

CFR 543.9(d), in that it meets the general requirements contained in 49 CFR 543.5 and the specific content requirements of 49 CFR 543.6. Porsche's petition provides a detailed description and diagram of the identity, design, and location of the components of the antitheft device proposed for installation beginning with the 2012 model year.

The MY 2010 passive antitheft device installed on the Porsche Panamera includes a microprocessor-based immobilizer system, electronic ignition switch, transponder key, remote control unit, alarm/central locking control unit, optional keyless entry system and electronic parking brake. Porsche stated that the central locking system works in conjunction with the audible and visible alarm. Locking the doors with the ignition key, the remote control or a door switch (with the keyless entry option) will activate the audible and visible alarm. An ultrasonic sensor in the alarm system will monitor the doors, rear luggage compartment, front deck lid, fuel filler door, and interior movement. The horn will sound and the lights will flash if there is any detection of unauthorized use. Porsche stated that its immobilizer prevents the engine management system and steering system from functioning when the system is engaged. The immobilizer is automatically activated when the key is removed from the ignition switch assembly, or the optional special keyless entry keycard exits the vehicle with the driver. The immobilizer then returns to its normal "off" state, where engine starting, operation, and steering are inhibited. Starting the engine and operation of the vehicle will be allowed only when the correct code is sent to the control unit by using the correct key in the ignition switch, or by having the correct keyless entry keycard within the occupant compartment of the car. The ignition key contains a radio signal transponder which signals the control unit to allow steering and the engine to start. With the keyless entry system, operation of the vehicle is allowed when the ignition key is substituted with the special keycard that contains a radio signal transmitter similar to the transponder in the standard ignition key.

Porsche also stated that the Panamera line is equipped with an electronic steering column lock and an electronically activated parking brake which is integrated into the vehicle's antitheft device. If the control unit does not receive the correct code from the ignition key or keycard, the parking brake will remain activated and the vehicle cannot be towed.

In its 2012 modification, Porsche stated that it proposes to delete the electronic steering column lock equipped on the exempted vehicle line because the steering column lock is considered redundant by the electronic parking brake that is standard equipment on the line. Porsche proposes to delete the electronic steering lock feature beginning with its MY 2012 vehicles. Porsche stated that its 2012 modified antitheft system will now consist of a microprocessor based immobilizer system which prevents functioning of the engine management system, an activated parking brake system, central locking and an alarm system.

Porsche also stated that with its 2012 modification, the normal state of the applicable control unit is to not allow engine starting or release of the activated parking brake. Only by insertion of the correct key into the ignition switch, or by having the special keyless entry keyfob/device with the occupant compartment of the car is the correct signal sent to the applicable control units, allowing the engine to start and activation of the parking brake to be released. Porsche stated that when the key is removed from the ignition, or the ignition switch/control unit is turned to the ignition lock position and the keyfob exits the vehicle with the driver, the device will return to its normal "off" state, preventing the engine from starting and the parking brake from being released.

Porsche stated that it believes that the planned deletion of the electronic steering column lock from its comprehensive device for the Panamera vehicle line will continue to be as effective as parts-marking and should continue to qualify for an exemption from parts-marking. Since the same aspects of performance (*i.e.*, arming of the device and the immobilization feature) are still provided, the agency believes that the same level of protection is being met. The agency agrees that the deletion of the electronic steering column lock feature should have no effect on functionality of the device's ability to deter theft. Since the agency granted Porsche's exemption for its MY 2010 Panamera vehicle line, there has been no available theft rate data published by the agency for the vehicle line.

The agency has evaluated Porsche's MY 2012 petition to modify the exemption for the Panamera vehicle line from the parts-marking requirements of 49 CFR part 541, and has decided to grant it. The agency believes that the proposed device will continue to provide the five types of performance

listed in § 543.6(a)(3): Promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

If Porsche decides not to use the exemption for this line, it should formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

**Authority:** 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: April 22, 2010.

**Stephen R. Kratzke,**  
*Associate Administrator for Rulemaking.*

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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.

