

monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

### Conclusion

Based upon its evaluation of the thirty-nine exemption applications, FMCSA exempts, Angel Bergendale, Charles K. Bond, Dennis J. Callanan, Philip F. Carpenter, Brandon M. Coleman, George B. Ferris, John B. Flood, John F. Galione, Jeffrey G. Giguere, Allen C. Hartshaw, Michael Hawkins, Timothy U. Herring, Richard L. Hines, David M. Hughes, Eugene G. Hunter, William F. Kanable, William C. Kenney, Paul D. Kimmel, Gregory L. Kuharski, Joe D. Lammey, Robert B. Langston, III, Mark W. Lavorini, Justin T. Mattice, Leldon W. McCutcheon, Ray A. May, Richard E. Moore, Robert F. Naples, Jr., Robert C. Nemeth, Mark P. Norwood, Todd H. Pack, Christopher M. Provance, Michael E. Reck, Warren A. Richter, James E. Seymour, Karl G. Skweres, Kyle N. Stach, William R. Thome, Richard T. Whitney and Allan M. Younglas from the ITDM standard in 49 CFR 391.41(b)(3), subject to the conditions listed under "Conditions and Requirements" above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked 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. If the exemption is still effective at the end of the 2-year period, the

person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: October 14, 2010.

**Larry W. Minor,**

*Associate Administrator, Office of Policy and Program Development.*

[FR Doc. 2010-26654 Filed 10-20-10; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2010-0327]

#### 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 16 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 November 22, 2010.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. 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.
- *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:** 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 16 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

###### *Jeisson Agudelo-Ortiz*

Mr. Agudelo-Ortiz, age 31, has had a prosthetic left eye since birth. The best corrected visual acuity in his right eye is 20/20. Following an examination in

2010, his ophthalmologist noted, "I believe the patient has the ability to operate a commercial vehicle despite loss of the left eye and has done so successfully for many years." Mr. Agudelo-Ortiz reported that he has driven straight trucks for 2 years, accumulating 9,600 miles and buses for 2 years, accumulating 14,000 miles. He holds a Class C Commercial Driver's License (CDL) from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Charles L. Alsager, Jr.*

Mr. Alsager, 47, has had retinal scarring in his left eye since 1985. 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, "I certify that Charles has sufficient vision to operate a commercial vehicle, in my opinion." Mr. Alsager reported that he has driven straight trucks for 3 years, accumulating 78,000 miles and tractor-trailer combinations for 6 months, accumulating 1,500 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Eddie A. Branham*

Mr. Branham, 42, has had loss of vision in his right eye since childhood. The best corrected visual acuity in his right eye is count-finger vision only, in his left eye, 20/20. Following an examination in 2010, his optometrist noted, "He has been driving safely for many years with glasses and should continue to be able to operate a commercial vehicle safely in this manner." Mr. Branham reported that he has driven straight trucks for 14 years, accumulating 280,000 miles and tractor-trailer combinations for 14 years, accumulating 140,000 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.

*Charlene Brown*

Ms. Brown, 47, has had amblyopia in her left eye since childhood. The best corrected visual acuity in her right eye is 20/20 and in her left eye, 20/200. Following an examination in 2010, her optometrist noted, "It is this offices finding that Charlene Brown has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Ms. Brown reported that she has driven straight trucks for 3 years, accumulating 129,000 miles. She holds a Class C operator's license from Kansas.

Her driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Nathan A. Buckles*

Mr. Buckles, 34, has had choreoretinal scarring in his right eye since 1998 due to trauma. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, "In my opinion, Nathan has sufficient vision to perform the driving tasks required of a commercial driver." Mr. Buckles reported that he has driven straight trucks for 13 years, accumulating 25,000 miles. He holds a Class A CDL from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Dale H. Dattler*

Mr. Dattler, 55, has had complete loss of vision in his right eye since childhood due trauma. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2010, his ophthalmologist noted, "In my medical opinion, he has sufficient vision to perform driving tasks to operate a commercial vehicle." Mr. Dattler reported that he has driven straight trucks for 25 years, accumulating 75,000 miles, and tractor-trailer combinations for 6 years, accumulating 15,000 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.

*Daryl Jonescheit*

Mr. Jonescheit, 68, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/80 and in his left eye, 20/25. Following an examination in 2010, his optometrist noted, "There is no reason visually why Mr. Jonescheit cannot operate a commercial vehicle with his current stable ocular condition." Mr. Jonescheit reported that he has driven tractor-trailer combinations for 42 years, accumulating 5 million miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*John N. Lanning*

Mr. Lanning, 52, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/70 and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, "It appears that Mr. Lanning's vision would not hinder him from operating a commercial vehicle."

