exposes the driver to more pedestrian and vehicular traffic than exists 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 3 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 FMCSA finds that exempting these 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 FMCSA will impose requirements on the 22 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 the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

The FMCSA received one comment in this proceeding. The comment was considered and is discussed below. The Louisiana Department of Public Safety and Corrections wrote the FMCSA regarding the status of Mr. Waylon E. Hall's CDL. Louisiana commented that on August 29, 2000, it downgraded Mr. Hall's Class A CDL to a non-CDL license because he did not meet the minimum physical qualification requirements in 49 CFR 391.41(b)(10). The Class A Louisiana CDL issued to Mr. Hall on January 9, 1997, was issued in error. However, Louisiana indicated that it will reissue the CDL to Mr. Hall if the FMCSA grants him an exemption from the Federal vision requirements.

Conclusion

After considering the comment to the docket and based upon its evaluation of the 22 exemption applications in accordance with the Rauenhorst decision, the FMCSA exempts Roger D. Anderson, Joey E. Buice, Ronald D. Danberry, Paul W. Dawson, Lois E. DeSouza, Richard L. Gandee, Steven A. Garrity, Chester L. Gray, Waylon E. Hall, Jeffery M. Kimsey, Gerald L. Phelps, Doyle E. Ramsey, Michael J. Risch, Tim M. Seavy, Kim L. Seibel, Edd J. Stabler, Randy D. Stanley, Lee T. Taylor, James Melvin Tayman, Sr., Wesley E. Turner, Edward W. Yeates, Jr., and John C. Young 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 the driver's qualification file, or keep a copy in his/her driver's 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 FMCSA. 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 FMCSA for a renewal under procedures in effect at that time.

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

Issued on: August 1, 2001.

Julie Anna Cirillo,

Acting Deputy Administrator.

[FR Doc. 01–19897 Filed 8–7–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–98–4334 (formerly FHWA–98–4334)]

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 announces the FMCSA's decision to renew the exemptions from the vision requirement in 49 CFR 391.41(b)(10) for six individuals.

DATES: This decision is effective August 8, 2001. Comments from interested persons should be submitted by September 7, 2001.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at http://dmses.dot.gov/submit. All comments received will be available for examination and copying at the above address from 9 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 postcard or you may print the acknowledgment page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: For information about the vision exemptions in this notice, Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366–2987; for information about legal issues related to this notice, Mr. Joseph Solomey, Office of the Chief Counsel, (202) 366–1374, FMCSA, 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 and Filing

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

Background

Six individuals have requested renewal of their exemptions from the vision requirement in 49 CFR 391.41(b)(10) which applies to drivers of commercial motor vehicles (CMVs) in interstate commerce. They are Tomie L. Estes, Jay E. Finney, Britt D. Hazelwood, Jerome R. Jessen, Marvin L. Swillie, and Larry J. Waldner. Under 49 U.S.C. 31315 and 31136(e), the FMCSA 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 FMCSA has evaluated the six petitions for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

On April 5, 1999, the agency published a notice of final disposition announcing its decision to exempt 23 individuals, including these six applicants for renewal, from the vision requirement in 49 CFR 391.41(b)(10) (64 FR 16517). The qualifications, experience, and medical condition of each applicant were stated and discussed in detail at 63 FR 66226 (December 1, 1998). One comment was received, and its contents were carefully considered by the agency in reaching its final decision to grant the petitions (64 FR 16517). The agency determined that exempting the individuals from 49 CFR 391.41(b)(10) was likely to achieve a level of safety equal to, or greater than, the level that would be achieved without the exemption as long as the vision in each applicant's better eye continued to meet the standard specified in 391.41(b)(10). As a condition of the exemption, therefore, the agency imposed requirements on the individuals similar to the grandfathering provisions in 49 CFR 391.64(b) applied to drivers who participated in the agency's former vision waiver program.

These requirements are as follows: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that vision in the better eye meets the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests 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.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application for an additional 2-year period. In accordance with 49 U.S.C. 31315 and 31136(e), each of the six applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 30285; 63 FR 54519; 63 FR 66226; 64 FR 16517), and each has requested timely renewal of the exemption. These six applicants have submitted evidence showing that the vision in their 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 their records of safety while driving with their respective vision deficiencies over the past 2 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, the FMCSA concludes that extending the exemption for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption for each renewal applicant.

Discussion of Comments

The Advocates for Highway and Auto Safety (AHAS) expresses continued opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, the AHAS 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 the AHAS were addressed at length in 66 FR 17994 (April 4, 2001). We will not address these points again here, but refer interested parties to that earlier discussion.

Conclusion

In accordance with 49 U.S.C. 31315 and 31136(e), the FMCSA extends the exemptions from the vision requirement in 49 CFR 391.41(b)(10) granted to Tomie L. Estes, Jay E. Finney, Britt D. Hazelwood, Jerome R. Jessen, Marvin L. Swillie, and Larry J. Waldner, 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 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 2 years unless rescinded earlier by the 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).

Request for Comments

The FMCSA has evaluated the qualifications and driving performance of the six applicants here and extends their exemptions based on the evidence introduced. The agency will review any comments received 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). While comments of this nature will be entertained at any time, the FMCSA requests that interested parties with information concerning the safety records of these drivers submit comments by September 7, 2001. All comments will be considered and will be available for examination in the docket room at the above address. The FMCSA will also continue to file in the docket relevant information which becomes available. Interested persons should continue to examine the docket for new material.

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

Issued on: August 1, 2001.

