

48693). A request for participation in the Pilot Program must be initiated by the filing of either a preliminary or final application for exemption with the FAA.

The City of San Diego has selected a private operator. The filing date of this preliminary application is September 1, 1999, the date of the last submittal revising the application. The City may negotiate an agreement with the private operator and submit a final application to the FAA for exemption.

If FAA accepts the final application for review, the application will be published in the **Federal Register** for public review and comment for a sixty-day period.

Issued in Washington, DC on September 30, 1999.

Louise E. Maillett,

Acting Associate Administrator for Airports.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Williamson, Travis, Caldwell and Guadalupe Counties, TX

AGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed new location highway/tollway facility, designated as State Highway 130, in Williamson, Travis, Caldwell and Guadalupe Counties, Texas. This notice supersedes any and all previous notices pertaining to proposed State Highway 130 (Segments A, B or C including **Federal Register** 172 [9-4-98]; **Federal Register** 191 [10-2-98] **Federal Register** 230 [12-1-98]).

FOR FURTHER INFORMATION CONTACT: Walter C. Waidelich, District Engineer, Federal Highway Administration, Room 850 Federal Building, 300 East 8th Street, Austin, Texas 78701 Telephone: (512) 916-5988. David C. Kopp, P.E., Texas Turnpike Authority Division, Texas Department of Transportation, 125 E. 11th Street, Austin Texas 78701-2483 Telephone: (512) 936-0980.

SUPPLEMENTARY INFORMATION: State Highway 130, as currently envisioned, is a proposed controlled access highway which will extend from IH 35 at State Highway 195 north of Georgetown in Williamson County, Texas, to IH 10 near Seguin in Guadalupe County, Texas.

State Highway 130 will be located generally parallel to and east of Interstate Highway 35 and the urban areas of Austin, San Marcos, and New Braunfels. The total length of the proposed facility is approximately 90 miles. The proposed State Highway 130 facility is being developed by the FHWA in cooperation with the Texas Turnpike Authority Division (TTA) of the Texas Department of Transportation. Previous Notices for State Highway 130, which were published in the **Federal Register**, the Texas Register and newspapers having general circulation in the project area, indicated that State Highway 130 would be developed in three independent segments and that an environmental impact statement would be prepared for each of the three segments. Subsequent to publication of those notices, FHWA and TTA decided to prepare a single environmental impact statement addressing State Highway 130 in its entirety. This Notice serves to announce that recent decision and FHWA's intent to prepare, in cooperation with TTA, one environmental impact statement for State Highway 130 within the limits described above. All previous notices pertaining to State Highway 130 are hereby superseded.

The purpose of proposed State Highway 130 is to relieve congestion on Interstate Highway 35 and other major transportation facilities within the Austin-San Antonio corridor, improve mobility, and increase accessibility to important public facilities.

A major investment study, addressing the entire length of proposed State Highway 130, was endorsed in July 1997 by the Austin Transportation Study Policy Advisory Committee (now known as the Capital Area Metropolitan Planning Organization), the metropolitan planning organization for the Austin, Texas area.

The proposed facility is being planned as a toll road candidate; thus, in conjunction with the EIS and selection of a preferred alternative, TTA will conduct a toll feasibility study to evaluate the viability of developing the selected alternative as a toll road and financing it, in whole or in part, through the issuance of revenue bonds. The toll road designation will not influence the selection of a preferred alternative. Proposed alternatives, including alternative alignments, will be evaluated for how well they meet the stated purpose and need for the proposed action. Any impacts owing to the toll road designation will be discussed in the environmental impact statement.

The draft EIS will address a build alternative including multiple

alternative alignments along existing and new location rights-of-way. Taking no action, or the "no build" alternative, will also be evaluated in the EIS.

Impacts caused by construction of and operation of State Highway 130 will vary according to the alternative selected. Generally, the project may include construction impacts, socio-economic impacts and impacts to the natural and built environment.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in the proposal. Numerous public meetings have been held for State Highway 130. The most recent meetings were held on February 3, 1998, at Hopewell Middle School in Round Rock, Texas; November 5, 1998, at Barbara Jordan Elementary School in Austin, Texas; December 2, 1998, at the Seguin Coliseum in Seguin, Texas; and on December 8, 1998, at Plum Creek Elementary School in Lockhart, Texas. At these and previous meetings, public comments on the proposed action and alternatives were requested.

Public hearings on the proposed action will be held after publication of the Draft EIS. Public notice will be given of the time and place of the hearings. The Draft EIS will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to proposed State Highway 130 are addressed and all significant issues identified, comments and suggestions are invited from all parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or TTA at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program)

Walter C. Waidelich,

District Engineer, Austin, Texas.

[FR Doc. 99-26241 Filed 10-7-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA-99-6156]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Notice of petitions and intent to grant applications for exemption; request for comments.

