

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:** Mrs. Sandra Zywokarte, Office of Bus and Truck Standards & Operations, (202) 366-4001, Federal Motor Carrier Safety Administration, DOT, 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:**

*Title:* Medical Qualifications Requirements.

*OMB Number:* 2126-0006.

*Background:* Title 49 U.S.C. 31136 requires the Secretary of Transportation to prescribe regulations to ensure that the physical qualifications of commercial motor vehicle (CMV) operators are adequate to enable them to operate CMVs safely. In addition, 49 U.S.C. 31502 authorizes the Secretary to prescribe requirements for qualifications of employees of a motor carrier when needed to promote safety of operation. Information about an individual's physical condition must be collected in order for the FMCSA and motor carriers to verify that the individual meets the physical qualifications for CMV drivers in 49 CFR 391.41 and for the FMCSA to determine whether the individual is physically able to operate a CMV safely. This information collection is comprised of the 6 components listed in the summary.

*Respondents:* Medical examiners, medical specialists, physicians, licensed doctors of medicine or osteopathy, motor carriers, and CMV drivers.

*Estimated Burden Per Record:* Eight minutes for a medical examiner to complete the medical examination form; 1 minute for the medical examiner to complete the medical examiner's certificate; 1 minute to copy and file the medical examiner's certificate; 1 hour to prepare an application for resolution of medical conflict; 15 minutes to complete an application for an initial waiver of physical defects or impairments; 2 minutes to complete an application for a renewal of a waiver of physical defects or impairments; 1 minute to copy and file limb waiver applications; 66 minutes to complete an application for a vision exemption with required supporting documents; and 1 minute for a doctor of medicine or osteopathy to complete a doctor's certificate for a driver of migrant workers.

*Frequency:* Estimated annual responses are as follows: 2,750,000

medical examinations and medical certificates; 2 applications for resolution of conflicts of medical evaluation; 750 applications for waivers of physical defects and impairments; 200 applications for renewal of waiver of physical defects and impairments; 840 applications for vision exemption; 100 medical certificates for drivers of migrant workers.

*Total Estimated Annual Burden:*

There are an estimated 5,500,000 CMV drivers, 2,750,000 per year who must undergo a medical examination. Approximately 2 cases per year are submitted to the FMCSA for a hearing before an Administrative Law Judge to resolve medical conflicts between medical examiners. There are approximately 1,500 limb waivers outstanding, resulting in 750 renewals. There are approximately 200 new applications for limb waivers annually. There are approximately 840 new applications for vision exemptions annually. Since the vision exemption program is new, the agency has not yet received any applications for renewal. The total estimated annual burden for this information collection is 459,321 hours.

**Public Comments Invited**

Interested parties are invited to send comments regarding any aspect of this information collection, including, but not limited to: (1) Whether the collection of information is necessary for the proper performance of the functions of the FMCSA, including whether the information has practical utility; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information.

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**Authority:** 49 U.S.C. 315 and 49 CFR 1.73.

Issued on: May 14, 2000.

**Julie Anna Cirillo,**

*Acting Deputy Administrator, Federal Motor Carrier Safety Administration.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

**Qualification of Drivers; Exemption Applications; Vision**

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

**ACTION:** Notice of denials.

**SUMMARY:** The FMCSA is publishing the names of persons denied exemptions from the vision standard in 49 CFR 391.41(b)(10) and the reasons for the denials.

**DATES:** May 23, 2000.

**FOR FURTHER INFORMATION CONTACT:** For information about the applications addressed in this notice, Ms. Teresa Doggett, Office of Bus and Truck Standards and Operations, MC-PSD, (202) 366-2990; for information about legal issues related to this rule, Ms. Judith Rutledge, Office of the Chief Counsel, (202) 366-2519, FMCSA, 400 Seventh Street, SW., Washington, D.C. 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

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**Background**

The Secretary of Transportation (Secretary) has the authority under 49 U.S.C. 31502 and 31136 to establish standards for physical qualifications that must be met by commercial motor vehicle drivers in interstate commerce. These standards are published in 49 CFR part 391 of the Federal Motor Carrier Safety Regulations.

