

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 Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was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 6 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 40404; 64 FR 66962; 66 FR 66969; 68 FR 69432; 66 FR 53826; 66 FR 66966; 68 FR 69434; 68 FR 52811; 68 FR 61860; 68 FR 61857; 68 FR 75715). Each of these 6 applicants has requested 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.

#### Request for 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 March 13, 2006.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31315 and 31136(e) can be satisfied by initially granting the renewal and then requesting and subsequently evaluating comments submitted by interested parties. As indicated above, the agency previously published notices of final disposition announcing its decision to exempt these 6 individuals from the vision requirement in 49 CFR 931.41(b)(10). That final decision to grant the exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. Those notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e), FMCSA will take immediate steps to revoke the exemption of the driver(s) in question.

Issued on: February 2, 2006.

**Larry W. Minor,**

*Office Director, Bus and Truck Standards and Operations.*

[FR Doc. E6-1754 Filed 2-8-06; 8:45 am]

**BILLING CODE 4910-EX-P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-23773]

##### 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:** FMCSA announces receipt of applications from 19 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions will enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

**DATES:** Comments must be received on or before March 13, 2006.

**ADDRESSES:** You may submit comments identified by DOT Docket Management System (DMS) Docket Number FMCSA-2006-23773 using any of the following methods:

- Web Site: <http://dmses.dot.gov/submit>. 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 online instructions for submitting comments.

*Instructions:* All submissions must include the agency name and docket number for this notice. 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 for further information.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> 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. The DMS is available 24 hours each day, 365 days each year. If you want

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

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person 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 (65 FR 19477; Apr. 11, 2000). This information is also available at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366-4001, [maggi.gunnels@fmcsa.dot.gov](mailto:maggi.gunnels@fmcsa.dot.gov), 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:**

#### **Background**

Under 49 U.S.C. 31315 and 31136(e), 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." FMCSA can renew exemptions at the end of each 2-year period. The 19 individuals listed in this notice each have 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 mandated by statute.

#### **Qualifications of Applicants**

##### *Scott E. Ames*

Mr. Ames, age 38, has loss of vision in his left eye due to traumatic optic neuropathy since 1987. The best corrected visual acuity in his right eye is 20/15 and in the left, 20/400. Following an examination in 2005, his optometrist noted, "In my medical opinion, Mr. Scott Ames has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Ames reported that he has driven straight trucks for 12 years, accumulating 360,000 miles, and tractor-trailer combinations for 7 years, accumulating 238,000 miles. He holds a Class A commercial driver's license

(CDL) from Maine. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

##### *Otto J. Ammer, Jr.*

Mr. Ammer, 44, has had macular scarring in his right eye since childhood due to ocular histoplasmosis. The best corrected visual acuity in his right eye is 20/200 and in the left, 20/20. His optometrist examined him in 2005 and noted, "It is my opinion that Mr. Ammer's visual acuity and visual fields will remain stable over the ensuing years. It is, further, my opinion that Mr. Ammer has sufficient vision to operate a commercial motor vehicle." Mr. Ammer reported that he has driven straight trucks for 5 years, accumulating 50,000 miles, and tractor-trailer combinations for 25 years, accumulating 1.7 million miles. He holds Class A CDL from Pennsylvania. His driving record for the last three years shows no crashes or convictions for moving violations in a CMV.

##### *Harold J. Bartley, Jr.*

Mr. Bartley, 37, has aphakia in his left eye due to a traumatic injury sustained as a child. The visual acuity in his right eye is 20/20 and in the left, count-finger-vision. His ophthalmologist examined him in 2005 and noted, "In my opinion, Mr. Bartley has excellent visual acuity in his right eye and good peripheral vision in his left eye and his condition is stable. Mr. Bartley has sufficient vision to perform the driving tasks required to operate a commercial vehicle at this time." Mr. Bartley reported that he has driven straight trucks for 10 years, accumulating 230,000 miles. He holds a Class B CDL from Kentucky. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

##### *Arthur L. Fields*

Mr. Fields, 54, has a prosthetic left eye due to trauma sustained in 1992. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2005, his optometrist noted, "I do certify that Mr. Fields has sufficient vision to perform the driving tasks to operate a commercial vehicle." Mr. Fields reported that he has driven straight trucks for 6.5 years, accumulating 78,000 miles. He holds a Class A CDL from South Carolina. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

