

conformity with the SIP. This assessment is contained in the Final Air Quality General Conformity Determination in Appendix G-5 of the FEIS.

Pursuant to the National Historic Preservation Act of 1966, as amended, including Executive Order 11593, Protection and Enhancement of the Cultural Environment, FAA assessed whether its action in approving the proposed project would result in adverse impacts to Historic and Archaeological Resources. The results of this assessment indicated that the Preferred Alternative would result in impacts to resources that are listed in, and eligible for, listing in the National Register of Historic Places. FAA has consulted with the Virginia State Historic Preservation Office (SHPO) concerning the effects assessment and has executed a project specific Memorandum of Agreement (MOA) that identifies treatment of the affected resources. The executed MOA is contained in Appendix B of the ROD.

In accordance with the Coastal Zone Management Act of 1972, as amended, the Preferred Alternative was evaluated for consistency with the Virginia Coastal Program. FAA's evaluation determined that the Preferred Alternative is consistent with the Virginia Coastal Zone Program. The Federal Consistency Determination is contained in Appendix C-3 of the FEIS.

In accordance with Executive Order 11988, Floodplain Management and Order DOT 5650.2, Floodplain Management and Protection, FAA evaluated whether the Preferred Alternative would impact base floodplain based on a 100-year flood. The results of this assessment indicated that the Preferred Alternative would result in unavoidable impacts to the base floodplain and that all available measures to minimize harm will be included in the project design. FAA's analysis has also determined that the base floodplain encroachment with the proposed mitigation does not constitute a "significant" encroachment. Measures to mitigate base floodplain impact are included in the FEIS. The public was informed of the base floodplain encroachment through FAA's ongoing Public Involvement Program.

Copies of the ROD are available for review by appointment only at the following FAA/MWAA Offices. Please call to make arrangements for viewing: Federal Aviation Administration, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, VA, (703) 661-1358; Washington Dulles International Airport, Airport Managers Office, Main Terminal

Baggage Claim Level, Dulles, VA, (703) 572-2710. Additionally, copies of the ROD may be viewed during regular business hours at the following locations:

1. Centreville Regional Library, 14200 St. Germaine Drive, Centreville, VA.
2. Chantilly Regional Library, 4000 Stringfellow Road, Chantilly, VA.
3. Great Falls Library, 9830 Georgetown Pike, Great Falls, VA.
4. Herndon Fortnightly Library, 768 Center Street, Herndon, VA.
5. Reston Regional Library, 11925 Bowman Towne Drive, Reston, VA.
6. Fairfax City Regional Library, 3915 Chain Bridge Road, Fairfax, VA.
7. Ashburn Library, 43316 Hay Road, Ashburn, VA.
8. Rust Library, 380 Old Waterford Road, Leesburg, VA.
9. Middleburg Library, 101 Reed Street, Middleburg, VA.
10. Purcellville Library, 220 E. Main Street, Purcellville, VA.
11. Sterling Library, 120 Enterprise Street, Sterling, VA.
12. Eastern Loudoun Regional Library, 21030 Whitfield Place, Sterling, VA.
13. Tysons-Pimmit Regional Library, 7584 Leesburg Pike, Falls Church, VA.

The ROD may also be viewed at Metropolitan Washington Airports Authority's (MWAA) Dulles Airport Web site: <http://www.mwaa.com/dulles/EnvironmentalStudies/RunwaysEIS.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Joseph Delia, Project Manager, Federal Aviation Administration, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, VA. Mr. Delia can be contacted at (703) 661-1358.

Issued in Washington, DC on October 17, 2005.

**Terry Page,**

*Manager, Washington Airports District Office, Federal Aviation Administration.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket Nos. FMCSA-99-5578, FMCSA-99-6480, FMCSA-2000-7363, FMCSA-2001-9258, FMCSA-2001-9561, FMCSA-2002-12884, FMCSA-2003-14223, FMCSA-2003-15892]

**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 FMCSA's decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 30 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 the renewal of these exemptions will continue to 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 October 30, 2005. Comments from interested persons should be submitted by November 21, 2005.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Numbers FMCSA-99-5578, FMCSA-99-6480, FMCSA-2000-7363, FMCSA-2001-9258, FMCSA-2001-9561, FMCSA-2002-12884, FMCSA-2003-14223, FMCSA-2003-15892 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.

*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:** Dr. 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 received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* 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>.

**Exemption Decision**

Under 49 U.S.C. 31315 and 31136(e), FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 30 individuals who have requested renewal of their exemptions in a timely manner. FMCSA has evaluated these 30 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Thomas E. Adams  
Lauren C. Allen  
Tracey A. Ammons  
Stanley E. Bernard  
Randy B. Combs  
William J. Corder  
Robert L. Cross, Jr.  
James D. Davis  
William P. Davis

John C. Gadomski  
Edward J. Genovese  
Dewayne E. Harms  
James W. Harris  
Mark D. Kraft  
David F. LeClerc  
Charles L. Lovern  
Jimmy R. Millage  
Keith G. Reichel  
Carson E. Rohrbaugh  
Robert E. Sanders  
Earl W. Sheets  
James T. Simmons  
Donald J. Snider  
John A. Sortman  
Jesse L. Townsend  
Thomas D. Walden  
James A. Welch  
John M. Whetham  
Edward W. Yeates, Jr.  
Michael E. Yount

These exemptions are renewed subject to the following conditions: (1) That each individual have a physical examination 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 two years unless rescinded earlier by 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 two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 30 applicants has satisfied the eligibility requirements for obtaining an exemption from the vision standard (64 FR 27027; 64 FR 51568; 66 FR 48504; 68 FR 54775; 64 FR 68195;

65 FR 20251; 67 FR 17102; 65 FR 45817; 65 FR 77066; 68 FR 1654; 66 FR 17743; 66 FR 33990; 66 FR 30502; 66 FR 41654; 67 FR 68719; 68 FR 2629; 68 FR 10301; 68 FR 19596; 68 FR 52811; 68 FR 61860). Each of these 30 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 two 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, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

**Comments**

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, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by November 21, 2005.

In the past FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to 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 69 FR 51346 (August 18, 2004). FMCSA continues to find its exemption process consistent with the statutory and regulatory requirements.

Issued on: October 14, 2005.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

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