

**Description of Relief Sought**

FlightSafety International proposes an exemption that would permit FlightSafety International to provide instrument proficiency checks and endorsements in an approved 14 CFR part 142 course using a Level 6 flight training device.

[FR Doc. 2010-19512 Filed 8-6-10; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration****Elimination of USDOT Number Registrant-Only Classification**

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

**ACTION:** Notice of procedural changes to the Performance and Registration Information Systems Management Program.

**SUMMARY:** FMCSA announces elimination of the “registrant-only” USDOT number as part of the Performance and Registration Information Systems Management (PRISM) program. FMCSA developed the concept of a “registrant-only” USDOT number to identify registered owners of commercial motor vehicles (CMVs) that are not motor carriers, but lease their CMVs to entities that are motor carriers. FMCSA has concluded that registrant-only USDOT numbers are being used differently from what the Agency intended and thus the practice of issuing registrant-only numbers to entities that are not motor carriers is having an adverse affect on the Agency’s ability to track motor carriers’ safety violations. As a result, FMCSA made the decision to eliminate the PRISM procedure that requires non-motor carrier registrants to obtain USDOT numbers, and will maintain all existing numbers as dormant registrant-only USDOT numbers.

**DATES:** The effective date of the change is September 1, 2011.

**FOR FURTHER INFORMATION CONTACT:** Tom Lawler, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. (202) 366-3866 (telephone), 202-366-3375 (fax), [tom.lawler@dot.gov](mailto:tom.lawler@dot.gov) (e-mail).

**Background**

PRISM was created by Section 4003 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102-240 (105 Stat. 2144, Dec. 18, 1991) as a demonstration project.

The goal of the demonstration project was to explore the potential benefits of using State commercial vehicle registration sanctions as an incentive to improve motor carrier safety [49 U.S.C. 31106(b)]. In 1998, Congress authorized additional funding through Section 4004 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178 (112 Stat. 107, 398, June 9, 1998) to implement the PRISM program nationwide.

In 1999, FMCSA created the “registrant-only” USDOT number classification to identify registered owners of CMVs that are not motor carriers but lease their CMVs to entities that are motor carriers. Because the registrant is not a motor carrier, the registrant-only USDOT number is used to track ownership of CMVs in the Motor Carrier Management Information System (MCMIS). A registrant-only USDOT number does not authorize a non-motor carrier to operate in interstate commerce, and it should not have any safety events assigned to it. However, in numerous cases, law enforcement personnel have been presented a registrant-only number during inspections and crash investigations. As a result, data that should be assigned to the record of the motor carrier operating the CMV has been erroneously assigned to the registrant-only DOT number. The Agency conducted an analysis in 2009 and found that over 35,500 (18%) of the more than 200,000 registrant-only records in MCMIS contained crash and inspection activity that should have been recorded on the lessee’s motor carrier record.

Placement of this information on a registrant-only record adversely affects the accuracy of FMCSA’s safety monitoring system. Motor carriers that improperly use registrant-only numbers can evade FMCSA oversight, including compliance reviews and new entrant program audits. In addition, if safety events are not properly attributed to the motor carriers operating CMVs, FMCSA cannot factor those events into the motor carriers’ safety ratings.

**Action To Be Taken**

On September 1, 2011, FMCSA will eliminate the practice of allowing non-motor carrier registrants to obtain registrant-only USDOT numbers. Approximately 40 of the State jurisdictions that are PRISM members will be affected by this change. Members will need to modify their forms, instruction manuals, computer systems’ validation and safety edits, renewal application and MCS-150 edits and procedures. FMCSA will be

working with members to make the necessary changes. The goal is for members to make these changes by August 31, 2011.

While members are modifying their systems, the FMCSA Division Offices will be researching the events attributed to the registrant-only records and reassigning the events to the proper motor carrier record on MCMIS, or, if appropriate, changing the non-motor carrier to motor carrier status. The registrant-only USDOT numbers will remain on MCMIS as dormant numbers unless a non-motor carrier changes its status to motor carrier. FMCSA’s goal is to have all of the records corrected by December 31, 2011.

Issued on: July 30, 2010.

**Anne S. Ferro,**  
*Administrator.*

[FR Doc. 2010-19593 Filed 8-6-10; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

**[Docket No. FMCSA-2010-0187]**

**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 21 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 standard.

