

person may, upon request, inspect the application, notice and other documents germane to the application in person at the Valdosta-Lowndes County Airport Authority.

Issued in College Park, Georgia on June 17, 1997.

Dell T. Jernigan,

Manager, Atlanta Airports Division, Southern Region.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA-97-2625]

Qualification of Drivers; Waiver Application; Vision

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of petition and intent to grant application for waiver; request for comments.

SUMMARY: This notice announces the FHWA's preliminary determination to grant the application of David R. Rauenhorst for a waiver of the vision requirements contained in the Federal Motor Carrier Safety Regulations (FMCSR). Granting the waiver will enable Mr. Rauenhorst to qualify as a driver of commercial motor vehicles in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

DATES: Comments must be received on or before August 1, 1997.

ADDRESSES: Submit written, signed comments to the docket number that appears in the heading of this document to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. to 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: Ms. Sandra Zywockarte, Office of Motor Carrier Research and Standards, (202) 366-1790, or Ms. Judy Rutledge, Office of 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: David R. Rauenhorst has applied for a waiver of the vision requirement in 49 CFR 391.41(b)(10) which applies to drivers of commercial motor vehicles in interstate commerce. Under 49 U.S.C. 31136(e), the FHWA may waive application of the vision standard to Mr. Rauenhorst if the agency determines that the waiver is consistent with the public interest and the safe operation of commercial motor vehicles. Accordingly, the FHWA has evaluated Mr. Rauenhorst's application on its merits, as required by the decision in *Rauenhorst v. United States Department of Transportation, Federal Highway Administration*, 95 F.3d 715 (8th Cir. 1996), and made a preliminary determination that granting the waiver is consistent with the public interest and the safe operation of commercial motor vehicles.

Mr. Rauenhorst has been self-employed as a commercial truck driver since 1974. In 1976, a non-driving accident caused him to sustain a retinal detachment in his right eye. This eye condition prevents Mr. Rauenhorst from meeting the vision requirement of 49 CFR 391.41(b)(10) and, thus, renders him unqualified as a driver of commercial motor vehicles in interstate commerce unless application of the vision standard is waived.

Medical reports for 1995, 1996, and 1997, indicate that Mr. Rauenhorst's eye condition is non-degenerative and that the vision in the right eye is stable and will not worsen. He has 20/20 corrected vision in his left eye, and, in his doctor's opinion, can safely operate a motor vehicle. Because the retinal detachment occurred in 1976, Mr. Rauenhorst has had 21 years to adapt his driving skills to accommodate his vision deficiency. His driving experience and record demonstrate that he has successfully made this adaptation.

Mr. Rauenhorst has driven tractor-trailer combinations more than 2 million miles since 1974. In the last 10 years, he has driven approximately 1 million miles without an accident. Furthermore, his driving record for the last 3 years reflects no traffic violations and no accidents. He obtained his first commercial operator's license in 1973 and currently holds a commercial driver's license (CDL) that was issued by the State of Minnesota in 1995 and is valid until 1999. During this lengthy driving career, his license to drive has never been suspended or revoked.

Driving with his eye condition for 21 years, Mr. Rauenhorst has established a safe driving record that is persuasive evidence that he has adapted his driving skills to accommodate his vision

deficiency. Accordingly, the FHWA believes that waiving application of 49 CFR 391.41(b)(10) is consistent with the public interest and the safe operation of commercial motor vehicles, as long as Mr. Rauenhorst's vision does not deteriorate. As a condition of the waiver, therefore, the FHWA proposes to impose requirements that are consistent with the grandfathering provisions applied to drivers who participated in the vision waiver study program. Those requirements are found at 49 CFR 391.64(b) and include the following conditions: (1) That Mr. Rauenhorst be physically examined every year, including an examination by an ophthalmologist or optometrist, attesting to the fact that (a) he is otherwise physically qualified under 49 CFR 391.41 and (b) his vision continues to measure at least 20/40 (Snellen) in the better eye; (2) that he provide a copy of the ophthalmologist or optometrist report to the medical examiner at the time of the annual medical examination; and (3) that he keep a copy of the annual medical certification in his driver qualification file as long as he is self-employed or provide a copy to his employer for retention in the driver's qualification file, and retain a copy of the certification on his person while driving for presentation to a duly authorized Federal, State, or local enforcement official.

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

Issued on: June 24, 1997

Jane F. Garvey,

Acting Administrator for the Federal Highway Administration.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

Criteria for Granting Waivers of the Requirement for Exclusive U.S.-Flag Vessel Carriage, of Certain Cargo Covered by Public Resolution 17 (PR 17), 73rd Congress

AGENCY: Maritime Administration, DOT.

ACTION: Policy revision.

SUMMARY: This policy statement revises an existing Maritime Administration policy in effect since 1959 regarding criteria considered in granting waivers of the requirement for exclusive U.S.-flag carriage of certain cargo covered by PR 17. Revision of this policy, following public notice and comment, is deemed necessary to suit the changing market environment in the maritime industry.