In October 1999, the Secretary rescinded the authority previously delegated to the Federal Highway Administrator to perform the motor carrier functions and operations, and to

carry out the duties and powers related to motor carrier safety, that are statutorily vested in the Secretary. That authority was redelegated to the Director of the Office of Motor Carrier Safety (OMCS), a new office within the Department (64 FR 56270, October 19, 1999, and 64 FR 58356, October 29, 1999). The OMCS had previously been the FHWA's Office of Motor Carriers (OMC).

The Motor Carrier Safety Improvement Act of 1999 established the Federal Motor Carrier Safety Administration (FMCSA) as a new operating administration within the Department of Transportation, effective January 1, 2000 (Pub. L. No. 106-159, 113 Stat. 1748, December 9, 1999). The Secretary therefore rescinded the motor carrier authority delegated to the Director of the OMCS and redelegated it to the Administrator of the FMCSA (65 FR 220, January 4, 2000).

The staff previously assigned to the FHWA's OMC, and then to the OMCS, are now assigned to the FMCSA. The motor carrier functions of the FHWA's Resource Centers and Division (*i.e.*, State) Offices have been transferred without change to the FMCSA Resource Centers and FMCSA Division Offices, respectively. For the time being, all phone numbers and addresses are unchanged. Similarly, rulemaking activities begun under the auspices of the FHWA and continued under the OMCS will be completed by the FMCSA.

On June 9, 1998, the FHWA's waiver authority changed with enactment of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, 112 Stat. 107. Section 4007 of TEA-21 amended the waiver provisions of 49 U.S.C. 31136(e) and 31315 to change the standard for evaluating waiver requests, to distinguish between a waiver and an exemption, and to establish term limits for both. Under revised section 31136(e), the FMCSA may grant a waiver for a period of up to 3 months or an exemption for a renewable 2-year period.

The amendments to 49 U.S.C. 31136(e) also changed the criteria for exempting a person from application of a regulation. Previously an exemption was appropriate if it was consistent with the public interest and the safe operation of CMVs. Now the FMCSA may grant an exemption 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." According to the legislative history, the Congress changed the statutory standard to give the agency greater discretion to consider

exemptions. The previous standard was judicially construed as requiring an advance determination that absolutely no reduction in safety would result from an exemption. The Congress revised the standard to require that an "equivalent" level of safety be achieved by the exemption.

The FMCSA individually evaluated 141 exemption requests on their 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 determined that the applicants do not satisfy the criteria established to demonstrate that granting the exemptions is likely to achieve an equal or greater level of safety than exists without the exemption. Each applicant has, prior to this notice, received a letter of final disposition on his/her individual exemption request. Those decision letters fully outlined the basis for the denial and constitute final agency action. The list published today summarizes the agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reason for denials.

Ninety-two applicants lacked sufficient recent driving experience over the past 3 years. Twenty-nine applicants lacked at least 3 years of experience driving a commercial motor vehicle with the vision deficiency. Fourteen applicants had no experience driving a commercial motor vehicle and therefore presented no evidence from which the FMCSA could conclude that granting the exemption would likely achieve a level of safety equal to that existing without the exemption. Two drivers had waivers for the loss of a limb and therefore could not qualify for a vision exemption because they did not satisfy all other physical qualification standards in 49 CFR 391.41(b) to drive a commercial motor vehicle. In addition to their vision deficiency, they had missing limbs. One driver was diagnosed with high blood pressure, in addition to the vision deficiency, and could not qualify for the vision exemption because the physical qualification standards could not be satisfied. Another driver could not qualify for the exemption because he was convicted of three speeding violations in a three-year period and received a fourth speeding violation during the application process. An applicant for the vision exemption is only allowed two violations in a three-year period.