**DATES:** Comments must be received on or before September 8, 2010.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2010-0187 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 Federal Docket Management System 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.” FMCSA can renew exemptions at the end of each 2-year period. The 21 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**

##### *Randall J. Benson*

Mr. Benson, age 40, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/15 and in his left eye, 20/50. Following an examination in 2010, his optometrist noted, “This patient does not present any greater risk in driving tasks than other drivers and, given his record, he should have sufficient vision to perform the driving tasks required for a commercial vehicle.” Mr. Benson reported that he has driven straight trucks for 4 years, accumulating 60,000 miles. He holds a Class D operator's license from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

##### *Larry D. Brown*

Mr. Brown, 53, has had complete loss of vision in his left eye since 1985. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2010, his optometrist noted, “In my professional opinion Mr. Larry Brown has sufficient vision to perform the driving task of a commercial vehicle based on his vision and prior work experience.” Mr. Brown reported that he has driven straight trucks for 19 years, accumulating 47,500 miles. He holds a Class B Commercial Driver's License (CDL) from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

##### *Julian W. Collins*

Mr. Collins, 49, has had macular scarring in his right eye due to a traumatic injury sustained in 1996. The best corrected visual acuity in his right eye is 20/400 and in his left eye, 20/15. Following an examination in 2010, his ophthalmologist noted, “I certify that Mr. Collins's eye exam today is stable and that in my medical opinion he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Collins reported that he has driven straight trucks for 8 years, accumulating 40,000 miles and tractor trailer combinations for 23 years, accumulating 414,000 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.

##### *James G. Etheridge*

Mr. Etheridge, 45, has had complete loss of vision in his right eye since 1971 due to trauma. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2010, his optometrist noted, “Patient's vision is sufficient to drive a commercial vehicle.” Mr. Etheridge reported that he has driven straight trucks for 12 years, accumulating 240,000 miles. He holds a Class B CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

##### *Jerry A. Evans*

Mr. Evans, 63, has had a prosthetic right eye due to trauma since 1980. The best corrected visual acuity in his left eye is 20/25. Following an examination in 2010, his ophthalmologist noted, “It is my medical opinion that Mr. Evans has the ability to perform driving tasks necessary to operate a commercial vehicle.” Mr. Evans reported that he has driven straight trucks for 30 years, accumulating 507,000 miles. He holds a Class C operator's license from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

##### *Guy R. Flowers, Jr.*

Mr. Flowers, 57, has had complete loss of vision in his left eye since 2005 due to trauma. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2010, his optometrist noted, “In my opinion, providing he utilizes adequate rear-view mirror and side-view mirrors on both sides of his vehicle, he should have sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Flowers reported that he has driven tractor-trailer combinations for 27 years, accumulating 2.1 million miles. He holds a Class A CDL from Alaska. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

##### *Jeremy L. Fricke*

Mr. Fricke, 27, has had complete loss of vision in his right eye since 2000 due to trauma. The best corrected visual acuity in his left eye is 20/15. Following an examination in 2010, his optometrist noted, “His vision in the left eye is excellent uncorrected and, in my opinion, is sufficient to perform the driving tasks required to operate a

commercial vehicle.” Mr. Fricke reported that he has driven straight trucks for 11 years, accumulating 27,500 miles and tractor-trailer combinations for 7 years, accumulating 54,600 miles. He holds a Class D operator’s license from North Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Richard W. Gleiforst*

Mr. Gleiforst, 48, has had a prosthetic left eye due to trauma since 1993. The best corrected visual acuity in his right eye is 20/15. Following an examination in 2010, his optometrist noted, “In my medical opinion Richard Gleiforst has sufficient vision to operate a commercial vehicle as he has been for the last ten years.” Mr. Gleiforst reported that he has driven straight trucks for 4 years, accumulating 17,600 miles and tractor-trailer combinations for 11 years, accumulating 1.1 million miles. He holds a Class A CDL from Colorado. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Edward P. Hynes, II*

Mr. Hynes, 52, 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 2010, his optometrist noted, “Mr. Hynes can recognize the colors of traffic control signals and devices showing red, green and amber; and in my medical opinion he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Hynes reported that he has driven straight trucks for 25 years, accumulating 2 million miles. He holds an operator’s license from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Keith R. Jordan*

Mr. Jordan, 40, has had retinal scarring in his right eye since 1990. The best corrected visual acuity in his right eye is 20/400 and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, “Since Mr. Jordan has had this condition for a long time, and it is stable, it is my opinion that his vision is sufficient to do the tasks needed to operate a commercial vehicle.” Mr. Jordan reported that he has driven straight trucks for 22 years, accumulating 22,000 miles and tractor trailer combinations for 15 years, accumulating 840,000 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.

*Theodore D. Kirby*

Mr. Kirby, 30, 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, 20/400. Following an examination in 2010, his ophthalmologist noted, “In my medical opinion, Mr. Kirby has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Kirby reported that he has driven straight trucks for 3 years, accumulating 45,000 miles. He holds a Class B CDL from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Joseph A. Leigh, Jr.*

Mr. Leigh, 48, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/20. Following an examination in 2009, his optometrist noted, “I do believe that Mr. Leigh has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Leigh reported that he has driven straight trucks for 20 years, accumulating 1.5 million 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.

