

Transportation and Highway Safety approved a new National Safety Code Standard for cargo securement. The new Canadian securement requirements are expected to be fully implemented by this summer, 2005.

### Maintaining Uniformity Between U.S. and Canadian Cargo Securement Standards

FMCSA believes it is necessary to continue working with U.S. and Canadian industry experts, Federal, State, and Provincial enforcement officials and other interested parties to maintain harmonization of U.S. and Canadian cargo securement standards. A major part of this effort includes uniformity in interpreting the meaning of requirements adopted by the U.S. and Canada. While there are some differences between certain provisions adopted by FMCSA and Canada's National Safety Code Standard 10, the contents of most of the Model Regulations have been adopted, or will be adopted shortly, by almost all jurisdictions in the U.S. and Canada. To ensure consistency in the interpretation and enforcement of the requirements, FMCSA is working with its Canadian partners to develop a process for sharing information about requests for interpretation, and exchanging technical information that will be helpful to the regulatory agencies in developing their responses to such requests. FMCSA will continue to work with its Canadian partners to ensure that interpretations are provided in an efficient and timely manner to all interested parties.

As a first step, FMCSA is holding a public meeting to provide all interested parties an opportunity to participate in discussions between the agency and its Canadian counterparts about interpretations and other implementation issues.

### Additional Meeting Information

The meeting is on April 21–22, 2005, at the Albuquerque Convention Center (Enchantment 1 Room), 401 Second Street NW., Albuquerque, New Mexico. On April 21, the meeting is from 1 to 5 p.m.; and on April 22, from 8 a.m. to 5 p.m. This meeting is free of charge and open to all interested parties.

The public meeting is being held immediately after the Commercial Vehicle Safety Alliance's (CVSA's) 2005 Annual Conference ends. If you are interested in attending CVSA's conference sessions and committee meetings, you must register with CVSA and pay the appropriate registration fee. For further information about registering, you should contact CVSA at (202) 775-1623.

Issued on: March 28, 2005.

Annette M. Sandberg,

Administrator.

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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 announces its denial of 102 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck drivers and the reasons for the denials. The FMCSA has statutory authority to exempt individuals from the vision standard if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions does not provide a level of safety that will equal or exceed the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (MC-PSD) 202-366-4001, Department of Transportation, FMCSA, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are 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), FMCSA may grant an exemption from the Federal vision standard for a two-year period if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption (49 CFR 381.305(a)).

Accordingly, FMCSA evaluated 102 individual exemption requests on their merits and made a determination that these applicants do not satisfy the criteria established to demonstrate that granting an exemption 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 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 reasons for denials.

The following 52 applicants lacked sufficient recent driving experience during the three-year period prior to the date of their application:

Adkins, William I.  
Alejandro, Pablo  
Archambault, Gary E.  
Ash, Frederick J.  
Barber, Jr., Lonnie D.  
Bors, Allen G.  
Brooks, Marvin L.  
Burlitch, Donald L.  
Cleveland, Nathan P.  
Collins, Gary L.  
Cooper, Gregory L.  
Culverwell, Gerald L.  
Delain, Lash L.  
Dozier, Clifton  
Durer, James F.  
Else, Gerald G.  
Fischer, Matthew A.  
Frampton, James A.  
Gilleland, David J.  
Gravely, Donald G.  
Graves, Thomas  
Haas, Kenneth L.  
Hamilton, Jeffery A.  
Hill, Ray C.  
Hummel, Patrick B.  
Jackman, Norman  
Johnson, James L.  
Kelly, Danny J.  
Kopeshke, Edward M.  
Kuhr, Howard G.  
Lana, Carmelo  
Langford, William D.  
Leven, Hugh  
Logue, William H.  
Lohrbach, Carl A.  
May, Timothy G.  
Merritt, Russell S.  
Nickel V, William F.  
Pitta, Jr., Joe  
Polen, Floyd L.  
Provencher, Edwin J.  
Roslansky, Daniel F.  
Rushing, Rodger D.  
Schmitt, Stephen E.  
Silver, Sylvester  
Smith, Jr., Eddie J.  
Smith, James A.  
Tapp, Carolyn O.  
Towner, John C.  
Turner, Glen V.  
Wright, Forrest L.  
Zoeller, David D.

The following seven applicants do not have experience operating a CMV and presented no evidence from which FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption:

Chiakas, Randall  
 Jones, Nathan B.  
 Loum, Mamadou  
 Mankowski, Joseph P.  
 Reid, Mark A.  
 Skwarek, James M.  
 Stewart, James C.

The following nine applicants do not have three years of experience driving a CMV on public highways with the vision deficiency:

Atwood, Jr., Ronald S.  
 Church, Roy D.  
 Hopkins, Ricky A.  
 Little, Edward C.  
 Marshall, Judy L.  
 Perry, Gregory L.  
 Peters, Carl H.  
 Ross, Edward  
 Kou, Xiong

The following five applicants do not have three years of recent experience driving a CMV with the vision deficiency.

Armstrong, Karl G.  
 Hagen, Brian G.  
 Pugh, Timothy R.  
 Rodriguez, Angel L.  
 Slate, William K.

One applicant, Shefiu O. Abdulsalam, meets the vision requirements and does not need a vision exemption.

One applicant, Quinn C. Wheaton, does not have sufficient peripheral vision in the better eye to qualify for an exemption.

Five applicants had their commercial driver's licenses suspended during the three-year review period in relation to a moving violation. Applicants do not qualify for an exemption with a suspension during the three-year review period.

Bayer, Jeffery  
 Rankin, Richard O.  
 White, Stephen R.  
 Willis, J. C.  
 Woodworth, Daniel D.

Fourteen applicants contributed to a crash while operating a CMV. Applicants do not qualify for an exemption if they have contributed to a crash during the three-year review period.

Brooks, John P.  
 Cromwell, Jerry G.  
 Dunaway, Roger M.  
 Hahn, George L.  
 Harley, Jeff D.  
 Harris, Bobby L.  
 Hummel, Timothy B.  
 Peculis, Brian  
 Pitts, Sr., Jeffery A.  
 Reed, Sr., Franklin D.  
 Robbins, Frederick G.  
 Shaw, Ricky D.  
 Smith, Raymond C.

Wesley, Loyal R.

One applicant, Timothy L. Kelly, was issued excessive nonmoving violations during the three-year period, and did not demonstrate the level of safety required for interstate driving.

Four applicants did not hold a license that allowed operation of the vehicles that they drove during the three-year review period.

Garcia, Larry G.  
 McQuilty, Duane A.  
 Shamblin, Hoyt M.  
 Waiters, Clifton

One applicant, John Bruins, was denied because his license was suspended for "refusing to submit to test."

One applicant, Donnie R. Hovis, was denied because he did not hold a license that allowed operation of vehicles over 10,000 pounds for all or part of the three-year period, and was involved in a CMV crash to which he contributed. Both are disqualifying offenses.

Finally, one applicant, James W. Currie, did not have stable vision during the three-year review period.

Issued on: March 28, 2005.

**Rose A. McMurray,**

*Associate Administrator for Policy and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA-98-4334, FMCSA-2003-14223]

### 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 decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 13 individuals. FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective April 21, 2005. Comments from interested persons should be submitted by May 2, 2005.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Numbers FMCSA-98-4334 and FMCSA-2003-14223 by any of the following methods:

- Web Site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

*Instructions:* All submissions must include the agency name and docket numbers for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** *Public Participation:* The DMS is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the "help" section of the DMS web site. If you want us to notify you that we