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**SUMMARY:** FMCSA announces its denial of 95 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 exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director Medical Programs, 202-366-4001, U.S. Department of Transportation, FMCSA, 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 vision standard for a renewable 2-year period if it finds "such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption." The procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 95 individual exemption requests on their merit and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published today summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 17 applicants lacked sufficient driving experience during the 3-year period prior to the date of their application: Harlan D. Glaser, George Klopf, Luke R. Lafley, Brian K. La Joie, John L. Langill, Gregg A. Lindberg, John R. Phillips, Joseph A. Ragan, Mark C. Reineke, David J. Schie, David M. Sims, Roland D. Spaniol, Kevin Stein, Richard J. Tomerlin, Thomas L. Tveit, Robert Vanprooyen, Ronald C. Wolfe.

The following 10 applicants had no experience operating a CMV: Kerry V. Ashby, Mickel Brisco, Kevin F. Clark, Ronald Cotton, Alvin T. Graham, Timothy Inman, Yuriy N. Krisihtal, Maria A. Santander, Don L. Steele, Moises L. Vidal.

The following 16 applicants did not have 3 years of experience driving a CMV on public highways with the vision deficiency: Roger D. Alig, Robert Barrozo, Philip M. Casady, Lynn C. Cebular, Kenneth E. Clark, Lucious Green, James Layfield, Dana O. Lundgren, Raymond Meza, Robert L. Moore, Charles Noll, George H. Southland, Herman D. Snoddy, Timothy E. Stevens, Leon Tanksley, George White.

The following 11 applicants did not have 3 years of recent experience driving a CMV with the vision deficiency: Christopher D. Black, Kevin S. Carter, Karen R. Clark, Merogildo De Leon, Louis R. Edwards, Jr., George C.

Jensen, Jesus A. Leon, Dan E. Repogle, Robert W. Sikkila, Kenneth J. Stubbs, Dennis Walowsky.

The following 19 applicants did not have sufficient driving experience during the past 3 years under normal highway operating conditions: James H. Bailey, Johnny J. Campbell, Malcolm J. Celestine, Dale G. Darling, Keith E. Fimon, Raleigh K. Franklin, John E. Gannon, Clarence Hall, Charles R. Hoepfner, Emit Holmes, Levi Kallberg, Robert Key, Christopher D. Linden, Patrick W. Merkel, Gene M. Morris, James L. Putnam, Jr., Donald W. Rich, Rickey E. Rumfield, Gary A. Webb.

One applicant, Eldred L. Lieser, had more than 2 commercial motor vehicle violations during the 3-year review period and/or application process. Each applicant is only allowed 2 moving citations.

Two applicants, Bobby Clark and Charles West, had commercial driver's license suspensions during the 3-year review period for moving violations. Applicants do not qualify for an exemption with a suspension during the 3-year period.

One applicant, Sam E. Goode, did not have an Optometrist/Ophthalmologist willing to state that he is able to operate a commercial vehicle safely with his vision deficiency.

The following 5 applicants were denied for miscellaneous/multiple reasons: Michael A. Georgeff, Joseph Revis, Jr., Lawrence C. Smoak, III, David C. Watson, Paula L. Wharton.

One applicant, Pradeep Singh, was disqualified because his vision deficiency was not stable for the entire 3-year review period.

The following 3 applicants never submitted the required documents: Kenneth A. Adams, Jack Bickley, Brian S. Sikes.

The following 8 applicants met the current federal vision standards. Exemptions are not required for these applicants that meet the current regulations for vision: Terry Appleton, Bernard Braddock, Frederick Bundick, David L. Couch, Douglas A. Jackson, Lee Rapaport, Thomas R. Spicer, Ray A. Thombs, Jr.

Finally, one applicant, Commie Futrell, Jr., was issued a medical certificate for 3 months. Applicants with a medical certificate valid for less than 6 months do not meet the exemption program eligibility criteria.

Issued on: April 19, 2010.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket ID. FMCSA-2009-0011]

**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 19 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 April 27, 2010. The exemptions expire on April 27, 2012.

**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:**

**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