

received your comments, please include a self-addressed, stamped envelope or postcard.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

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 Asuch 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, Waivers, Exemptions, and Pilot Programs. This notice addresses 29 individuals who have requested renewal of their exemptions in a timely manner. The FMCSA has evaluated these 29 petitions for renewal on their merits and decided to extend each exemption for a renewable 2-year period. The individuals are:

Henry Ammons, Jr.
Larry N. Arrington
Robert D. Bonner
James F. Bower
Ben T. Brown
David S. Carman
Darrell B. Dean
Cedric E. Foster
Glen T. Garrabrant
Johnny C. Hall
John R. Hughes
Joseph V. Johns
Alan L. Johnston
Mark J. Koscinski
John N. Lanning
Robert C. Leathers
Calvin E. Lloyd
Newton H. Mahoney, III

Luther A. McKinney
Carl A. Michel, Sr.
Dennis I. Nelson
Rance A. Powell
Shannon E. Rasmussen
James R. Rieck
Garfield A. Smith
Frederick E. St. John
Daniel R. Viscaya
Henry L. Walker
Michael P. Walsh

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 29 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 20245, 65 FR 57230, 65 FR 45817, 65 FR 77066, 65 FR 66286, 66 FR 13825). Each of these 29 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 the safety record for each of these individuals, 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 each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

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 April 3, 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: February 24, 2003.

Pamela M. Pelcovits,

Acting Associate Administrator for Policy and Program Development.

[FR Doc. 03-5015 Filed 3-3-03; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2003-14223]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of applications for exemption from the vision standard; request for comments.

SUMMARY: This notice publishes the FMCSA's receipt of applications from 21 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). If granted, 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 the FMCSRs.

DATES: Comments must be received on or before April 3, 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 number that appears in the heading of this document. 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.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

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 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), the 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. The 21 individuals listed in this notice have recently requested an

exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety.

Qualifications of Applicants

1. Gordon L. Apple

Mr. Apple, 71, has had crossed eyes since childhood and alternates from one eye to the other. His best-corrected visual acuity is 20/25 in the right eye and 20/25 in the left. His ophthalmologist examined him in 2002 and certified, "The condition should be stable and he is visually able to drive commercially." Mr. Apple submitted that he has driven straight trucks for 18 years, accumulating 360,000 miles, tractor-trailer combinations for 35 years, accumulating 2.6 million miles, and buses for 6 months, accumulating 2,000 miles. He holds a Class A CDL from Arkansas. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

2. Stanley E. Bernard

Mr. Bernard, 57, has amblyopia in his right eye. His best-corrected visual acuity in the right eye is 20/300 and in the left, 20/20. Following an examination in 2002, his optometrist certified, "Stan Bernard meets the visual requirements to perform the driving tasks needed to operate a commercial vehicle." Mr. Bernard reported that he has driven straight trucks for 30 years, accumulating 1.5 million miles. He holds a Class DM1 driver's license from Alaska. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

3. John D. Bolding, Jr.

Mr. Bolding, 43, has a macular scar in his left eye due to an injury in 1995. His best-corrected visual acuity in the right eye is 20/15 and in the left, 20/200. An optometrist examined him in 2002 and stated, "In our professional opinion, Mr. Bolding has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Bolding submitted that he has driven tractor-trailer combinations for 14 years, accumulating 700,000 miles. He holds a Class A CDL from Oklahoma. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

4. Ronald B. Brown

Mr. Brown, 55, lost the central vision in his right eye due to a retinal vein

occlusion in 1993. His best-corrected visual acuity in the right eye is hand motions and in the left, 20/25. His ophthalmologist examined him in 2002 and stated, "I would hereby certify that in my medical opinion, Mr. Brown has vision adequate to perform the tasks of his present occupation, that of driving a commercial vehicle." Mr. Brown submitted that he has driven straight trucks for 6 years, accumulating 300,000 miles, and tractor-trailer combinations for 24 years, accumulating 2.9 million miles. He holds a Class A CDL from Maine. His driving record shows no accidents or convictions for moving violations in a CMV during the last 3 years.

