

Chiakas, Randall
Jones, Nathan B.
Loum, Mamadou
Mankowski, Joseph P.
Reid, Mark A.
Skwarek, James M.
Stewart, James C.

The following nine applicants do not have three years of experience driving a CMV on public highways with the vision deficiency:

Atwood, Jr., Ronald S.
Church, Roy D.
Hopkins, Ricky A.
Little, Edward C.
Marshall, Judy L.
Perry, Gregory L.
Peters, Carl H.
Ross, Edward
Kou, Xiong

The following five applicants do not have three years of recent experience driving a CMV with the vision deficiency.

Armstrong, Karl G.
Hagen, Brian G.
Pugh, Timothy R.
Rodriguez, Angel L.
Slate, William K.

One applicant, Shefiu O. Abdulsalam, meets the vision requirements and does not need a vision exemption.

One applicant, Quinn C. Wheaton, does not have sufficient peripheral vision in the better eye to qualify for an exemption.

Five applicants had their commercial driver's licenses suspended during the three-year review period in relation to a moving violation. Applicants do not qualify for an exemption with a suspension during the three-year review period.

Bayer, Jeffery
Rankin, Richard O.
White, Stephen R.
Willis, J. C.
Woodworth, Daniel D.

Fourteen applicants contributed to a crash while operating a CMV. Applicants do not qualify for an exemption if they have contributed to a crash during the three-year review period.

Brooks, John P.
Cromwell, Jerry G.
Dunaway, Roger M.
Hahn, George L.
Harley, Jeff D.
Harris, Bobby L.
Hummel, Timothy B.
Peculis, Brian
Pitts, Sr., Jeffery A.
Reed, Sr., Franklin D.
Robbins, Frederick G.
Shaw, Ricky D.
Smith, Raymond C.

Wesley, Loyal R.

One applicant, Timothy L. Kelly, was issued excessive nonmoving violations during the three-year period, and did not demonstrate the level of safety required for interstate driving.

Four applicants did not hold a license that allowed operation of the vehicles that they drove during the three-year review period.

Garcia, Larry G.
McQuilty, Duane A.
Shamblin, Hoyt M.
Walters, Clifton

One applicant, John Bruins, was denied because his license was suspended for "refusing to submit to test."

One applicant, Donnie R. Hovis, was denied because he did not hold a license that allowed operation of vehicles over 10,000 pounds for all or part of the three-year period, and was involved in a CMV crash to which he contributed. Both are disqualifying offenses.

Finally, one applicant, James W. Currie, did not have stable vision during the three-year review period.

Issued on: March 28, 2005.

Rose A. McMurray,

Associate Administrator for Policy and Program Development.

[FR Doc. 05-6473 Filed 3-31-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA-98-4334, FMCSA-2003-14223]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: This notice publishes the FMCSA decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 13 individuals. FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions will 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.

DATES: This decision is effective April 21, 2005. Comments from interested persons should be submitted by May 2, 2005.

ADDRESSES: You may submit comments identified by DOT DMS Docket Numbers FMCSA-98-4334 and FMCSA-2003-14223 by any of the following methods:

- Web Site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1-202-493-2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

Instructions: All submissions must include the agency name and docket numbers for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: *Public Participation:* The DMS is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the "help" section of the DMS web site. If you want us to notify you 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 is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://dms.dot.gov>.

Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), FMCSA may renew an exemption for a two-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." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 13 individuals who have requested renewal of their exemptions from 49 CFR 391.41(b)(10) concerning vision requirements in a timely manner. FMCSA has evaluated these 13 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

John D. Bolding, Jr.
Michael P. Curtin
Richard L. Elyard
Michael R. Forschino
Richard H. Hammann
Billy L. Johnson
Christopher J. Kane
Wallace F. Mahan, Sr.
Kirby G. Oathout
James R. Petre
William E. Reveal
Duane L. Riendeau
Janusz Tyrpien

These exemptions are extended subject to the following conditions: (1) That each individual have a physical exam 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 the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded 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(e).

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 13 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226; 64 FR 16517; 66 FR 17994; 68 FR 15037; 68 FR 10301; 68 FR 19596). Each of these 13 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by May 2, 2005.

In the past FMCSA has received comments from Advocates for Highway

and Auto Safety (Advocates) expressing continued opposition to FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 69 FR 51346 (August 18, 2004). FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Issued on: March 28, 2005.

Rose A. McMurray,
Associate Administrator, Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2005–20027]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: The FMCSA announces its decision to exempt 28 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). 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: April 1, 2005.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366–4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Document Management System (DMS) at: <http://dmses.dot.gov>.

Background

On January 14, 2005, the FMCSA published a notice of receipt of