SUMMARY: This notice announces the FHWA's preliminary determination to grant the applications of 40 individuals for an exemption from the vision requirements in the Federal Motor Carrier Safety Regulations (FMCSRs). Granting the exemptions will enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

DATES: Comments must be received on or before November 8, 1999.

ADDRESSES: Your written, signed comments must refer to the docket number at the top of this document, and you must submit the comments to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: For information about the vision exemptions in this notice, Ms. Sandra Zywockarte, Office of Motor Carrier Research and Standards, (202) 366-2987; for information about legal issues related to this notice, Ms. Judith Rutledge, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing

Office's database at: <http://www.access.gpo.gov/nara>.

Background

Forty individuals have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Under 49 U.S.C. 31315 and 31136(e), the FHWA may grant an exemption for a renewable 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." Accordingly, the FHWA has evaluated each of the 40 exemption requests on its merits, as required by 49 U.S.C. 31315 and 31136(e), and preliminarily determined that exempting these 33 applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to, or greater than, the level that would be achieved without the exemption.

Qualifications of Applicants

1. Herman Bailey, Jr.

Mr. Bailey is 33 years old and has been employed as a commercial truck driver for 12 years driving straight trucks, as well as one and one half years driving tractor-trailer combinations. He has a history of amblyopia in his right eye secondary to a congenital cataract. Mr. Bailey has 20/20 vision in his left eye. In the ophthalmologist's opinion, "Mr. Bailey has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Bailey holds a West Virginia commercial driver's license (CDL). He has driven commercial vehicles more than 330,000 miles. His official driving record for the past 3 years reflects no traffic violations and no accidents in any vehicle.

2. Mark A. Baisden

Mr. Baisden, 37, has been employed as a commercial truck driver for over 8 years. A 1999 examination indicates Mr. Baisden has amblyopia in his left eye which is "stable and nonprogressive" and "does not affect or impair peripheral vision." His visual acuity in the right eye is 20/15 and his field of vision is full in each eye. In his optometrist's opinion, Mr. Baisden has sufficient vision to perform the driving tasks required for operating a CMV.

Mr. Baisden holds an Ohio CDL. He has driven straight trucks more than 55,000 miles and tractor-trailer combinations 950,000 miles over the last 8 years. His official driving record for the past 3 years reflects no traffic

violations and no accidents in a commercial vehicle.

3. Brad T. Braegger

Mr. Braegger, 47, has amblyopia in his left eye. His vision in the right eye is 20/20 with corrective lens, according to a 1999 examination. His ophthalmologist states, "Mr. Braegger has sufficient vision to perform the driving tasks required to operate a commercial vehicle."

Brad Braegger holds a Utah CDL. He has driven tractor-trailer combination vehicles during a 29-year career. He has operated tractor-trailers for a total of over 3 million miles. His official State driving record reveals no traffic citations or accidents in any vehicle in the last 3 years.

4. Kenneth Eugene Bross

Mr. Bross, 46, has worn a prosthesis in his left eye for approximately 9 years. A 1999 medical examination indicates he has 20/20 corrected vision in his right eye. In the optometrist's opinion, "Mr. Bross has developed excellent adaptive skills and is fully capable of operating a commercial motor vehicle."

Kenneth Bross holds a Missouri CDL with hazardous materials and tank vehicles endorsements. He has operated straight trucks for 30 years and tractor-trailer combinations for 12 years. His official State driving record reflects no moving violations and no accidents in any vehicle in the last 3 years.

5. Erick H. Cotton

Mr. Cotton, 34, suffered an injury to his right eye over 20 years ago. A 1999 medical report indicates that his best corrected visual acuity in his right eye is 20/200. His vision in his left eye with glasses is 20/20. His optometrist states, "Mr. Cotton has adapted very well to the central vision loss and [is] experiencing no difficulty driving a commercial vehicle."

Erick Cotton holds a Michigan CDL with a tank vehicle endorsement. He has driven tractor-trailer combination vehicles for 13 and one half years and over 470,000 miles. His driving record for the past 3 years reflects no traffic violations and no accidents in any type of vehicle.

6. Fletcher E. Creel

Mr. Creel, 55, suffered an injury to his right eye in 1984 which prevents him from meeting the Federal vision standard. He has 20/20 vision in his left eye with correction and full horizontal field of vision. An optometrist examined him in 1999 and stated, "In my opinion, Mr. Creel is able to perform the visual

tasks necessary to operate a commercial vehicle."

Fletcher Creel has 33 years of experience operating tractor-trailer combinations. He holds a California CDL and has driven more than 1.65 million miles in commercial vehicles. His official State driving record contains no accidents or citations in any vehicle over the last 3 years.

