

DEPARTMENT OF TRANSPORTATION**Office of Motor Carrier Safety**

[OMCS Docket No. 99-5748 (formerly FHWA Docket No. 99-5748)]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Office of Motor Carrier Safety (OMCS), DOT.

ACTION: Notice of final disposition.

SUMMARY: The OMCS announces its decision to exempt 33 individuals from the vision requirement in 49 CFR 391.41(b)(10).

DATES: November 30, 1999.

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.

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Background

The Secretary has rescinded the authority previously delegated to the Federal Highway Administration to perform motor carrier functions and operations. This authority has been redelegated to the Director, Office of Motor Carrier Safety (OMCS), a new office within the Department of Transportation (64 FR 56270, October 19, 1999). This explains the docket transfer. The new OMCS assumes the motor carrier functions previously performed by the FHWA's Office of

Motor Carrier and Highway Safety (OMCHS). Ongoing rulemaking, enforcement, and other activities of the OMCHS, initiated while part of the FHWA, will be continued by the OMCS. The redelegation will cause no changes in the motor carrier functions and operations of the offices or resource centers.

Thirty-three individuals petitioned the FHWA for an exemption of the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of commercial motor vehicles (CMVs) in interstate commerce. The OMCS is now responsible for processing the vision exemption applications of the 33 drivers. They are Terry James Aldridge, Jerry D. Bridges, Michael L. Brown, Duane D. Burger, Charlie Frank Cook, Greg L. Dinsmore, Donald D. Dunphy, Ralph E. Eckels, Jerald C. Eyre, Russell W. Foster, Arnold D. Gosser, Eddie Gowens, Gary R. Gutschow, Richard J. Hanna, Jack L. Henson, Richard K. Jensrud, David R. Jesmain, Albert E. Malley, Clifford E. Masink, Tyrone O. Mayson, Rodney M. Mimbs, Charles E. O'Dell, Richard W. O'Neill, Jerry L. Reese, Frances C. Ruble, Johnny L. Stiff, Robert J. Townsley, Thomas R. Trumpeter, Steven M. Veloz, Thomas E. Walsh, James T. White, Harry Ray Littlejohn, and Mark K. Cheely. Under 49 U.S.C. 31315 and 31136(e), the OMCS (and previously 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 OMCS evaluated the petitions on their merits and made a preliminary determination that the waivers should be granted. On July 26, 1999, the agency published notice of its preliminary determination and requested comments from the public (64 FR 40404). The comment period closed on August 25, 1999. Three comments were received, and their contents were carefully considered by the OMCS in reaching the final decision to grant the petitions.

Vision And Driving Experience of the Applicants

The vision requirement in 49 CFR 391.41(b)(10) provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye,

and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

Since 1992, the FHWA has undertaken studies to determine if this vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70° to 120°, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Paul Aiello, M.D., and James W. Rosenberg, M.D., "Visual Requirements and Commercial Drivers," October 16, 1998, filed in the docket). The panel's conclusion supports the OMCS' (and previously the FHWA's) view that the present standard is reasonable and necessary as a general standard to ensure highway safety. The OMCS also recognizes that some drivers do not meet the vision standard but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 33 applicants fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, retinal detachment, macular defect, and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but seven applicants were either born with their vision impairments or have had them since childhood. The seven individuals who sustained their vision conditions as adults have had them for periods ranging from 5 to 34 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye and, in a doctor's opinion, can perform all the tasks necessary to operate a CMV. The doctors' opinions are supported by the applicants' possession of a valid commercial driver's license (CDL). Before issuing a CDL, States subject drivers to knowledge and performance tests designed to evaluate their qualifications to operate the CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State. The Federal interstate qualification standards, however, require more.

While possessing a valid CDL, these 33 drivers have been authorized to drive a CMV in intrastate commerce even though their vision disqualifies them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from

4 to 45 years. In the past 3 years, the 33 drivers had only one conviction for a traffic violation among them and that was a non-moving offense. Five drivers were involved in accidents in their CMVs, but there were no injuries and only one of the CMV drivers received a citation which was later dismissed under local authority.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in a July 26, 1999, notice (64 FR 40404). Since the docket comments did not focus on the specific merits or qualifications of any applicant, we have not repeated the individual profiles here. Our summary analysis of the applicants as a group, however, is supported by the information published at 64 FR 40404.

