does not compromise the level of safety that would exist if the exemption were not granted. Interested parties or organizations possessing information that would show that any of these individuals are not currently achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse information submitted and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA will take immediate steps to revoke the exemption.

Issued on: April 26, 2011.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7165; FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12294; FMCSA–2002–13411; FMCSA–2003–14223; FMCSA–2004–17984; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2009–0054]

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 25 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 May 31, 2011. Comments must be received on or before June 6, 2011.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: FMCSA–2000–7165; FMCSA–2000–7918;

FMCSA–2000–8398; FMCSA–2002–12294; FMCSA–2002–13411; FMCSA–2003–14223; FMCSA–2004–17984; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2009–0054, *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 or Courier:** 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 number 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 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, 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 renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 25 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 25 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. *They are:*

Todd J. Berglund, Sr.	Eric E. Myers
Robert A. Casson	Kenneth L. Nau
Charles C. Chapman	David W. Peterson
Jeffery W. Cotner	Randel G. Pierce
Everett A. Doty	Timmy J. Pottenbaum
John K. Fank	Manuel H. Sanchez
Bobby G. Fletcher	George D. Schell
Heather M.B. Gordon	David M. Stout
Raymond G. Hayden	Kenneth E. Suter, Jr.
Robert E. Hendrick	Thaddeus E. Temoney
Gene A. Leshner, Jr.	Daniel R. Viscaya
Wallace F. Mahan, Sr.	Harold R. Wallace
Anthony R. Miles	

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The

exemption will be rescinded 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(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 25 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 33406; 65 FR 57234; 65 FR 66286; 65 FR 78256; 66 FR 13825; 66 FR 16311; 67 FR 46016; 67 FR 57267; 67 FR 76439; 68 FR 10298; 68 FR 10300; 68 FR 10301; 68 FR 13360; 68 FR 19596; 69 FR 33997; 69 FR 61292; 69 FR 62741; 70 FR 2701; 70 FR 7545; 70 FR 12265; 70 FR 14747; 70 FR 17504; 70 FR 30997; 70 FR 16886; 70 FR 16887; 71 FR 62147; 71 FR 63379; 72 FR 180; 72 FR 1050; 72 FR 7812; 72 FR 9397; 72 FR 11426; 72 FR 12665; 72 FR 12666; 72 FR 27624; 72 FR 25831; 73 FR 78422; 74 FR 6211; 74 FR 7097; 74 FR 9329; 74 FR 11988; 74 FR 15584; 74 FR 15586; 74 FR 19270; 74 FR 21427). Each of these 25 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by June 6, 2011.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 25 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: April 22, 2011.

Larry W. Minor,

Associate Administrator for 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 106 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