

Washington, DC, between 9 am and 5 pm, Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** John Linsenmeyer (202) 267-5174 or Tim Adams (202) 267-8033, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on March 8, 2006.

**Anthony F. Fazio,**  
Director, Office of Rulemaking.

#### Petitions For Exemption

*Docket No.:* FAA-2006-23778.

*Petitioner:* Groen Brothers Aviation USA, Inc.

*Section of 14 CFR Affected:* 14 CFR 21.191(i)(3), 14 CFR 21.193(e)(1), and 14 CFR 65.107(3).

*Description of Relief Sought:* To allow Groen Brothers Aviation USA, Inc. to sell gyroplanes certificated as Experimental Light-Sport aircraft. For maintenance of light-sport gyroplanes, the petitioner also seeks an exemption permitting certification of repairmen for this purpose.

*Docket No.:* FAA-2006-23865.

*Petitioner:* IndUS Aviation Inc.

*Section of 14 CFR Affected:* 14 CFR 21.190(b)(2).

*Description of Relief Sought:* To allow IndUS Aviation Inc. to change the airworthiness certification of two airplanes from a special airworthiness certificate in the experimental category to a special airworthiness certificate in the light-sport category.

*Docket No.:* FAA-2006-24045.

*Petitioner:* Elbert H. Baker.

*Section of 14 CFR Affected:* 14 CFR 21.190(b)(2).

*Description of Relief Sought:* To allow Elbert H. Baker to apply for a special airworthiness certificate in the light-sport category for an aircraft previously certificated and registered by a foreign country.

[FR Doc. E6-3734 Filed 3-14-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2006-04]

#### Petitions for Exemption; Summary of Petitions Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before April 4, 2006.

**ADDRESSES:** You may submit comments [identified by DOT DMS Docket Number FAA-2006-23779] 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 20590-001.

- *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.

*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.

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Director, Office of Rulemaking.

#### Petitions for Exemption

*Docket No.:* FAA-2006-23779.

*Petitioner:* Image Air.

*Section of 14 CFR Affected:* 14 CFR 135.411(a)(1).

*Description of Relief Sought:* To allow Image Air to add a CL-600 aircraft to its part 135 certificate and maintain it under the applicability of § 135.411(a)(1) even though its type certificated passenger seating configuration is "10 or more."

[FR Doc. E6-3736 Filed 3-14-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highways in Wisconsin

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to various proposed highway projects in the State of Wisconsin. Those actions grant licenses, permits, and approvals for the projects.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on any of the listed highway projects will be barred unless the claim is filed on or before September 11, 2006. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Jaclyn Lawton, Environmental Programs Engineer, Federal Highway Administration, 567 D'Onofrio Drive, Suite 100, Madison, WI 53719. Office Hours are 7:30 a.m. to 4:15 p.m. Central Time, (608) 829-7517,

[Jaclyn.Lawton@fhwa.dot.gov](mailto:Jaclyn.Lawton@fhwa.dot.gov) or Eugene Johnson, Director, Bureau of Equity and Environmental Services, Wisconsin Department of Transportation, P.O. Box 7965, Madison, WI 53707-7965, Office Hours 8 a.m.-4:30 p.m. Central Time, (608) 267-9527, [eugene.johnson@dot.state.wi.us](mailto:eugene.johnson@dot.state.wi.us).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the highway projects in the State of Wisconsin that are listed below. The actions by the Federal agencies on a project, and the laws under which such actions were taken, are described in the environmental

impact statement (EIS) or Environmental Assessment (EA)/ Finding of No Significant Impact (FONSI), issued in connection with the project, and in other documents in the FHWA administrative record for the project. The FEIS, EA/FONSI and other documents from the FHWA administrative record files for the listed projects are available by contacting the FHWA or the Wisconsin Department of Transportation at the addresses provided above. FEIS and Record of Decision (ROD) documents can be viewed at the FHWA Division Office, viewed at public libraries in the relevant project area, or when available at <http://www.dot.wisconsin.gov>. This notice applies to all Federal agency decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General*: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air*: Clean Air Act, 42 U.S.C. 7401–7671(q).

3. *Land*: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712], Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)].

6. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources*: Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Coastal Zone Management Act, 16 U.S.C. 1451–1465; Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)–300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401–406; Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287; Emergency

Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

8. *Hazardous Materials*: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k).

9. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

#### The Projects Subject to This Notice Are:

1. *Project Location*: Sauk County, USH 12, I–90/94 to Ski Hi Road. Project Reference Number: FHWA–WIS–EIS–96–02–F, WisDOT ID 1674–00–00. *Project type*: USH 12, Lake Delton to Sauk City is an 11.6 mile section which includes an ultimate four-lane expansion of the highway with on-alignment and bypass elements for this principal east-west connector route across south-central Wisconsin. Areas of particular concern include potential effects to the adjacent Baraboo Hills and the Baraboo Range National Natural Landmark. NEPA document: FEIS October 21, 2004, ROD February 10, 2005. <http://www.dot.wisconsin.gov/projects/d1/docs/us12news0505.pdf>.