The agency is required to publish the names of persons who were not granted an exemption from the Federal vision requirements and the reasons for not

granting the exemptions. The FMCSA has declined to consider the following applications for exemptions from the Federal vision requirements at 49 CFR 391.41(b)(10) because they lack sufficient evidence of the necessary criteria to find "such exemptions would likely achieve a level of safety that is equivalent to or greater than, the level that would be achieved absent such exemption."

#### Summary of Causes for Not Granting Exemptions

The FMCSA is not granting the following petitions for exemption from the vision standard in 49 CFR 391.41(b)(10). In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), the agency is publishing notice of the names of the applicants and reasons for not granting exemptions.

##### 1. Eldo J. Haugen

Mr. Haugen was diagnosed with high blood pressure and therefore does not meet all other physical requirements, excluding vision, to qualify for an exemption. He does not qualify for an exemption because he is not "otherwise qualified" to drive a CMV.

##### 2. Gary A. Smith

Mr. Smith does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

##### 3. Louis Ingwersen

Mr. Ingwersen does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safety performance.

##### 4. Jefferson S. Thomas

Mr. Thomas does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safety performance.

##### 5. Lloyd H. Walters

Mr. Walters does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safety performance.

##### 6. Robert L. Bowman

Mr. Bowman does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an

adequate predictor of future safety performance.

7. *Martin G. Taylor*

Mr. Taylor does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

8. *Alvin F. Schroll*

Mr. Schroll does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safety performance.

9. *Lawrence A. Lundquist*

Mr. Lundquist does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safety performance.

10. *Ronald A. Mills*

Mr. Mills does not have 3 years recent experience driving a commercial vehicle with his vision deficiency.

11. *Norman E. Schluter*

Mr. Schluter does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safety performance.

12. *Roland R. Strempeke*

Mr. Strempeke does not have any experience driving a commercial motor vehicle with his vision deficiency.

13. *Carolyn M. Beauvais*

Ms. Beauvais has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

14. *Robert L. Slayden, Jr.*

Mr. Slayden does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safety performance.

15. *Gary D. Beavers*

Mr. Beavers does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safety performance.

16. *Mitchell L. Carson*

Mr. Carson has no experience operating a commercial motor vehicle

and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

17. *Willis M. Reeves*

Mr. Reeves does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

18. *Harold E. Pepperling*

Mr. Pepperling does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

19. *James E. Rhodes, II*

Mr. Rhodes does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

20. *Ronald D. Danberry*

Mr. Danberry does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

21. *Jimmy Joe Dougherty*

Mr. Dougherty does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

22. *Frank D. Pfeifer*

Mr. Pfeifer has an amputation of his left hand and currently holds a Waiver of Physical Defects. As he does not meet all of the other physical standards in 49 CFR 391.41, without any other waiver or exemption, he failed to satisfy the criteria applied to evaluate vision exemption requests. In light of the recent decision in *Parker v. FHWA*, 207 F.3d 359 (6th Cir. 2000), we will reconsider Mr. Pfeifer's application consistent with the court's holding.

23. *William R. Bass, Jr.*

Mr. Bass does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

24. *Roger D. Smith*

Mr. Smith does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

25. *John C. Anderson*

Mr. Anderson does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

26. *Jimmy R. Hollingshad*

Mr. Hollingshad has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

27. *Nikki B. Strom*

Ms. Strom does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

28. *Odell Scott*

Mr. Scott does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance. Mr. Scott has a revocation of his CDL which also disqualifies him from receiving an exemption.

