

Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On October 28, 2002, the FAA determined that the application to impose and use the revenue from a PFC submitted by Metropolitan Airports Commission was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 25, 2003.

The following is a brief overview of the application.

*Proposed charge effective date:* April 1, 2003.

*Proposed charge expiration date:* October 1, 2017.

*Level of the proposed PFC:* \$3.00.

*Total estimated PFC revenue:* \$94,832,543.

*Brief description of proposed projects:*

(Impose and Use Projects)

Runway 12R/30L temporary extension; runway 4/22 property acquisition; airside bituminous construction—2001; pavement rehabilitation—aprons/taxiways; miscellaneous airfield construction; taxiway A/H reconstruction; Green/Gold connector bag belt; Green/Gold connector ticket counter/bag check; security fence/gate replacements; maintenance facility addition.

(Impose Only Project)

Concourse F expansion.

*Level of the proposed PFC:* \$4.50.

*Total estimated PFC revenue:*

\$1,121,378,685.

*Brief description of proposed projects:*

(impose and Use Projects)

Runway 12L deicing pad; runway 12R deicing pad; buildings demolition; taxiway B construction; runway 17/35 site preparation and utility installation (including wetland mitigation, concrete paving, storm sewer and storm water pond construction); runway 17/35 site demolition (on and off airport); runway 17/35 runways, taxiways, taxilanes, and connectors (including runway 17 deicing pad); runway 17/35 airfield service road; runways 17/35 and 4/22 tunnels; taxiways W-Y/Y-3 tunnels; tenant lease extinguishment; deicing

agent processing facility; airfield material and equipment storage facilities; property acquisition (for runway 17/35); program planning/management costs; residential noise insulation; Green Concourse (Concourse C) expansion (Phases 1 and 2); Green Concourse apron expansion (including runway 30R deicing pad); Green/Gold connector; Green Concourse automated people mover; Humphrey terminal hydrant fueling system.

(Impose Only Project)

Fire/rescue replacement facility. Class or classes of air carriers, which the public agency has requested, not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO) filing FAA Form 1800-31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Metropolitan Airports Commission.

Issued in Des Plaines, Illinois on November 22, 2002.

**Barbara Jordan,**

*Acting Manager, Airports Planning/Programming Branch, Airports Division, Great Lakes Region.*

[FR Doc. 02-30337 Filed 11-29-02; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket Nos. FMCSA-99-6480, FMCSA-2000-7006, FMCSA-2000-7165, FMCSA-2000-7363, and FMCSA-2000-8203]**

#### 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's decision to renew the exemptions from the vision requirement

in the Federal Motor Carrier Safety Regulations for 44 individuals.

**DATES:** This decision is effective December 8, 2002. Comments from interested persons should be submitted by January 2, 2003.

**ADDRESSES:** You can mail or deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. You can also submit comments at <http://dms.dot.gov>. Please include the docket numbers that appear in the heading of this document in your submission. You can examine and copy this document and all comments received at the same Internet address or at the Dockets Management Facility from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra Zywockarte, Office of Bus and Truck Standards and Operations, (202) 366-2987, 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:

##### Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may renew an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of commercial motor vehicles in interstate commerce, 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 procedures for receiving an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 44 individuals who have requested renewal of their exemptions in a timely manner. The FMCSA has evaluated these 44 petitions for renewal on their merits and decided to extend each exemption for a renewable 2-year period. They are:

Henry W. Adams  
Willie F. Adams  
Delbert R. Bays  
Robert F. Berry  
James A. Bright  
Robert W. Brown  
Gary Bryan  
Robert R. Buis  
David D. Bungori, Jr.  
Richard S. Carter

Donald Grogan  
Christopher L. Humphries  
Nelson V. Jaramillo  
Jimmie W. Judkins  
Bruce T. Loughary  
Demitrio Lozano  
Michael L. Manning  
Wayne R. Mantela  
Kenneth D. May  
David P. McCabe

Arthur A. Sappington  
James L. Schneider  
Patrick W. Shea  
Carl B. Simonye  
Everett J. Smeltzer  
William H. Smith  
Paul D. Spalding  
Timothy W. Strickland  
George W. Thornhill  
Rick N. Ulrich

Lynn A. Childress David R. Cox Gerald W. Cox Rosalie A. Gifford Eugene A. Gitzen	Harold J. Mitchell Gordon L. Nathan Jerry L. New Bernice R. Parnell Franklin D. Reed, Sr.	Roy F. Varnado, Jr. Larry D. Wedekind Daniel G. Wilson Wonda L. Wooten
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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 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).

#### 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 additional 2-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 44 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 30285, 63 FR 54519, 64 FR 68195, 65 FR 20251, 65 FR 20245, 65 FR 57230, 65 FR 33406, 65 FR 45817, 65 FR 77066), and two of the applicants have previously satisfied the conditions for renewing an exemption (65 FR 66293, 65 FR 77069). Each of these 44 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 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.

#### Comments

The 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, the FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by January 2, 2003.

In the past the FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to the 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 66 FR 17994 (April 4, 2001). The FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Issued on: November 22, 2002.

#### Brian M. McLaughlin,

*Associate Administrator, Policy and Program Development.*

[FR Doc. 02-30338 Filed 11-29-02; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received

a request for a waiver of compliance from certain requirements of its safety regulations. The individual petition is described below including, the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Canadian National Railway Company

[Docket Number FRA-2002-13570]

The Canadian National Railway Company and its wholly owned U.S. subsidiaries, Illinois Central Railroad Company, Wisconsin Central, LTD., Grand Trunk Western Railroad Company, Chicago Central & Pacific Railroad Company, and Duluth, Winnipeg & Pacific Railway Company (hereafter "CN"), seeks a waiver of compliance from certain provisions of the Railroad Operating Practices regulations, 49 CFR Part 218, regarding blue signal protection of workers. Specifically, CN seeks to permit train and yard crew members, and utility employees to remove and replace batteries in two-way end-of-train telemetry devices (EOT) while the EOT is in place on the rear of the train the individual has been called to operate, without establishing any blue signal protection. CN's waiver request is identical to the waiver granted to the Burlington Northern and Santa Fe Railway, FRA-2001-10660. CN's waiver request is only for the replacement of batteries in EOTs manufactured by Digitair PULSE and is not for any other EOT device.

Section 218.5 defines worker as "any railroad employee assigned to inspect, test, repair, or service railroad rolling equipment or their components, including brake systems. Members of train and yard crews are excluded except when assigned such work on railroad rolling equipment that is not part of the train or yard movement they have been called to operate (or assigned to as "utility employees"). Utility employees assigned to and functioning as temporary members of a specific train or yard crew (subject to the conditions set forth in § 218.22 of this chapter), are excluded only when so assigned and functioning." Both § 218.25 and § 218.27, require blue signal protection when workers are on, under, or between rolling equipment on main track or other than main track. Section 218.22(b) states in part: "A utility employee may