5. Michael P. Curtin

Mr. Curtin, 47, has amblyopia in his right eye. His best-corrected visual acuity in the right eye is 20/400 and in the left, 20/20. Following an examination in 2002, his optometrist certified, "I do not feel this should decrease his ability to safely drive a commercial vehicle." Mr. Curtin submitted that he has driven straight trucks for 20 years, accumulating 100,000 miles, and tractor-trailer combinations for 2 years, accumulating 10,000 miles. He holds a Class AM CDL from Illinois. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

6. Albion C. Doe

Mr. Doe, 44, has a congenital toxoplasmosis scar in his right eye. His visual acuity is counting fingers in the right eye and 20/25 in the left. Following an examination in 2002, his optometrist certified, "Mr. Doe has a congenital toxoplasmosis scar in his right eye which will not impair his ability to drive a commercial vehicle in any way." Mr. Doe submitted that he has driven straight trucks for 15 years, accumulating 780,000 miles. He holds a Class A CDL from New Hampshire. His driving record shows no accidents or convictions for moving violations in a CMV during the last 3 years.

7. James M. Eads

Mr. Eads, 52, is blind in his left eye due to injury at age 5. His best-corrected visual acuity in the right eye is 20/20. An optometrist examined him in 2002 and stated, "His right eye is revealed to have good ocular health and he has adapted well with his monocular vision to safely drive a commercial vehicle." Mr. Eads reported that he has driven straight trucks for 12 years, accumulating 480,000 miles. He holds a chauffeur's license from Indiana. His

driving record shows no accidents or convictions for moving violations in a CMV during the last 3 years.

8. Richard L. Elyard

Mr. Elyard, 55, is blind in his right eye due to an accident 30 years ago. The best-corrected visual acuity in his left eye is 20/20. Following an examination in 2002, his optometrist certified, "It is my opinion that Mr. Elyard is visually qualified to operate a commercial vehicle at this time." Mr. Elyard reported that he has driven tractor-trailer combinations for 30 years, accumulating 3.1 million miles. He holds a Class A CDL from Virginia. His driving record shows no accidents or convictions for moving violations in a CMV during the last 3 years.

9. Michael R. Forschino

Mr. Forschino, 56, has amblyopia in his left eye. His best-corrected visual acuity is 20/25 in the right eye and 20/50—in the left. His optometrist examined him in 2002 and stated, "Mr. Forschino possesses sufficient vision required to operate a commercial motor vehicle." Mr. Forschino reported that he has driven straight trucks for 7 years, accumulating 434,000 miles. He holds a Class B CDL from Connecticut. His driving record shows no accidents or convictions for moving violations in a CMV during the last 3 years.

10. John C. Gadomski

Mr. Gadomski, 38, has amblyopia in his left eye. His best-corrected visual acuity is 20/20 in the right eye and 20/100 in the left. His optometrist examined him in 2002 and stated, "I do believe that his vision is sufficient to perform driving tasks required to operate a commercial vehicle." Mr. Gadomski reported that he has driven straight trucks for 15 years, accumulating 1.5 million miles. He holds a Class B CDL from New York. His driving record shows no accidents or convictions for moving violations in a CMV during the last 3 years.

11. Richard H. Hammann

Mr. Hammann, 64, has reduced vision in his left eye due to trauma in 1998. His best-corrected visual acuity is 20/30 in the right eye and 20/200 in the left. His ophthalmologist examined him in 2002 and stated, "In my opinion he has adequate vision to operate a commercial vehicle." Mr. Hammann reported that he has driven straight trucks for 44 years, accumulating 1.8 million miles, tractor-trailer combinations for 15 years, accumulating 1.2 million miles, and buses for 44 years, accumulating 2.6 million miles. He holds a Class BCDL

CDL from Wisconsin. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

12. Carl M. Hill

Mr. Hill, 68, has had a histoplasmosis scar in his left eye since childhood. His best-corrected visual acuity is 20/20 in his right eye and 20/100 in the left. An optometrist examined him in 2002 and stated, "In my opinion, Mr. Hill has sufficient vision to operate a commercial vehicle." Mr. Hill reported that he has driven straight trucks for 3 years, accumulating 3,000 miles, tractor-trailer combinations for 13 years, accumulating 975,000 miles, and buses for 1 year, accumulating 5,000 miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

13. David A. Hiller

Mr. Hiller, 53, has amblyopia in his left eye. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/400. Following an examination in 2002, his optometrist stated, "It is my professional opinion that Mr. Hiller's visual condition has not previously affected his ability to operate a commercial motor vehicle nor should it affect any further performance." Mr. Hiller submitted that he has driven straight trucks for 34 years, accumulating 3.2 million miles. He holds a Class A CDL from Minnesota. His driving record shows no accidents or convictions for moving violations in a CMV during the last 3 years.