29. *Thomas W. Markham*

Mr. Markham does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

30. *Barry I. Murtha*

Mr. Murtha does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

31. *Mark A. Miller*

Mr. Miller does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

32. *Russell D. Mertens*

Mr. Mertens does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*33. Robert H. Niederdeppe*

Mr. Niederdeppe does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*34. Thomas E. Hammond, Sr.*

Mr. Hammond does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*35. Michael Dupell*

Mr. Dupell does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*36. Kenneth L. Taylor*

Mr. Taylor does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*37. Marvin L. Muilenburg*

Mr. Muilenburg does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*38. Gregory B. Roberts*

Mr. Roberts does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*39. Abe A. Fehr*

Mr. Fehr does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*40. Jerry L. Paulsen*

Mr. Paulsen does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*41. Timothy D. McDaniel*

Mr. McDaniel has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

*42. David A. Ferguson*

Mr. Ferguson does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*43. John V. Cascone*

Mr. Cascone has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

*44. John D. McCormick*

Mr. McCormick does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*45. Gary W. Lindsey, Jr.*

Mr. Lindsey has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

*46. Mona J. Meyers*

Ms. Myers does not have 3 years recent experience driving a commercial motor vehicle with her vision deficiency.

*47. Dorian N. Holladay*

Mr. Holladay had three commercial motor vehicle speeding violations within a 3-year period while operating a commercial motor vehicle and during the application process he received a fourth speeding violation in a commercial motor vehicle. He does not qualify since each applicant is allowed only 2 citations.

*48. Roger D. Duggins*

Mr. Duggins does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*49. Duane B. Coggin*

Mr. Coggin does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*50. Morris R. Beebe*

Mr. Beebe does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*51. Anthony R. Miles*

Mr. Miles does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*52. David L. Burroughs*

Mr. Burroughs does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*53. John D. Prather, Jr.*

Mr. Prather does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*54. Eddie M. Brown*

Mr. Brown does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*55. Thomas G. Danclovic*

Mr. Danclovic does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*56. Kim A. Shaffer*

Mr. Shaffer does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*57. James H. Martin*

Mr. Martin does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*58. Joseph R. Maillet, Jr.*

Mr. Maillet does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*59. Vincent J. Hayhurst*

Mr. Hayhurst does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*60. David O. Caldwell*

Mr. Caldwell does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*61. Kenneth G. Mallette*

Mr. Mallette does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*62. Micheal L. Metivier*

Mr. Metivier has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

*63. Chris W. Hageman*

Mr. Hageman does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*64. Kyle P. McGill*

Mr. McGill does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*65. Randall G. Henderson*

Mr. Henderson does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*66. Alonza V. Ferrell*

Mr. Ferrell does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*67. Kenneth W. Lyons*

Mr. Lyons does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*68. Howard G. Williams*

Mr. Williams does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*69. Dana Quince*

Mr. Quince does not have 3 years of recent experience driving a commercial motor vehicle with his vision deficiency.

*70. Raymond J. Misslich*

Mr. Misslich does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*71. Sherman R. Garrett*

Mr. Garrett does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*72. Johnny L. Nesbitt, Jr.*

Mr. Nesbitt does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*73. David A. Christenson*

Mr. Christenson does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*74. Donald A. Verrill*

Mr. Verrill does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*75. Dennis C. Madison, Sr.*

Mr. Madison does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*76. Michael J. Sullivan*

Mr. Sullivan has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

*77. Ronald W. Winslow*

Mr. Winslow does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*78. Warren Streeter*

Mr. Streeter does not have 3 years of experience driving a commercial motor vehicle with his vision deficiency.

*79. William J. Wilkins*

Mr. Wilkins does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

*80. Ambrosio E. Calles*

Mr. Calles does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*81. Arnold G. Patchin*

Mr. Patchin does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*82. Steven M. Montalbo*

Mr. Montalbo does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*83. Leonard D. Berogan*

Mr. Berogan has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

*84. Bobby G. Carr*

Mr. Carr does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*85. Edward C. Miller*

Mr. Miller has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

*86. John E. Kramer*

Mr. Kramer does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*87. Donald R. Good*

Mr. Good does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

*88. Rocky D. Rubink*

Mr. Rubink does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

*89. Charles L. Croster*

Mr. Croster does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*90. Tony E. Parks*