7. *Richard James Cummings*

Mr. Cummings, 42, has been employed as a commercial truck driver for 19 years. According to a 1999 examination, Mr. Cummings' right eye was removed in 1993, and he wears a prosthesis. The vision in his left eye is 20/20 with glasses. According to his optometrist, "Mr. Cummings has sufficient vision to drive a commercial vehicle."

Richard Cummings holds an Indiana Chauffeur's License. He has driven straight trucks for 8 years and tractor-trailer combinations for 14 years for a total of over 1 million miles. His official driving record for the past 3 years reflects no traffic violations and no accidents in any vehicle.

8. *Daniel R. Franks*

Mr. Franks, 33, has operated straight trucks and tractor-trailer combinations for approximately 15 years. Because he suffered a retinal detachment in his right eye in 1991, Mr. Franks is unable to meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination by an ophthalmologist reveals Mr. Franks's best-corrected vision in his left eye is 20/20. In the ophthalmologist's opinion, Mr. Franks has sufficient vision to operate a CMV safely.

Mr. Franks holds an Ohio CDL. He has driven straight trucks more than 750,000 miles and tractor-trailer combinations more than 300,000 miles, and his official driving record for the past 3 years contains no traffic violations or accidents in a CMV.

9. *William L. Frigic*

Mr. Frigic, 55, has amblyopia in his right eye. A 1999 examination indicates Mr. Frigic has 20/20 corrected vision in his left eye and light perception in his right eye. According to the optometrist, Mr. Frigic "can perform the driving tasks required to operate a commercial vehicle."

Mr. Frigic holds an Ohio CDL. He has driven straight trucks and tractor-trailer combinations during a 32-year career. He has driven straight trucks nearly 960,000 miles and tractor-trailer combinations 1.35 million miles during that period. His official State driving

record reveals no traffic citations or accidents in a CMV in the last 3 years.

10. *Curtis Nelson Fulbright*

Mr. Fulbright, 57, had a metallic foreign body in his left eye in 1966 that was removed, but resulted in the development of a cataract that was also removed, followed by a retinal detachment. Vision in the left eye is light perception and 20/20 corrected in the right eye, according to a 1999 examination. His ophthalmologist states, "Mr. Fulbright is fully capable of performing the driving tasks required to operate a commercial vehicle."

Curtis Fulbright has a North Carolina CDL. He has 35 years experience operating tractor-trailer combinations and has driven a CMV over 3.5 million miles. His official State driving record reveals no traffic citations or accidents in any vehicle in the past 3 years.

11. *Victor Bradley Hawks*

Mr. Hawks, 36, has been employed as a commercial truck driver for 14 years driving tractor-trailer combinations. According to his optometrist, Mr. Hawks has amblyopia in his left eye. As a result, he cannot meet the vision requirement of 49 CFR 391.41(b)(10).

A December 1998 medical report indicates Mr. Hawks's best corrected vision is better than 20/25 in the right eye. In the optometrist's opinion, Mr. Hawks' "has sufficient visual ability to perform commercial driving tasks in question."

He has driven tractor-trailer combinations for more than 1.8 million miles. Mr. Hawks holds a North Carolina CDL, and his driving record for the past 3 years reflects no traffic violations and no accidents in a commercial vehicle.

12. *Vincent I. Johnson*

Mr. Johnson is a 71-year-old individual who is blind in his right eye as the result of an injury at the age of approximately five years. He has 20/20 vision in his left eye, according to a 1999 examination. The ophthalmologist who conducted the examination indicates Mr. Johnson has sufficient vision to drive a CMV.

Mr. Johnson has a 53-year career operating straight trucks more than 300,000 miles. He holds a District of Columbia CDL and has had no traffic violations or accidents in any vehicle in the past 3 years.

13. *Myles E. Lane, Sr.*

Mr. Lane is a 63-year-old individual who has operated CMVs for over 40 years. He has amblyopia in the left eye. Because of this condition, Mr. Lane is

unable to meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination reveals Mr. Lane has 20/20 corrected vision in his right eye and 20/400 vision in his left eye. The optometrist who conducted the examination states Mr. Lane is "visually able to safely operate a commercial motor vehicle."

Mr. Lane holds a Kentucky CDL with hazardous materials and tank vehicles endorsements. He has driven straight trucks and tractor-trailer combinations approximately 3.4 million miles. His official driving record for the past 3 years contains no moving violations and no accidents.

14. *Dennis J. Lessard*

Mr. Lessard, 37, has a 12-year history of a macular scar in his right eye which limits his central vision. According to a 1999 examination, the vision in his left eye is 20/20 with glasses. His ophthalmologist says Mr. Lessard has sufficient vision to perform the tasks necessary to operate a CMV.