##### *John W. Forgy*

Mr. Forgy, 51, has had a chronic retinal detachment with aphakia in his right eye due to trauma sustained as a child. The visual acuity in his right eye is hand-motion-vision and in the left, 20/20. Following an examination in 2005, his ophthalmologist noted, "I feel that Mr. Forgy has sufficient vision to drive commercial vehicles without any reservation." Mr. Forgy reported that he has driven straight trucks for 3 years, accumulating 65,000 miles. He holds a Class B CDL from Idaho. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

##### *Rupert G. Gilmore, III*

Mr. Gilmore, 47, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20 and in the left, 20/100. Following an examination in 2005, his ophthalmologist noted, "In my opinion, this gentleman has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Gilmore reported that he has driven straight trucks for 23 years, accumulating 276,000 miles. He holds a Class B CDL from Alabama. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

##### *George R. Gorsuch, Jr.*

Mr. Gorsuch, 56, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/25 and in the left, 20/60. His optometrist examined him in 2005 and noted, "After interpreting the data, I am pleased to report that the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Gorsuch reported that he has driven straight trucks for 30 years, accumulating 1 million miles and tractor-trailer combinations for 30 years, accumulating 1 million miles. He holds a Class A CDL from Indiana. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

##### *Walter R. Hardiman*

Mr. Hardiman, 59, has loss of vision in his right eye due to an injury sustained as a child. The best corrected visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2005, his optometrist noted, "In my opinion, Mr. Hardiman's condition is stable and he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Hardiman reported that he has driven straight trucks for 8 years,

accumulating 192,000 miles. He holds a Class A CDL from West Virginia. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Sergio A. Hernandez*

Mr. Hernandez, 59, has a congenital cataract in his left eye. The visual acuity in his right eye is 20/20 and in the left, light perception only. Following an examination in 2005, his optometrist noted, "In my opinion, his monocular vision is sufficient to drive a commercial vehicle without concern." Mr. Hernandez reported that he has driven straight trucks for 5 years, accumulating 100,000 miles, and tractor-trailer combinations for 9 years, accumulating 180,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Burt A. Hughes*

Mr. Hughes, 53, has had loss of vision in the left eye due to retinopathy of prematurity since birth. The best corrected visual acuity in his right eye is 20/25 and in the left, count-finger-vision at 3 feet. Following an examination in 2005, his optometrist noted, "It is my opinion that the patient has sufficient vision at this time to continue to perform the driving tasks required to operate a commercial motor vehicle." Mr. Hughes reported that he has driven straight trucks for 6 years, accumulating 192,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Fredrick C. Ingles*

Mr. Ingles, 55, has had a prosthetic right eye due to a traumatic injury sustained in 1988. The visual acuity in his left eye is 20/20. Following an examination in 2005, his ophthalmologist noted, "In my opinion, Mr. Ingles is safe to operate a commercial vehicle, having excellent vision in the left eye. His vision in the left eye is stable and the fitting of the prosthesis in the right eye is excellent." Mr. Ingles reported that he has driven straight trucks for 9 years, accumulating 178,000 miles. He holds a Class D operator's license from West Virginia. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Clyde Johnson, III*

Mr. Johnson, 44, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20

and in the left, count-finger-vision at 4 feet. Following an examination in 2005, his optometrist noted, "Mr. Johnson's amblyopia does not affect his visual field capabilities. Therefore, his visual skills should allow him to perform the driving tasks required to drive a commercial vehicle. Mr. Johnson reported that he has driven straight trucks for 15 years, accumulating 75,000 miles, and tractor-trailer combinations for 15 years, accumulating 1.8 million miles. He holds a Class A CDL from Michigan. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Paul E. Lindon*

Mr. Lindon, 51, has had a macular scar in his left eye for more than 10 years due to ocular histoplasmosis. The best corrected vision in his right eye is 20/20 and in the left, 20/400. Following an examination in 2005, his optometrist noted, "In my medical opinion, Paul Lindon has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Lindon reported that he has driven straight trucks for 2 years, accumulating 62,000 miles, and tractor-trailer combinations for 1 year, accumulating 53,000 miles. He holds a Class D operator's license from Kentucky. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Aaron C. Lougher*