Mr. Lanning reported that he has driven tractor-trailer combinations for 20 years, accumulating 2 million miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Cynthia K. Linson*

Ms. Linson, 47, has had amblyopia in her right eye since childhood. The best corrected visual acuity in her right eye is 20/300 and in her left eye, 20/20. Following an examination in 2010, her ophthalmologist noted, "In my medical opinion she has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Ms. Linson reported that she has driven buses for 5 years, accumulating 52,000 miles. She holds a Class B CDL from Illinois. Her driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Charles M. McDaris*

Mr. McDaris, 47, has had corneal scarring in his right eye since 1970. The best corrected visual acuity in his right eye is 20/50 only and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, "In my opinion, Mr. McDaris has sufficient vision to perform the driving tasks required to operate a commercial vehicle in that his vision has remained stable at 20/50 in the right eye and 20/20 in the left eye for many years, and he has continued to function without any difficulties." Mr. McDaris reported that he has driven straight trucks for 13 years, accumulating 733,200 miles and tractor-trailer combinations for 13 years, accumulating 733,200 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.

*Calvin J. Schaap*

Mr. Schaap, 65, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/200 only and in his left eye, 20/15. Following an examination in 2010, his optometrist noted, "In my opinion, Mr. Schaap's vision is sufficient to perform the driving tasks required to operate a commercial vehicle." Mr. Schaap reported that he has driven straight trucks for 47 years, accumulating 3.7 million miles and tractor-trailer combinations for 46 years, accumulating 460,000 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.

*Frederick C. Schultz, Jr.*

Mr. Schultz, 38, has had a prosthetic left eye since 1996. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2010, his ophthalmologist noted, "Mr. Schultz has sufficient vision to operate a commercial vehicle." Mr. Schultz reported that he has driven straight trucks for 16 years, accumulating 166,400 miles, tractor-trailer combinations for 15 years, accumulating 156,000 miles, and buses for 2 years, accumulating 20,000 miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows one crash and no convictions for moving violations in a CMV.

*Steve C. Sinclair*

Mr. Sinclair, 60, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/200 only and in his left eye, 20/15. Following an examination in 2010, his optometrist noted, "In my opinion, Mr. Sinclair has demonstrated with his many long years of driving that his vision is sufficient to perform the driving tasks required to operate a commercial vehicle." Mr. Sinclair reported that he has driven straight trucks for 30 years, accumulating 1.5 million miles. He holds a Class C operator's license from Iowa. His driving record for the last 3 years shows one crash and no convictions for moving violations in a CMV.

*Eugene J. Smith, Jr.*

Mr. Smith, 57, has had histoplasmosis in his left eye since 1999. The best corrected visual acuity in his right eye is 20/15 only and in his left eye, 20/150. Following an examination in 2010, his ophthalmologist noted, "The vision deficiency is stable at this time and is not expected to worsen. His right eye is entirely normal and he has 160 degrees of horizontal field in both eyes. This certifies medically that the patient has sufficient vision to perform any driving tasks and operate a commercial vehicle and should be allowed to perform these tasks." Mr. Smith reported that he has driven tractor-trailer combinations for 35 years, accumulating 5.2 million miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Daniel M. Veselitz*

Mr. Veselitz, 70, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/25 only and in his left eye, 20/80. Following an examination in 2010, his

optometrist noted, "According to these guidelines his best-corrected visual acuity in the right eye is sufficient to perform driving tasks required to operate a commercial vehicle." Mr. Veselitz reported that he has driven straight trucks for 3 years, accumulating 33,000 miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*John E. Westbrook*

Mr. Westbrook, 60, has had amblyopia in his right eye since childhood and a prosthetic left eye since childhood. The best corrected visual acuity in his right eye is 20/30. Following an examination in 2010, his optometrist noted, "Patient, John Westbrook, does have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Westbrook reported that he has driven straight trucks for 15 years, accumulating 900,000 miles and tractor-trailer combinations for 10 years, accumulating 800,000 miles. He holds a Class A CDL from Louisiana. 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 November 22, 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: October 14, 2010.

**Larry W. Minor,**

*Associate Administrator, Office of Policy and Program Development.*

[FR Doc. 2010-26653 Filed 10-20-10; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF VETERANS AFFAIRS**

### **Advisory Committee on Disability Compensation; Notice of Meeting**

The Department of Veterans Affairs (VA) gives notice under Public Law 92-463 (Federal Advisory Committee Act) that the Advisory Committee on Disability Compensation will meet on October 25-26, 2010, in the Chandelier Ballroom at the St. Regis Hotel, 923 16th Street, NW., Washington, DC, from 8 a.m. to 3 p.m. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising from service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

The Committee will receive briefings on issues related to compensation for Veterans with service-connected disabilities and other VA benefits programs. Public comments will be received at 2 p.m. each day. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit 1-2 page summaries of their comments at the time of the meeting for inclusion in the official meeting record.

The public may submit written statements for the Committee's review to Robert Watkins, Designated Federal Officer, Department of Veterans Affairs, Veterans Benefits Administration, Compensation and Pension Service, Regulation Staff (211D), 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail at [Robert.Watkins2@va.gov](mailto:Robert.Watkins2@va.gov). Any member of the public wishing to attend the meeting or seeking additional information should contact Mr. Watkins at (202) 461-9214.

Dated: October 17, 2010.

By Direction of the Secretary.

**Vivian Drake,**

*Acting Committee Management Officer.*

[FR Doc. 2010-26484 Filed 10-20-10; 8:45 am]

**BILLING CODE P**