2. *Project Location*: State Trunk Highways 36, 11, and 83; Racine and Walworth Counties, Burlington Bypass. Project Reference Number: FHWA–WIS–EIS–96–01–F, WisDOT ID3180–08–00. *Project type*: The recommended 11.0 mile alternative will provide a rural four-lane divided expressway on new alignment for two principle arterial, and two minor arterial and two major collector highways around the west, south, and east sides of the City of Burlington. NEPA document: FEIS June 1, 2004, ROD March 1, 2005. <http://www.dot.wisconsin.gov/projects/d2/burl/index.htm>.

3. *Project Location*: STH 26, Janesville to Watertown; Rock, Jefferson and Dodge Counties. Project Reference Number: FHWA–WIS–EIS–00–01–F, WisDOT ID1390–04–00. *Project type*:

STH 26 is located in south-central Wisconsin. The project begins on the north side of Janesville at IH 90 and extends north about 48 miles to north of Watertown at STH 60-East. Existing highway corridors will be used to the extent practical using expressway standards. Freeway access control standards will be used for the bypass portions of the route. NEPA document: FEIS June 15, 2005 ROD September 27, 2005. <http://www.dot.wisconsin.gov/projects/d1/wis26/index.htm>.

4. *Project Location*: USH 10, Trestik Road—CTH K; Portage County, Steven's Point Bypass. Project Reference Number: FHWA–WIS–EIS–00–01–F, WisDOT ID 6351–00–00. *Project type*: This project is part of a Tiered EIS. USH 10 is a major east-west highway. The Steven's Point Bypass section extends for about 26 miles and will be built to 4-lane divided expressway standards. Locating the crossing of the Wisconsin River and associated wetlands was an important issue. NEPA document: FEIS November 15, 2004, ROD May 17, 2005.

5. *Project Location*: USH 41, Oconto to Peshtigo; Marinette and Oconto Counties. Project Reference Number: FHWA–WIS–EIS–2005–02–F, WisDOT ID 1154–01–00. *Project type*: USH 41 is a principal arterial highway providing a vital north-south-transportation link between southeastern Wisconsin and Michigan. The route extends for about 21 miles and will be built to 4-lane divided expressway standards. Effects on wetlands was of special concern. NEPA document: FEIS September 13, 2005, ROD December 15, 2005. <http://www.dot.wisconsin.gov/projects/d3/us41oconto/index.htm>.

6. *Project Location*: City of Sturgeon Bay, Crossings of Ship Canal; Door County. Project Reference Number: WisDOT ID 4997–00–17, 18, 38. *Project type*: New crossing of Sturgeon Bay Ship Canal on Maple-Oregon Corridor to meet additional capacity needs, and later rehabilitation of historic bridge crossing on Michigan Street, and approaches. NEPA document: Environmental Assessment November 8, 2001, Finding of No Significant Impact February 7, 2006. <http://www.dot.wisconsin.gov/projects/d3/michigan/index.htm>.

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

**Authority**: 23 U.S.C. 139(l)(1) and (2).

Issued on: March 9, 2006.

**Jaclyn Lawton,**

*Environmental Programs Engineer, Madison, Wisconsin.*

[FR Doc. E6-3725 Filed 3-14-06; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2005-23099]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 17 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSR). 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:** The exemptions are effective March 15, 2006.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366-4001, [maggi.gunnels@fmcsa.dot.gov](mailto:maggi.gunnels@fmcsa.dot.gov), 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 25, 2006, FMCSA published a notice of receipt of exemption applications from 17 individuals, and requested comments from the public (71 FR 4194). The 17 individuals petitioned FMCSA for exemptions from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. They are: John R. Alger, Gene Bartlett, Jr., Raymond C. Becker, Marland L. Brassfield, Walter M. Brown, Rodney D. Curtis, Troy S. David, Norman J. Day, John M. Doney, Dale Fields, Billy R. Jeffries, Brian E. Monaghan, Roberto G. Serna, Robert V. Sloan, Raymond C. Smith, Gary N. Wilson, and William B. Wilson.

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 17 applications on their merits and made a determination to grant exemptions to all of them. The comment period closed on February 24, 2006. Two comments were received, and fully considered by FMCSA in reaching the final decision to grant the exemptions.

#### Vision and Driving Experience of the Applicants

The vision requirement in the FMCSR 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 a 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 (49 CFR 391.41(b)(10)).

Since 1992, the Agency 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 degrees, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Pual Aiello, M.D., and James W. Rosenberg, M.D., "Visual Requirements and Commercial Drivers," October 16, 1998, filed in the docket, FMCSA-98-4334.) The panel's conclusion supports the agency's view that the present visual acuity standard is reasonable and necessary as a general standard to ensure highway safety. FMCSA 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 17 exemption applicants listed in this notice fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, retinal detachment, corneal scar and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but four of the applicants were either born with

their vision impairments or have had them since childhood. The four individuals who sustained their vision conditions as adults have had them for periods ranging from 5 to 20 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 has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a 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.

While possessing a valid CDL or non-CDL, these 17 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 5 to 49 years. In the past 3 years, none of the drivers have had any convictions for traffic violations and none of them were involved in crashes.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the January 25, 2006 notice (71 FR 4194).

#### Basis for Exemption Determination

Under 49 U.S.C. 31315 and 31136(e), FMCSA 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 each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To qualify for an exemption from the vision