Julie Anna Cirillo,

Acting Deputy Administrator.

[FR Doc. 01–19898 Filed 8–7–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Modification of Exemption From the Vehicle Theft Prevention Standard; Volkswagen

AGENCY: National Highway Traffic Safety Administration (NHTSA) Department of Transportation (DOT).

ACTION: Grant of a petition for modification of a previously approved antitheft device.

SUMMARY: On May 13, 1993, this agency granted in full Volkswagen of America's (Volkswagen) petition for exemption from the parts-marking requirements of the vehicle theft prevention standard for the Volkswagen Jetta and Cabrio car lines. Additionally, on April 10, 1995 and December 22, 1995, the agency granted in full Volkswagen's petition for exemption for the Golf and Passat car lines, respectively. On March 12, 2001, Volkswagen petitioned the agency for modification of a previously approved antitheft device for the Jetta, Cabrio, Golf and Passat car lines beginning with the 2002 model year. The agency grants Volkswagen's petition for modification because it has determined, based on substantial evidence, that the modified antitheft device described in Volkswagen's petition to be placed on the car lines as standard equipment, is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard.

DATES: The exemption granted by this notice is effective beginning with model year (MY) 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Proctor's telephone number is (202) 366–0846. Her fax number is (202) 493–2290.

SUPPLEMENTARY INFORMATION: In May 1993, NHTSA published in the Federal Register a notice granting the petition from Volkswagen of America, Inc. (Volkswagen) for an exemption from the parts-marking requirement of the Theft Prevention Standard for the Volkswagen Jetta and Cabrio car lines beginning with model year (MY) 1994 (see 58 FR 28434, May 13, 1993). In April 1995, NHTSA published in the **Federal Register** a notice granting the petition for an exemption from the parts-marking requirement of the Theft Prevention Standard for the Volkswagen Golf car line beginning with MY 1996 (see 60 FR 18164, April 10, 1995). In December 1995, NHTSA published in the **Federal Register** a notice granting the petition for an exemption from the parts-marking requirement of the Theft Prevention Standard for the Volkswagen Passat car line beginning with MY 1997 (see 60 FR 66575, December 22, 1995). The agency determined that the antitheft device which Volkswagen installed on its Jetta, Cabrio, Golf and Passat car lines as standard equipment were likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-making requirements. Specifically, the current antitheft system for the Jetta, Cabrio and Golf car lines incorporates central-locking, an engine starter-interrupt feature and an audio and visual alarm. The current antitheft system for the Passat car line incorporates central-locking, an engine starter-interrupt feature and an optional audio and visual alarm.

By letter dated March 12, 2001 Volkswagen submitted a petition for modification of its previously approved antitheft systems for the Volkswagen Cabrio, Jetta, Golf and Passat car lines, beginning with MY 2001.

On July 11, 2001, the agency contacted Volkswagen by telephone and obtained additional information which clarified the nature of the changes to the antitheft systems for its Cabrio, Jetta, Golf and Passat car lines. The information Volkswagen supplied to NHTSA by letter and telephone is considered a complete petition, as required by 49 CFR 543.9(d), in that it meets the general requirements contained in 49 CFR 543.5 and the specific content requirements of 49 CFR 543.6.

Volkswagen stated that it has modified its system by adding an electronic engine immobilizer feature to its standard antitheft system as described in its original petitions for exemption for the Jetta, Cabrio, Golf and Pasat car lines. Additionally, Volkswagen proposes to delete the starter-interrupt feature of its current system because the electronic engine immobilizer will perform the same intended functions. Volkswagen acknowledged that it had not notified the agency in advance of this added feature because it believed that there was no change to the basic system for which the exemptions had been granted. The agency notes Volkswagen's neglect to inform it of the changes it contemplated in making to its original antitheft device. In accordance with § 543.9(c)(2)(ii) the manufacturer must request permission to use an antitheft device similar to, but different from the standard equipment antitheft device which it installed under the exemption. For future exemption modifications, the agency fully expects Volkswagen to notify the agency of its intention to modify or change its antitheft system from that installed under the original exemption.

Volkswagen's electronic engine immobilizer has a three generation phase-in and its components include an immobilizer control unit, a warning lamp in the dash panel insert, a reading coil on the ignition key and an engine control unit. Volkswagen stated that the advancement between its Generation I and Generation II engine immobilizer systems used in the Golf and Jetta car lines consisted of integration of the immobilizer control unit in the dash panel insert and the addition of a coding feature. The Generation II system used in the Cabrio differs from that used in the Golf and Jetta car lines in that the immobilizer control unit is not integrated into the dash panel, but is separate. Volkswagen stated that it equipped the Passat car line with the Generation III system in MY 2001. Additionally, the optional alarm currently offered on the Passat line will be included as a standard feature of the modified system.

In MY 2002, all four car lines will be installed with the Generation III system. Volkswagen stated that the Generation III system modifies the mode of communication between the engine control module and the immobilizer control unit, so that the engine control unit also actively participates with the immobilizer control unit for calculating and verifying the correct key code for starting the engine.

Activation and deactivation of the modified system for all four car lines will remain the same as it is in the current systems. Specifically, automatic activation of the system occurs when the driver/operator removes the key from the ignition and normally locks the doors.

The modified system will require use of a correctly coded-key to start and unlock the vehicle. Volkswagen stated that the key looks like a normal coded-key with internal milling, but has a small read/write transponder built into the body or head, of the key. A data read coil has also been added to the ignition lock cylinder. The reading coil energizes the transponder in the key, reads its code and sends the key's code to the