Basis for Exemption Determination

Under 49 U.S.C. 31315 and 31136(e), the OMCS may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting these drivers to drive in interstate commerce as opposed to restricting them to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, the OMCS considered not only the medical reports about the applicants' vision but also their driving records and experience with the vision deficiency. Recent driving performance is especially important in evaluating future safety according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of accidents and traffic violations. Copies of the studies have been added to the docket.

We believe we can properly apply the principle to monocular drivers because data from the vision waiver program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, 13345, March 26, 1996). That experienced monocular drivers with good driving records in the waiver program demonstrated their ability to drive safely supports a conclusion that

other monocular drivers, meeting the same qualifying conditions to those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that accident rates for the same individual exposed to certain risks for two different time periods vary only slightly. (See Bates and Neyman, University of California Publications in Statistics, April 1952.) Other studies demonstrated theories of predicting accident proneness from accident history coupled with other factors. These factors, such as age, sex, geographic location, mileage driven and conviction history, are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future accidents. (See Weber, Donald C., "Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process," Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall accident predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 33 applicants, we note that cumulatively the applicants have had only six accidents and one non-moving traffic violation in the last 3 years. None of the violations involved a serious traffic violation as defined in 49 CFR 383.5, and neither of the accidents resulted in bodily injury. In one of the accidents, a citation was issued, but was later dismissed under local authority. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, the OMCS concludes their ability to drive safely can be projected into the future.

We believe applicants' intrastate driving experience provides an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on

highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exist on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances are more compact than on highways. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 4 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he or she has been performing in intrastate commerce. Consequently, the OMCS finds that exempting applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the agency will grant the exemptions for the 2-year period allowed by 49 U.S.C. 31315 and 31136(e).

We recognize that the vision of an applicant may change and affect his/her ability to operate a commercial vehicle as safely as in the past. As a condition of the exemption, therefore, the OMCS will impose requirements on the 33 individuals consistent with the grandfathering provisions applied to drivers who participated in the agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) By an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) By a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) That each individual 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 the employer for retention in its driver qualification file, or keep a copy in his/her driver qualification file if he/she is 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.

Discussion of Comments

The OMCS received three comments in this proceeding. Each comment was considered and is discussed below.

The wife of a Florida truck driver supports a change to the Federal vision requirements for operating CMVs in interstate commerce citing the economic hardship imposed on her family because her husband is restricted to driving only in Florida. In support of her position, she cites her husband's good driving record and suggests that his vision problem has made him a more vigilant driver. As stated above, the OMCS believes that the present standard is reasonable and necessary as a general standard to ensure highway safety. The OMCS recognizes, however, that some drivers who do not meet the vision standard have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely and therefore, supports the granting of individual exemptions from 49 CFR 391.41(b)(10) on a case-by-case evaluation.

In another comment, Advocates for Highway and Auto Safety (AHAS) expresses continued opposition to the FHWA's policy to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs) including the driver qualification standards. Specifically, the AHAS: (1) Asks the agency to clarify the consistency of the exemption application information provided at 64 FR 40404, (2) Objects to the agency's reliance on conclusions drawn from the vision waiver program, (3) Suggests that the criteria used by the FHWA for considering exemptions is flawed, (4) Raises procedural objections to this proceeding, (5) Claims the agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31315 and 31136(e)), and finally, (6) Suggests that a recent Supreme Court decision affects the legal validity of vision exemptions.

On the first issue regarding clarification of exemption application information, the AHAS points to what it sees as "inconsistencies and differences in the types of information" provided in individual applications. The AHAS questions why the FHWA omitted information on mileage driven for 11 of the 33 applicants, total years of experience for applicant 32 (Harry Ray Littlejohn), and the vision in the better eye for applicant 3 (Michael L. Brown). In the case of applicant 3, the agency inadvertently left out the information on the vision in the better eye which was 20/30 with correction. Otherwise, this difference in the presentation of information simply reflects the OMCS' case-by-case assessments of individual applications. Total mileage driven was provided as an indicator of overall CMV experience. The omission of total mileage information for 11 of the 33

applicants is not significant since all 33 applicants have 3 years of experience operating a CMV with their vision deficiency in a period recent enough for the OMCS to verify their safety records. Applicant 32, whose application information on total years of experience was left out, has 27 years experience operating a CMV.