Mr. Lougher, 32, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20 and in the left, 20/200. Following an examination in 2005, his optometrist noted, "In my opinion, I do believe Mr. Lougher does have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Lougher reported that he has driven straight trucks for 13 years, accumulating 260,000 miles, and tractor-trailer combinations for 11 years, accumulating 330,000 miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Joe S. Nix, IV*

Mr. Nix, 27, has complete loss of vision in the left eye due to an injury sustained as a child. The visual acuity in his right eye is 20/20. Following an examination in 2005, his optometrist noted, "In my opinion, Joe has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Nix reported that he has driven straight trucks for 8 years,

accumulating 624,000 miles. He holds a Class B CDL from Missouri. His driving record for the 3 years shows no crashes or convictions for moving violations in a CMV.

*Luis F. Saavedra*

Mr. Saavedra, 55, has had ischemic optic neuropathy in his right eye since 2002. The best corrected visual acuity in his right eye is 20/70 and in the left, 20/20. Following an examination in 2005, his ophthalmologist noted, "It is my opinion that Mr. Saavedra has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Saavedra reported that he has driven straight trucks for 30 years, accumulating 390,000 miles. He holds a Class D operator's license from Florida. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Raul R. Torres*

Mr. Torres, 44, has loss of vision in his right eye due to trauma sustained in 1989. The best corrected visual acuity in his right eye is 20/80 and in the left, 20/20. Following an examination in 2005, his optometrist noted, "All our findings were discussed with Mr. Torres. We informed him that in our opinion, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle." Mr. Torres reported that he has driven tractor-trailer combinations for 10 years, accumulating 120,000 miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV, failure to stop at a red light.

*Darwin J. Thomas*

Mr. Thomas, 57, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/25 and in the left, 20/80. His optometrist examined him in 2005 and noted, "His vision both in terms of acuity and field of vision, in my opinion, is adequate to drive a commercial vehicle." Mr. Thomas reported that he has driven straight trucks for 2 years, accumulating, 12,000 miles and tractor-trailer combinations for 21 years, accumulating 2.1 million miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Darel G. Wagner*

Mr. Wagner, 50, has had chorioretinitis in his left eye since childhood. The best corrected vision in

his right eye is 20/20 and in the left, 20/100. Following an examination in 2005, his optometrist noted, "I expect Mr. Wagner's vision condition is stable, and I do not anticipate any retinal change. Because he has learned to adapt to this condition as a child, it is my professional opinion that he has sufficient vision to operate a commercial vehicle safely." Mr. Wagner reported that he has driven tractor-trailer combinations for 5 years, accumulating 350,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

#### Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. The agency will consider all comments received before the close of business March 13, 2006. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: February 2, 2006.

**Larry W. Minor,**

*Office Director, Bus and Truck Standards and Operations.*

[FR Doc. E6-1756 Filed 2-8-06; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2003-16564]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of renewal of exemption; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 18 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 March 5, 2006. Comments from interested persons should be submitted by March 13, 2006.

**ADDRESSES:** You may submit comments identified by DOT Docket Management System (DMS) Docket Numbers FMCSA-2003-16564. Using any of the following methods.

- Web Site: <http://dmses.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 online instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket numbers for this notice. 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 for further information.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or 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. The DMS is available 24 hours each day, 365 days each year. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

**Privacy Act:** Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person 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 (65 FR 19477; April 11, 2000). This information is also available at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366-4001, [maggi.gunnels@fmcsa.dot.gov](mailto:maggi.gunnels@fmcsa.dot.gov) 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:

##### 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 18 individuals who have requested renewal of their exemptions in a timely manner. FMCSA has evaluated these 18 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Lee A. Burke  
Barton C. Caldara  
Allan Darley  
Charley J. Davis  
Ray L. Emert  
Robin S. England  
Richard Hailey, Jr.  
Spencer N. Haugen  
Thomas R. Hedden  
William G. Hix  
Robert V. Hodges  
George R. Knavel  
John R. Knott, III  
Duane R. Krug  
Edward D. Pickle  
Charles D. Pointer  
Kent S. Reining  
Ronald D. Ulmer

These exemptions are extended 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