Mr. Lessard holds an Indiana CDL with tank vehicle and hazardous materials endorsements. He has 19 years' experience driving tractor-trailer combination vehicles. His official State driving record contains no traffic violations and no accidents in any vehicle in the past 3 years. Mr. Lessard has driven for Ronwal Transportation, Inc., full-time since 1985 except for a 9-month period in 1994. The company's vice president says, "With his excellent safety habits, work history and driving record, we feel that Mr. Dennis J. Lessard is an asset to us and to the Truck Transportation Industry."

15. *Jon G. Lima*

Mr. Lima, 50, has been blind in his right eye since 1954 due to trauma. The vision in his left eye was 20/20 corrected in a 1999 examination. His ophthalmologist says, "Mr. Lima, in my opinion, has sufficient vision to perform the driving tasks required to operate a commercial vehicle."

Jon Lima holds an Illinois CDL. He has 20 years' experience driving straight trucks and 10 years' experience driving tractor-trailer combinations. His official State driving record contains no traffic violations and no accidents in any vehicle in the past 3 years.

16. *Richard L. Loeffelholz*

Mr. Loeffelholz, 45, has a small central scotoma in his right eye due to an injury he suffered in 1992. He cannot meet the Federal vision requirement, as a result. Mr. Loeffelholz' best corrected vision in his right eye is 20/400 and 20/20 in his left eye, according to a 1999

examination. According to the ophthalmologist, Mr. Loeffelholz' "visual acuity is sufficient to perform the tasks required to operate a commercial vehicle."

Mr. Loeffelholz holds a Wisconsin CDL with a tank vehicle endorsement. He has 27 years' experience operating straight trucks and 10 years' experience operating tractor-trailer combinations. He has driven these CMVs approximately 2 million miles. His official State driving record reveals no traffic violations and one accident in a commercial vehicle. Mr. Loeffelholz was not at fault in the accident and no citation was issued to him. The driver of the other vehicle was cited for failure to yield right of way.

17. Herman Carl Mash

Mr. Mash, 51, is missing his right eye and wears a prosthesis as the result of trauma in the 1960s. His vision in the left eye is 20/20, according to a 1999 examination. His ophthalmologist states, "I certify that in my profession(al) opinion Mr. Mash has sufficient vision to perform the driving test required to operate a commercial vehicle in the state of North Carolina and in interstate commerce."

Herman Carl Mash holds a North Carolina CDL. He has driven tractor-trailer combination vehicles for 14 years and over 1 million miles. His official State driving record reveals no traffic citations or accidents in a CMV in the last 3 years.

18. Joseph M. Porter

Mr. Porter, 36, has an amblyopic right eye. A 1999 examination indicates the vision in his left eye is 20/20 with glasses. The optometrist says, "Mr. Porter will have no visual reason *not* to operate a motor vehicle, commercial and otherwise."

Mr. Porter has a Minnesota CDL. He has driven straight trucks for 18 years and approximately 360,000 miles and tractor-trailer combination vehicles approximately 300,000 miles. There are no traffic violations or accidents in any vehicle in the past 3 years on his official driving record.

19. Richard Rankin

Mr. Rankin, 32, has been blind in his left eye since childhood. A 1999 medical examination indicates that he has 20/20 acuity in his right eye.

According to his ophthalmologist, the vision in his right eye is "completely stable" and the visual field is full in his right eye. In the ophthalmologist's opinion, Mr. Rankin "has done well with vision just out of his right eye" and

can perform the tasks necessary to operate a CMV.

Mr. Rankin has been a professional truck driver for 4 years and has driven straight trucks approximately 100,000 miles. He holds an Ohio CDL, and a review of his State driving record indicates no moving violations and no accidents in any vehicle in the last 3 years.

20. Robert G. Rasicot

Mr. Rasicot, 58, has amblyopia in his left eye. A December 1998 examination indicates the best corrected vision in his right eye is 20/20. His optometrist says, "It is my medical opinion that Robert G. Rasicot has sufficient vision to safely perform the driving tasks required to operate a commercial vehicle."

Mr. Rasicot has a Florida CDL. He has driven straight trucks and tractor-trailer combinations for 34 years. He has driven straight trucks over one million miles and tractor trailer combinations over 650,000 miles. His official State driving record for the past 3 years contains no traffic violations and no accidents in a CMV.

21. A. W. Schollett

Mr. Schollett, 52, has operated CMVs for 25 years. His right eye was removed as the result of an accident approximately 40 years ago, and he is, therefore, unable to meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination by the optometrist reveals Mr. Schollett has 20/15 vision in his left eye with correction. In the optometrist's opinion, Mr. Schollett has sufficient vision to operate a CMV.

A.W. Schollett holds a Colorado CDL. He has driven straight trucks and tractor-trailer combinations for over 1 million miles, and his official driving record for the past 3 years reveals no accidents and no traffic violations in any vehicle.