Other apparent inconsistencies identified by the AHAS, such as, the use of different terminology describing the driving records of applicants, reflects the agency's case-by-case assessments of individual applications as to whether there were any accidents or traffic violations in CMV in the past 3 years. Regardless of how the agency states this information—that is, in a CMV, in any vehicle or no accidents or violations, it indicates that the applicant has not had an accident or traffic violation in a CMV in the last 3 years. The use of different terminology is not, as the AHAS suggests, an attempt by the OMCS to manipulate information in such a way as to "put the best possible appearance on each petition for exemption."

Specific information provided on the 6 accidents and one non-moving violation of the 33 applicants is a presentation of the facts as we know them and not any attempt to downplay or explain away accidents and citations as the AHAS suggests. Regarding applicant 16 (Richard K. Jensrud) who was initially cited for an accident which was later dismissed under local authority, the FHWA is not questioning the judgment of the police officer at the scene of the accident or the validity of the citation, as AHAS suggests, but merely reporting the facts of the case. Furthermore, information presented indicating that applicant 16 drove 1.8 million miles in 6 years is an error. The information at 64 FR 40404 should have indicated that this applicant drove 50,000 per year for a total of 300,000 miles.

The second issue raised by the AHAS, which questions the agency's reliance on conclusions drawn from the vision waiver program, was addressed at length in the agency's final decision to exempt 32 individuals from the vision requirement in 49 CFR 391.41(b)(10). (64 FR 51568, September 23, 1999) In that notice, the FHWA's position, based on various assessments of external and internal validity, was that the results generated by the waiver program have a high degree of validity and therefore, support inferences drawn from the results of the waiver program. The notice also clarifies that the target of inference in the waiver program was the process of granting waivers, and that if the inferences drawn from these results

focus on the process tested, the conclusions are valid. Thus, the application of the waiver program to future screening is also justified.

In its third point, the AHAS contends that the criteria used by us for considering exemptions is flawed because the exemption criteria includes consideration of an applicant's driving history for a three-year period and disregards FMCSRs which would require reliance upon a ten-year driving history. The AHAS believes that drivers exempted from the Federal vision standard are "also exempted from reporting convictions for disqualifying offenses that took place more than 3 years prior to the application." As the agency has already discussed at 64 FR 51568, there is no basis for that belief. The exemption granted to these applicants applies only to the qualification standard in 49 CFR 391.41(b)(10). The exempted drivers are subject to all other regulations including all the CDL and other qualification standards.

In its fourth point, the AHAS raises procedural objections to this proceeding, claiming that there is no statutory basis for making a preliminary determination which tends to pre-judge the outcome. We believe, as previously stated at 64 FR 51568, that its preliminary determination is analogous to a notice of proposed rulemaking, where the agency evaluates the basis for new or amended regulation and then proposes that new rule. Under the agency's vision exemption process, completed applications are evaluated and only when the agency proposes to grant a petition is the proposal and the analysis in support of the application published for public comment. More than 170 applications have been denied outright. Denials will be summarized periodically and published in the **Federal Register**, consistent with 49 U.S.C. 31315 and 31136(e).

In its fifth point, the AHAS argues that the agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31315 and 31136(e)) by considering them slightly more lenient than the previous law. As previously stated in 64 FR 51568, this was unquestionably the intention of Congress in drafting section 4007 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, 112 Stat.107, (See 63 FR 67601, quoting from H.R. Conf. Rep. No. 105-550, at 489-490).