14. Billy L. Johnson

Mr. Johnson, 25, has amblyopia in his left eye. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/60–2. His optometrist examined him in 2002 and certified, "I do feel, in my opinion, that he does have sufficient vision to perform commercial driving tasks and it is the same now as over the past few years." Mr. Johnson submitted that he has driven tractor-trailer combinations for 4 years, accumulating 270,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

15. Christopher J. Kane

Mr. Kane, 44, has retinal scarring in his left eye due to injury at age 12. His best-corrected visual acuity is 20/20 in the right eye and 20/80—in the left. Following an examination in 2002, his optometrist stated, "I would certify Mr. Kane's vision as sufficient for operating

a commercial vehicle." Mr. Kane reported that he has driven straight trucks for 2 years, accumulating 28,000 miles, and tractor-trailer combinations for 4 years, accumulating 158,000 miles. He holds a Class A CDL from Vermont. His driving record shows no accidents or convictions for moving violations in a CMV during the last 3 years.

16. Jack E. Kettner

Mr. Kettner, 33, experienced optic atrophy in his left eye due to tumor resection in 1992. His best-corrected visual acuity is 20/20 in the right eye and counting fingers in the left. An optometrist examined him in 2002 and certified, "Jack Kettner has sufficient vision to perform commercial driving tasks." Mr. Kettner submitted that he has driven straight trucks for 10 years, accumulating 150,000 miles. He holds a Class B CDL from Florida. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

17. Wallace F. Mahan, Sr.

Mr. Mahan, 63, experienced a retinal vein occlusion in his right eye in 1998. His best-corrected visual acuity is 20/400+1 in the right eye and 20/25+3 in the left. Following an examination in 2002, his ophthalmologist certified, "It is my medical opinion that the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Mahan reported that he has driven tractor-trailer combinations for 40 years, accumulating 1.6 million miles. He holds a Class A CDL from Maine. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

18. James R. Petre

Mr. Petre, 50, has counting fingers vision in his left eye due to a childhood injury. His best-corrected visual acuity in the right eye is 20/20. His optometrist examined him in 2002 and stated, "I do certify in my opinion, that Mr. James Petre has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Petre submitted that he has driven straight trucks for 30 years, accumulating 600,000 miles. Mr. Petre holds a Class B CDL from Maryland. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

19. William E. Reveal

Mr. Reveal, 37, has a retinal detachment in his right eye resulting from a congenital condition. His best-corrected visual acuity in the left eye is

20/20 and in the right, hand motions. His optometrist examined him in 2002 and stated, "Due to the clarity of Mr. Reveal's vision in the left eye, and his life long adaptation to the reduction of vision in his right eye, it is my opinion that his vision is sufficient to perform the driving tasks required to operate a commercial vehicle." Mr. Reveal reported that he has driven straight trucks for 14 years, accumulating 420,000 miles. He holds a Class B CDL from Ohio. His driving record shows no accidents and two convictions for moving violations—speeding and "failure to obey a traffic control device/sign"—in a CMV. He exceeded the speed limit by 10 mph.

20. Robert P. Sanderson

Mr. Sanderson, 59, is blind in his left eye due to a central retinal artery occlusion that occurred in 1998. His best-corrected visual acuity in the right eye is 20/20. His ophthalmologist examined him in 2002 and certified, "Mr. Sanderson's visual acuity in his good eye is stable and I feel he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Sanderson submitted that he has driven straight trucks for 15 years, accumulating 300,000 miles, and tractor-trailer combinations for 30 years, accumulating 2.4 million miles. He holds a Class A CDL from Vermont. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

21. Janusz Tyrpien

Mr. Tyrpien, 45, has had a chorio-retinal scar in his left eye since 1998. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/50. An optometrist examined him in 2002 and stated, "It is my opinion that he has sufficient vision to perform the tasks required to operate a commercial vehicle." Mr. Tyrpien reported that he has driven tractor-trailer combinations for 3 years, accumulating 300,000 miles. He holds a Class A CDL from Florida. His driving record shows no accidents or convictions for moving violations in a CMV during the last 3 years.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), the FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: February 24, 2003.

Pamela M. Pelcovits,

Acting Associate Administrator for Policy and Program Development.

[FR Doc. 03-5017 Filed 3-3-03; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than May 5, 2003.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590, or Ms. Debra Steward, Office of Information Technology and Productivity Improvement, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number . ." Alternatively, comments may be transmitted via facsimile to (202) 493-6230 or (202) 493-6170, or e-mail to Mr. Brogan at robert.brogan@fra.dot.gov, or to Ms. Steward at debra.steward@fra.dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal

Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Debra Steward, Office of Information Technology and Productivity Improvement, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6139). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. 104-13, section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below are brief summaries of the three currently approved information collection activities that FRA will