22. Melvin B. Shumaker

Mr. Shumaker, 58, has amblyopia in his left eye. Because of this condition, he is unable to meet the Federal vision standard in 49 CFR 391.41(b)(10). An optometrist examined Mr. Shumaker in December 1998, and found his best corrected vision is 20/200 in the left eye and 20/20 in the right eye. According to the optometrist, Mr. Shumaker's condition "is certifiably stable and his vision is sufficient for driving commercial vehicles (CMV)."

Melvin Shumaker has operated tractor-trailer combinations for 40 years and over 4 million miles. He holds a Florida CDL, and his official driving record for the past 3 years reflects no

moving violations and no accidents in a CMV.

23. Clark H. Sullivan

Mr. Sullivan, 50, has been blind in his left eye since approximately 1974 due to trauma. A 1999 examination by an ophthalmologist revealed the vision in his right eye to be 20/20 with or without correction. He wears a prosthesis in the left eye. The ophthalmologist stated Mr. Sullivan "will be safe to drive" a CMV.

Mr. Sullivan holds a Louisiana CDL. He has operated tractor-trailer combinations for 30 years and approximately 2.4 million miles. His official State driving record reflects no traffic citations and no accidents for the past 3 years.

24. Wayland O. Timberlake

Mr. Timberlake, 30, suffered a retinal detachment 17 years ago in his right eye due to previous trauma. A 1999 medical examination indicates he has 20/20 minus one vision in his left eye. In the ophthalmologist's opinion, Mr. Timberlake has sufficient vision to operate a CMV.

Wayland Timberlake holds a Texas CDL with a tank vehicle endorsement. He has driven tractor-trailer combinations more than 500,000 miles over the last 5 years, and his official driving record for the past 3 years contains no accidents and no violations in any vehicle.

25. Norman R. Wilson

Mr. Wilson, 51, has a congenital visual defect in his left eye and his visual acuity is finger counting. Therefore, he cannot meet the vision requirement in 49 CFR 391.41(b)(10).

He has 20/20 vision in his right eye, according to a 1999 examination. The ophthalmologist who conducted the examination asserts Mr. Wilson has sufficient vision to drive a CMV.

Mr. Wilson has an Oregon CDL with a tank vehicle endorsement. He has driven straight trucks for 24 years and tractor-trailer combinations for 20 years. His official State driving record for the past 3 years contains no accidents in any vehicle and one traffic violation for "Failure to obey a sign/traffic control device" while driving a CMV.

26. Larry M. Wink

Mr. Wink, 43, has been a commercial driver for 25 years. He has amblyopia in his right eye. His corrected visual acuity is 20/60 in his right eye. Therefore, Mr. Wink is unable to meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination revealed Mr. Wink has 20/20 vision in his left eye with glasses. According to the

optometrist, "he has sufficient vision to perform the driving tasks required to operate a commercial vehicle."

Larry Wink holds a Kentucky CDL with a passenger transportation endorsement. He has driven tractor-trailer combination vehicles approximately 440,000 miles, straight trucks more than 625,000 miles, and buses 4,000 miles. There is one accident in a commercial vehicle on his official driving record in the past 3 years. Mr. Wink was stopped at a traffic light when he was struck from behind. He was not issued a citation for that accident. No moving violations in a commercial vehicle in the last 3 years were found on his record.

27. Jeffrey G. Wuensch

Mr. Wuensch, 34, has amblyopia in his left eye. A 1999 examination by an optometrist revealed the vision in his right eye to be 20/20 with correction. The optometrist stated Mr. Wuensch "has sufficient vision to perform the driving tasks required to operate a commercial vehicle."

Mr. Wuensch holds a Wisconsin CDL with a hazardous materials endorsement. He has operated tractor-trailer combinations for eight years and 200,000 miles. His official State driving record reflects no traffic citations and no accidents in any vehicle for the past 3 years.

28. Jon H. Wurtele

Mr. Wurtele, 60, has operated CMVs for 42 years. He is blind in the right eye due to an accident approximately 40 years ago and therefore cannot meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination indicates Mr. Wurtele has visual acuity in his left eye of 20/20 uncorrected. His optometrist states "I can see no reason why he would not be able to drive a commercial vehicle as long as he has the proper accessories such as outside mirrors."

Jon Wurtele has a Nebraska CDL. He has driven straight trucks and tractor-trailer combination vehicles for 42 years and approximately 3.5 million miles. His official State driving record reveals no accidents or citations for a moving violation in any vehicle for the past 3 years.

29. Walter M. Yohn, Jr.

Mr. Yohn, 28, suffered trauma in his left eye in 1993 and is visually impaired, as a result. Because of this eye condition, Mr. Yohn is unable to meet the Federal vision requirement. He has 20/20 corrected vision in his right eye, according to a 1999 examination. In his optometrist's opinion, Mr. Yohn has

"sufficient vision to perform the driving tasks required to operate a commercial vehicle."