The AHAS' final point suggesting that the recent Supreme Court decision, *Albertsons, Inc. v. Kirkingburg*, 119 S.Ct. 2162 (June 22, 1999) affects the legal validity of vision exemptions is without

support. This case is significant because of the Court's treatment of various provisions of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 12101 *et seq.*), and the fact that this decision significantly narrows application of the ADA. In this case, Mr. Kirkingburg was fired by his employer, Albertsons, after a re-examination in 1992 determined that he did not meet the Federal vision requirements. Mr. Kirkingburg obtained a waiver of the vision standard from the FHWA in 1993, which allowed him to operate a CMV in interstate commerce. However, Albertsons would not rehire him because it did not view the vision waiver as a substitute for the vision standard. Mr. Kirkingburg sued Albertsons claiming his firing violated the ADA. Since the ADA does not apply to the Federal regulations, the decision did not directly affect the agency's motor carrier safety program. Under the court's ruling, a motor carrier may require that its drivers meet all physical qualification requirements in 49 CFR 391 as a condition of employment. The employer is not required to accept an OMCS exemption as a substitute for compliance with a physical qualification standard. This finding is consistent with 49 CFR 390.3(d) of the FMCSRs which allows carriers to establish more stringent safety requirements. As a result, the OMCS will continue to issue exemptions from the vision standard to drivers who demonstrate an ability to drive safely with their vision condition. However, after making that safety determination, the OMCS has no power to require motor carriers to hire drivers with vision exemptions.

In its comments, the American Trucking Associations, Inc. (ATA) opposes the agency's preliminary determination to grant these 33 exemptions. The ATA states that its opposition has been continuous and cites written comments to the docket in support of its position. Although the ATA expressed opposition to the broad issuance of vision waivers in its comments to the FHWA docket MC-96-2 (61 FR 13338, March 26, 1996), the ATA stated, "it would support a case-by-case evaluation that considered the merits of individual waived drivers." That is precisely what the agency has done in the case of these 33 applicants for exemptions from 49 CFR 391.41(b)(10). The previous discussion explains that the agency's preliminary determination that these individuals have demonstrated an ability to drive safely with their vision deficiency is based on a case-by-case evaluation of

the merits of each applicant. Current medical reports about each applicant's vision, driving records and experience have been evaluated for each applicant.

Notwithstanding its opposition to the granting of vision exemptions, the ATA recommends that if the agency decides to exempt drivers from the vision requirements that it require exempted drivers to have "annual medical examinations and annual vision checks by an optometrist or ophthalmologist." The previous discussion states specifically that, as a condition of the exemption, a driver must be examined every year by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41.

The ATA further recommends, in the case of recordable accident involvement, that exempted drivers report such involvement directly to the agency and undergo a medical examination prior to returning to driving a CMV. Although the OMCS does not require the reporting of accidents by exempted drivers, it does monitor the performance of these drivers through periodic checks of their motor vehicle records and, if necessary, can take action relative to a particular accident. Regarding a post-accident medical examination, current regulations, specifically 49 CFR 391.45(c), already require drivers operating in interstate commerce, including these exempted drivers, to be medically examined and certified as qualified to operate a CMV any time their ability to perform their duties is impaired by a physical or mental condition.

In its final comment, the ATA recommends that the agency "clarify its predominance over the Americans with Disabilities Act as it applies to safety-sensitive jobs and tasks by: (1) Issuing a notice in (the) **Federal Register** summarizing the aforementioned Supreme Court case (*Albertsons, Inc. v. Kirkingburg*, 119 S.Ct. 2162 (June 22, 1999)), as it applies to FHWA's vision waiver/exemption program; and (2) amending 49 CFR 391.64 to clarify that a employer still retains the right to consider a driver who fails FHWA's vision requirements, as medically unqualified to operate a CMV in interstate commerce."

As previously discussed, the decision in *Albertsons, Inc. v. Kirkingburg* significantly narrows the application of the ADA. Since the ADA does not apply to the FMCSRs, this decision does not affect the OMCS' motor carrier safety

programs, including its process for granting vision exemptions. Moreover, the agency does not require employers to incorporate the exemptions in their employment practices. In fact, current regulations allow employers to establish more stringent safety requirements than those of the agency (49 CFR 390.3(d)), making an amendment to 49 CFR 391.64, as ATA suggests, unnecessary.

Notwithstanding the OMCS' ongoing review of the vision standard, as evidenced by the medical panel's report dated October 16, 1998, and filed in this docket, the OMCS must comply with *Rauenhorst v. United States Department of Transportation, Federal Highway Administration*, 95 F.3d 715 (8th Cir. 1996), and grant individual exemptions under standards that are consistent with public safety. Meeting those standards, the 33 veteran drivers in this case have demonstrated to our satisfaction that they can continue to operate a CMV with their current vision safely in interstate commerce because they have demonstrated their ability in intrastate commerce. Accordingly, they qualify for an exemption under 49 U.S.C. 31315 and 31136(e).