*John L. Lethcoe*

Mr. Lethcoe, 57, 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, hand-motion vision only. Following an examination in 2010, his ophthalmologist noted, “In my opinion, his vision is sufficient to continue to operate a commercial vehicle.” Mr. Lethcoe reported that he has driven straight trucks for 5.5 years, accumulating 198,000 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.

*Ronald J. McTague*

Mr. McTague, 53, 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 2010, his optometrist noted, “My opinion is that Mr. McTague should have no restrictions on him in regards to operating a commercial vehicle.” Mr. McTague reported that he has driven straight trucks for 12 years, accumulating 900,000 miles and tractor-

trailer combinations for 17 years, accumulating 2.5 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows one crash and no convictions for moving violations in a CMV.

*Benito Saldana*

Mr. Saldana, 52, has retinal detachment in his left eye due to a traumatic injury sustained in 1981. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2010, his ophthalmologist noted, “It is my medical opinion that this gentleman has proven that he can drive a commercial vehicle and he can continue doing his job.” Mr. Saldana reported that he has driven tractor-trailer combinations for 34 years, accumulating 4.4 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV. He exceeded the speed limit by 14 miles per hour (mph).

*Julius Simmons, Jr.*

Mr. Simmons, 40, has had loss of vision in his right eye since 1988 due to trauma. The best corrected visual acuity in his right eye is hand-motion only and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, “I do believe that the issues involving the right eye do not affect his ability to safely operate a commercial vehicle.” Mr. Simmons reported that he has driven tractor-trailer combinations for 14 years, accumulating 1.6 million miles. He holds a Class A CDL from South Carolina. His driving record for the last 3 years shows two crashes, one for which he was not cited, and no convictions for moving violations in a CMV.

*Kenneth J. Weaver*

Mr. Weaver, 31, has had hamartoma in his right eye since birth. The best corrected visual acuity in his right eye is light perception only and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, “Kenneth Weaver has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Weaver reported that he has driven tractor-trailer combinations for 3 years accumulating 75,750 miles. He holds a Class A CDL from Wyoming. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Carl V. Wheeler*

Mr. Wheeler, 54, has had a prosthetic left eye since 1980. The best corrected

visual acuity in his right eye is 20/20. Following an examination in 2010, his ophthalmologist noted, "In my medical opinion, Mr. Wheeler has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Wheeler reported that he has driven straight trucks for 35 years, accumulating 437,500 miles and tractor-trailer combinations for 10 years, accumulating 42,500 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.

*Stephen B. Whitt*

Mr. Whitt, 44, has had pseudoangioma in his right eye since 1994. The best corrected visual acuity in his right eye is 20/80 and in his left eye, 20/20. Following an examination in 2009, his optometrist noted, "It is my medical opinion that Stephen Whitt has sufficient vision to perform the task of driving a commercial vehicle." Mr. Whitt reported that he has driven straight trucks for 15 years, accumulating 750,000 miles and tractor-trailer combinations for 20 years, accumulating 3 million 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.

*Darrell F. Woosley*

Mr. Woosley, 66, has had loss of vision since 2006 due to a central retinal vein occlusion. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/25. Following an examination in 2010, his ophthalmologist noted, "It is my opinion that Mr. Darrell Woosley's vision is sufficient to allow him to drive a commercial vehicle based on his testing in the clinic." Mr. Woosley reported that he has driven tractor-trailer combinations for 44 years, accumulating 3.1 million miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and two convictions for moving violations in a CMV. On the first occasion, he was cited for failure to obey a traffic sign and on the second occasion, he exceeded the speed limit by 9 mph.

*Jason M. Zaragoza*

Mr. Zaragoza, 37, has had macular scarring in his right eye since 2003. The best corrected visual acuity in his right eye is 20/100 and in his left eye, 20/20. Following an examination in 2010, his ophthalmologist noted, "I certify that in my medical opinion, Jason Zaragoza has sufficient vision to perform the driving tasks required to operate a commercial

vehicle." Mr. Zaragoza reported that he has driven straight trucks for 8 years, accumulating 208,000 miles. He holds a Class C operator's license from California. 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 September 8, 2010. 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: July 29, 2010.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. 2010-19594 Filed 8-6-10; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2010-0114]

#### 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 30 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 standard. 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 August 9, 2010. The exemptions expire on August 9, 2012.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (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:

##### 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.

**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 Federal Docket Management System 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>.

##### Background

On June 16, 2010, FMCSA published a Notice of receipt of exemption applications from certain individuals, and requested comments from the public (75 FR 34209). That Notice listed 30 applicants' case histories. The 30 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

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