Walter M. Yohn holds an Alabama CDL. He has been a professional truck driver for 7 years operating straight trucks. His official State driving record contains no moving violations and no accidents in any vehicle in the last 3 years.

30. Steven H. Heidorn

Mr. Heidorn, 56, has been employed as a commercial truck driver for forty years. He holds an Indiana Chauffeurs License, and has driven straight trucks over 320,000 miles and tractor trailer combination vehicles over 2.25 million miles. He has been blind in the left eye since 1995, as the result of a retinal detachment. His optometrist states that his condition is stable and should not lessen his ability to operate any vehicle. His official driving record contains no accidents or citations of any kind.

31. James Donald Simon

Mr. Simon, 42, is blind in his left eye and wears a prosthesis due to an injury suffered when he was a child. The vision in his right eye is 20/20 without correction, according to a 1999 examination. His optometrist says he has sufficient vision to operate a commercial vehicle.

James Simon holds a Florida CDL. He has driven tractor-trailer combinations over 890,000 miles and straight trucks nearly 750,000 miles. His official driving record contains one moving traffic violation in the past 3 years. In 1997, Mr. Simon was convicted of a non-serious speeding violation in a commercial vehicle.

32. William A. Bixler

Mr. Bixler, 48, is blind in his right eye as the result of an injury which took place in 1955. A 1998 medical report indicates he has 20/20 vision in his left eye without correction. In his optometrist's opinion, Mr. Bixler is capable of operating a CMV, because "he has adapted his head turning ability to compensate for the loss in his visual field."

William Bixler has 23 years' experience operating straight trucks and 4 years' experience operating tractor-trailer combinations, accumulating almost 1.15 million miles. He has a Pennsylvania CDL and his official driving record reveals no traffic citations or accidents in any vehicle in the past 3 years.

33. Woodrow E. Bohley

Mr. Bohley is a 35 year-old individual who has operated buses for 13 years.

Because he has amblyopia in his left eye, Mr. Bohley is unable to meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination by the optometrist reveals Mr. Bohley's best corrected vision in his right eye is 20/20, and no pathological conditions were detected during this examination. In the optometrist's opinion, Mr. Bohley has adequate vision to operate a CMV safely.

Mr. Bohley holds a Missouri commercial driver's license (CDL). He has driven more than 455,000 miles, and his official driving record for the past 3 years contains no accidents or traffic violations in any vehicle.

34. George L. Silvia

Mr. Silvia, 44, is blind in his left eye due to an injury suffered 30 years ago. A 1999 medical examination indicates that he has 20/25 uncorrected acuity in his right eye and 20/100 acuity in his left eye. According to his optometrist, "Mr. Silvia has sufficient vision to operate a commercial vehicle and he has no medical conditions which would compromise his visual field."

Mr. Silvia has been a professional truck driver for 25 years and has driven tractor-trailer combinations more than 625,000 miles. He holds a North Carolina CDL. A review of his State driving record indicates no moving violations and no accidents in any vehicle in the last 3 years.

35. Martin Postma

Mr. Postma, 45, has been employed as a commercial truck driver for 20 years. He has 20/400 vision in his left eye due to amblyopia and therefore cannot meet the vision requirement of 49 CFR 391.41(b)(10).

A 1999 examination indicates Mr. Postma has 20/20 corrected visual acuity in his right eye. According to his optometrist, "Mr. Postma has developed all the skills necessary to adapt" to his condition and the examination "demonstrates all the skills necessary to operate a commercial vehicle."

Mr. Postma holds an Illinois CDL. He has driven tractor-trailer combination vehicles for 20 years and over 1.7 million miles. His official driving record for the past 3 years reflects no traffic violations and no accidents in any vehicle.

36. Steven L. Valley

Mr. Valley, 48, has no central vision in his left eye due to a central retinal vein occlusion. A 1999 examination indicates the best corrected vision in his right eye is 20/20+. His optometrist says, that his condition "has and should remain stable. Thus, I would state that

Mr. Valley is quite capable of performing his commercial vehicle driving tasks as he has in the past."

Mr. Valley has a Maine CDL. He has driven straight trucks for 8 years and tractor-trailer combinations for 5 years, accumulating over 400,000 miles. His official State driving record for the past 3 years contains no traffic violations and no accidents in a CMV.

37. Phillip P. Smith

Mr. Smith, 43, has been employed as a commercial bus driver for 21 years. According to his optometrist, Mr. Smith has amblyopia in his right eye and his best corrected visual acuity in right eye is finger counting at 15 feet. As a result, he cannot meet the vision requirement of 49 CFR 391.41(b)(10).

A 1999 medical report indicates Mr. Smith's best corrected vision is 20/20-1 in the left eye. In the optometrist's opinion, Mr. Smith's "central vision is excellent OS (left) and the field of vision is a full 180 degrees OU (both eyes), (therefore) I see no reason that his vision should cause any undo risk for commercial or personal driving to himself or to others."