Conclusion

After considering the comments to the docket and based upon its evaluation of the 33 waiver applications in accordance with *Rauenhorst v. United States Department of Transportation, Federal Highway Administration, supra*, the OMCS exempts Terry James Aldridge, Jerry D. Bridges, Michael L. Brown, Duane D. Burger, Charlie Frank Cook, Greg L. Dinsmore, Donald D. Dunphy, Ralph E. Eckels, Jerald C. Eyre, Russell W. Foster, Arnold D. Gosser, Eddie Gowens, Gary R. Gutschow, Richard J. Hanna, Jack L. Henson, Richard K. Jensrud, David R. Jesmain, Albert E. Malley, Clifford E. Masink, Tyrone O. Mayson, Rodney M. Mimbs, Charles E. O'Dell, Richard W. O'Neill, Jerry L. Reese, Frances C. Ruble, Johnny L. Stiff, Robert J. Townsley, Thomas R. Trumpeter, Steven M. Veloz, Thomas E. Walsh, James T. White, Harry Ray Littlejohn, and Mark K. Cheely from the vision requirement in 49 CFR 391.41(b)(10), subject to the following conditions: (1) That each individual be physically examined every year (a) By an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) By a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) That each individual 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 the employer for retention in its driver qualification file, or keep a copy in his/her driver qualification file if he/she is 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), each exemption will be valid for 2 years unless revoked earlier by the OMCS. 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 still effective at the end of the 2-year period, the person may apply to the OMCS for a renewal under procedures in effect at that time.

Authority: 49 U.S.C. 322, 31315 and 31136; 49 CFR 1.73.

Julie Anna Cirillo,

Acting Director, Office of Motor Carrier Safety.

[FR Doc. 99-31062 Filed 11-29-99; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

November 19, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before December 30, 1999 to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512-0536.

Form Number: None.

Type of Review: Extension.

Title: Notification to Fire Marshal and Chief, Law Enforcement Officer of Storage of Explosive Materials.

Description: Title 18 U.S.C., Chapter 40, gives the Secretary of Treasury authority to issue regulations intended to help prevent accidents involving explosives. The collection of information contained herein is necessary for the safety of emergency response personnel responding to fires at sites where explosives are stored.

Respondents: Business or other for-profit, Individuals or households, Farms, State, Local or Tribal Government.

Estimated Number of Respondents: 10,057.

Estimated Burden Hours Per Respondent: 90 minutes.

Frequency of Response: Semi-annually.

Estimated Total Reporting Burden: 60,342 hours.

OMB Number: 1512-0537.

Form Number: ATF F 5154.3.

Type of Review: Extension.

Title: Bond for Drawback Under 26 U.S.C. 5131.

Description: Businesses that use taxpaid alcohol to manufacture nonbeverage products may file a claim for drawback (refund or remittance). Claims may be filed monthly or quarterly. Monthly claimants must file a bond on ATF F 5154.3 to protect the Government's interest.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 60.

Estimated Burden Hours Per Respondent: 12 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 12 hours.

Clearance Officer: Robert N. Hogarth (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW, Washington, DC 20226.

OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 99-30976 Filed 11-29-99; 8:45 am]

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DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

November 19, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before December 30, 1999 to be assured of consideration.

Bureau of the Public Debt (PD)

OMB Number: 1535-0052.

Form Number: PD F 1011.

Type of Review: Extension.

Title: Resolution Authorizing (1) Disposition of Securities Held by Organization, and (2) Execute and Delivery of Bonds of Indemnity.

Description: Form PD F 1011 is used by an organization to dispose of securities and/or execute bonds of indemnity.

Respondents: Not-for-profit institutions, business or other for-profit.

Estimated Number of Respondents: 485.

Estimated Burden Hours per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 243 hours.

Clearance Officer: Vicki S. Thorpe (304) 480-6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106-1328.

OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 99-31010 Filed 11-29-99; 8:45 am]

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