Mr. Parks does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

*91. Steven G. Lee*

Mr. Lee does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*92. John R. Osborne*

Mr. Osborne does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*93. James G. Binkley*

Mr. Binkley does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*94. James D. Raley*

Mr. Raley does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

*95. John L. Casner*

Mr. Casner does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

*96. Dennis J. Christensen*

Mr. Christensen does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*97. Charles F. Schmidt*

Mr. Schmidt does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

*98. Linda L. Billings*

Ms. Billings does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*99. Carl D. Hopkins*

Mr. Hopkins does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*100. Darin P. Milton*

Mr. Milton does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*101. Brian H. Spencer*

Mr. Spencer does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*102. Fred A. Christopherson*

Mr. Christopherson does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

*103. David A. Feindel*

Mr. Feindel does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*104. Donald Thompson*

Mr. Thompson does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*105. Daniel Hollins*

Mr. Hollins does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*106. Christopher J. Kane*

Mr. Kane does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*107. Caroleah Baker*

Ms. Baker does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*108. Tommy L. McKnight*

Mr. McKnight does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*109. Larry E. Dunn*

Mr. Dunn does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*110. Melvin T. Bullock*

Mr. Bullock does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*111. Gerald L. Craig*

Mr. Craig does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*112. Lewis E. Armstrong*

Mr. Armstrong does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*113. Edwin J. DarDar*

Mr. DarDar does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*114. David E. Miller*

Mr. Miller does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*115. Wesley E. Jones*

Mr. Jones does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

*116. David W. Smith*

Mr. Smith does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an

adequate predictor of future safe performance.

117. *Michael L. Eckstein, Sr.*

Mr. Eckstein does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

118. *Michael T. Howes*

Mr. Howes does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

119. *Peter D. Wehner*

Mr. Wehner does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

120. *Richard N. Bowling, Sr.*

Mr. Bowling does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

121. *Kenneth Allen, Jr.*

Mr. Allen does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

122. *Jerry W. Parker*

Mr. Parker has a missing left arm and therefore does not meet all other physical requirements, excluding vision, to qualify for an exemption. The FMCSA is reconsidering its denial in accordance with *Parker v. FHWA*, 207 F.3d 359 (6th Cir. 2000).

123. *Nathan A. Buckles*

Mr. Buckles does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

124. *Belinda Betancur*

Ms. Betancur does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

125. *John F. Ellington*

Mr. Ellington does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an

adequate predictor of future safe performance.

126. *Eric D. Bennett*

Mr. Bennett does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

127. *Jerry D. Lawson*

Mr. Lawson does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

128. *Jimmy L. Spates*

Mr. Spates does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

129. *Steve L. Hopkins*

Mr. Hopkins does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

130. *Willie O. Evans, Sr.*

Mr. Evans has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

131. *Jimmy Cuttino*

Mr. Cuttino has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

132. *Anthony L. Dewalt*

Mr. Dewalt does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

133. *Scott K. Kenyon*

Mr. Kenyon has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

134. *Raymond E. Umphrey*

Mr. Umphrey does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

135. *William R. Farrington*

Mr. Farrington does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

136. *Donald S. Ellison*

Mr. Ellison does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

137. *Scott Alan Boyd*

Mr. Boyd has no experience operating a commercial motor vehicle and therefore presented no evidence from which the FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

138. *Robert E. Almond*

Mr. Almond does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

139. *Christopher F. Vanstory*

Mr. Vanstory does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

140. *Robert L. Nix*

Mr. Nix does not have 3 years of experience driving a commercial vehicle with his vision deficiency.

141. *Ofelio Estrada*

Mr. Estrada does not have sufficient driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

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

Issued on: May 12, 2000.

**Julie Anna Cirillo,**

*Acting Deputy Administrator.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2000-7165]

**Qualification of Drivers; Exemption Applications; Vision**

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