He has driven buses for more than 315,000 miles. Mr. Smith holds a Kentucky CDL, and his driving record for the past 3 years reflects no traffic violations and one accident in a commercial vehicle. Mr. Smith was not charged with any violation in the accident, and there were no injuries.

38. Robert W. Nicks

Mr. Nicks, 47, has been employed as a commercial truck driver for 28 years, driving straight trucks as well as tractor-trailer combinations. He has amblyopia in his right eye. Mr. Nicks has 20/20 corrected vision in his left eye. In the optometrist's opinion, Mr. Nicks has sufficient vision to safely operate a commercial vehicle. Mr. Nicks holds a New York CDL. He has driven commercial vehicles more than 1 million miles. His official driving record for the past 3 years reflects no traffic violations and no accidents in any vehicle.

39. Frank T. Miller

Mr. Miller, 50, has a long-standing central scar in his left eye, leaving visual acuity in that eye of 20/100. A 1999 examination by an optometrist revealed the vision in his right eye to be 20/20 with or without correction. The optometrist stated Mr. Miller's "condition is stable, and I see no reason that he should not be able to safely operate a commercial motor vehicle."

Mr. Miller holds an Ohio CDL. He has operated tractor-trailer combinations for

25 years. His official State driving record reflects no accidents in a CMV for the past 3 years. His record does show 2 speeding violations in a commercial vehicle in the last 3 years. Both were non-serious violations, under 15 mph over the posted speed limit.

40. Roger Allen Dennison

Mr. Dennison, 62, has been driving straight trucks approximately 50,000 miles per year for the past 30 years. Mr. Dennison holds an Illinois CDL. He has amblyopia in his left eye. His vision is correctable to 20/30 in the right eye. According to his optometrist, Mr. Dennison has sufficient vision to perform the driving tasks required to operate a CMV. His official driving record shows no accidents or citations in a commercial vehicle.

Basis for Preliminary Determination To Grant Exemptions

Independent studies support the principle that past driving performance is a reliable indicator of an individual's future safety record. The studies are filed in FHWA Docket No. FHWA-97-2625 and discussed at 63 FR 1524, 1525 (January 9, 1998). We believe we can properly apply the principle to monocular drivers because data from the vision waiver program clearly demonstrate the driving performance of monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, March 26, 1996.) That monocular drivers in the waiver program demonstrated their ability to drive safely supports a conclusion that other monocular drivers, with qualifications similar to those required by the waiver program, can also adapt to their vision deficiency and operate safely.

The 40 applicants represented here have qualifications similar to those possessed by drivers in the waiver program. Their experience and safe driving record operating CMVs demonstrate that they have adapted their driving skills to accommodate their vision deficiency. Since past driving records are reliable precursors of the future, there is no reason to expect these individuals to drive less safely after receiving their exemptions. Indeed, there is every reason to expect at least the same level of safety, if not a greater level, because the applicants can have their exemptions revoked if they compile an unsafe driving record.

For these reasons, the FHWA believes exempting the individuals from 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to, or greater than, the level that would be achieved without the exemption as long as vision in their

better eye continues to meet the standard specified in § 391.41(b)(10). As a condition of the exemption, therefore, the FHWA proposes to impose requirements on the individuals similar to the grandfathering provisions in 49 CFR 391.64(b) applied to drivers who participated in the agency's former vision waiver program.

These requirements are: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that vision in the better eye meets the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests the individual is otherwise physically qualified under 49 CFR 391.41; (2) 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 (3) that each individual provide a copy of the annual medical certification to his or her employer for retention in its driver qualification file or keep a copy in his or her driver qualification file if he or she becomes self-employed. The driver must also have a copy of the certification when driving so it may be presented to a duly authorized Federal, State, or local enforcement official.

In accordance with 49 U.S.C. 31315 and 31136(e), the proposed exemption for each person will be valid for 2 years unless revoked earlier by the FHWA. 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. 31315 and 31136. If the exemption is effective at the end of the 2-year period, the person may apply to the FHWA for a renewal under procedures in effect at that time.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), the FHWA is requesting public comment from all interested persons on the exemption petitions and the matters discussed in this notice. All comments received before the close of business on the closing date indicated above will be considered and will be available for examination in the docket room at the above address. Comments received after the closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue exemptions from the vision requirement to the 40 applicants and publish in the **Federal Register** a notice of final determination at any time after the close of the

comment period. In addition to late comments, the FHWA will also continue to file in the docket relevant information which becomes available after the closing date. Interested persons should continue to examine the docket for new material.

Authority: 49 U.S.C. 31136 and 31315; 23 U.S.C. 315; 49 CFR 1.48.

Issued on: September 29, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 99-26284 Filed 10-7-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-99-5143, Notice No. 99-10]

Study of the Applicability of Hazard Analysis and Critical Control Points (HACCP) or Similar Methodologies to the Transportation of Hazardous Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of public meeting; request for comments.

SUMMARY: This notice advises interested persons of an exploratory meeting with stakeholders in industry, government, and the public to obtain input concerning a study on the applicability of Hazard Analysis and Critical Control Points (HACCP) or similar methodologies for managing risks posed by hazardous materials transportation. RSPA anticipates that the study will lead to voluntary, "best-practices" risk management techniques applicable to the various parties involved in hazardous materials transportation, and may eventually identify a need for changes to the current regulatory system.

DATES: Public Meeting Date: RSPA's contractor, ICF Consulting, will host the public meeting on November 4-5, 1999. The meeting will be held on November 4 from 1:00 p.m. to 5:00 p.m. and on November 5 from 8:30 a.m.-3:00 p.m.

Comment Date: Comments or suggestions should be submitted on or before November 30, 1999.

ADDRESSES: Public Meeting: The public meeting will be held at the Transportation Research Board, Green Building, 2001 Wisconsin Avenue, N.W., Washington, D.C.

Written Comments: Address comments to the Dockets Unit, U.S. Department of Transportation, Room PL

401, 400 Seventh St., SW, Washington, D.C. 20590-0001. Comments should identify the docket and notice numbers (Docket No. RSPA-99-5143; Notice No. 99-10) and be submitted in two copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. Comments may also be submitted to the docket electronically by logging onto the Dockets Management System website at <http://dms.dot.gov>. Click on "Help & Information" to obtain instructions for filing the document electronically. In every case, the comment should refer to the Document number "RSPA-99-5143".

The Dockets Unit is located on the Plaza Level of the Nassif Building at the U.S. Department of Transportation at the above address. Public dockets may be reviewed between the hours of 10 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. Internet users may access all comments received by the U.S. Department of Transportation by using the Universal Resource Locator (URL) at <http://dms.dot.gov>. An electronic copy of the document may be downloaded using modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661.

FOR FURTHER INFORMATION CONTACT: Jean Hoff, ICF Consulting, telephone number (703) 934-3045 or via email at jhoff@icfconsulting.com; or A. Douglas Reeves, Research and Special Programs Administration, telephone number (202) 366-4545 or via email at douglas.reeves@rspa.dot.gov.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Scott Holland at (202) 366-0002 as soon as possible.

SUPPLEMENTARY INFORMATION:

Background

The Hazard Analysis and Critical Control Points (HACCP) system, first developed by the Pillsbury Company in cooperation with the National Aeronautics and Space Administration, consists of the following steps: (1) Analyze hazards, (2) identify critical control points, (3) establish preventive measures with critical limits for each control point, (4) establish procedures to monitor critical control points, (5) establish corrective actions to take when monitoring shows that a critical limit has not been met, (6) establish procedures to verify that the system is working properly, and (7) establish effective recordkeeping. While the most

recent experience in broadening the application of the concept occurs with respect to food safety, the HACCP approach may have relevance in other safety systems, including hazardous materials transportation. In addition, other risk management techniques may prove to have potential for adaptation in the latter context.

The Vice President's National Performance Review urged implementation of HACCP based systems to ensure food manufacturers identify points where contamination is likely to occur and implement process controls to prevent it. On December 18, 1995, the Food and Drug Administration published a final rule, effective on December 18, 1997, that requires processors of fish and fishery products to develop HACCP systems for their operations. The Department of Agriculture also has applied this methodology to the meat and poultry industry effective January 26, 1998.

Study Description

RSPA has contracted with ICF Consulting, Fairfax, VA, to study the applicability of HACCP or similar methodologies to the transportation of hazardous materials. The study encompasses two overriding goals: (1) To examine the risk management aspects of hazardous materials transportation to determine how HACCP or similar methodologies might play a role, and (2) To undertake one or two pilot applications of HACCP or similar methodologies to better understand their practical applicability and usefulness in promoting the safe transportation of hazardous materials. Performance of the contract will be over a one-year period.

The work being performed by ICF Consulting for RSPA consists of the following tasks, which RSPA expects may be refined as efforts proceed and as a result of public input:

(1) *Exploratory Meeting.* Conduct an open meeting with stakeholders in industry, government, and the public to solicit ideas, input, and support.

(2) *Current System Evaluation.* Characterize elements of hazardous materials transportation that involve hazard analysis and generically identify control points within the program. Perform this task from the perspective of the various participants: industry (shippers, carriers, and associations), government (regulators and emergency response personnel), and the public. Look at variations depending on mode of transportation and materials involved. Compare on-going programs and efforts, including those of the Chemical Manufacturers Association