

or to request special assistance at the meeting, contact Kaye Kirby at 202-366-4001.

**SUPPLEMENTARY INFORMATION:**

*The preliminary agenda for the MRB meeting:*

- 0800-0900 Registration (Includes Request for Comments).
- 0900-0905 Call to Order, Agenda Review.
- 0905-0925 MRB Actions, (Diabetes & Schedule II Medications).
- 0925-0945 Cardiovascular Disease.
- 0945-1015 Cardiovascular Disease Expert Panel Recommendations.
- 1015-1100 MRB questions on Cardiovascular Disease.
- 1100-1130 Deliberations on Evidence Report & Panel Comments.
- 1130-1200 MRB Recommendations.
- 1200-1330 Lunch Break (Attendees are responsible for their lunch).
- 1330-1530 Public Comment.

\*Breaks will be announced on meeting day and may be adjusted according to schedule changes, other listening session requirements.

**Medical Review Board Meeting**

The U.S. Secretary of Transportation announced on March 7, 2006, the five medical experts who serve on FMCSA's MRB. Section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Pub. L. 109-59) requires the Secretary of Transportation with the advice of the MRB to "establish, review, and revise medical standards for operators of CMVs that will ensure that the physical condition of operators is adequate to enable them to operate the vehicles safely." FMCSA is considering updates to the physical qualification regulations of CMV drivers, and the MRB will provide the necessary science-based guidance to establish realistic and responsible medical standards.

The MRB operates in accordance with FACA as announced in the **Federal Register** (70 FR 57642, October 3, 2005). The MRB is charged initially with the review of all current FMCSA medical standards (49 CFR 391.41), as well as proposing new science-based standards and guidelines to ensure that drivers operating CMVs in interstate commerce, as defined in CFR 390.5, are physically capable of doing so.

**Meeting Participation**

Attendance is open to the interested public, including medical examiners, motor carriers, drivers, and representatives of medical and scientific associations. The public can ask relevant questions of the MRB and

comment about the information presented to the MRB during the listening session of the program, which will be held 1:30 p.m.-3:30 p.m. Written comments for the MRB meeting will also be accepted beginning on March 27, 2007, and continuing until May 17, 2007, and should include the docket number that is listed in the **ADDRESSES** section. During the MRB meeting, oral comments may be limited depending on how many persons wish to comment; and will be accepted on a first come, first serve basis as requestors register at the meeting. The comments must directly address relevant medical and scientific issues on the MRB meeting agenda. For more information, view the following Web site: <http://www.mrb.fmcsa.dot.gov>.

Issued on: March 6, 2007.

**John H. Hill,**

*Administrator.*

[FR Doc. E7-4468 Filed 3-12-07; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

**[Docket Nos. FMCSA-98-3637, FMCSA-00-7165, FMCSA-00-7363, FMCSA-00-8203, FMCSA-02-12844, FMCSA-02-12294, FMCSA-04-19477]**

**Qualification of Drivers; Exemption Renewals; Vision**

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for these 45 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has reviewed the comments submitted in response to the previous announcements and 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.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366-4001, [maggi.gunnels@dot.gov](mailto:maggi.gunnels@dot.gov), FMCSA, Department of Transportation, 400 Seventh Street, SW., Room 8301, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m.,

Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

You may see all the comments online through the Document Management System (DMS) at <http://dmses.dot.gov>.

**Background**

Under 49 U.S.C. 31136(e) and 31315, 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 comment period ended on February 8, 2007.

**Discussion of Comments**

FMCSA received two comments in these proceedings. The comments were considered and discussed below.

Ms. Sachau believes that drivers with impaired vision should not be driving commercially because it makes the roads much more dangerous.

A review of each record for safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he or she has driven a commercial vehicle safely with the vision deficiency for 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA-98-3637.

Advocates for Highway and Auto Safety (Advocates) expressed opposition to FMCSA's policy to grant exemptions from the FMCSR, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3)

claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31136(e) and 31315); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

### Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 45 renewal applications, FMCSA renews the Federal vision exemptions for Johnny Becerra, Thomas J. Boss, Howard F. Bretkreutz, Robert R. Buis, Ross E. Burroughs, Lester W. Carter, Larry Chinn, Christopher L. DePuy, John B. Ethridge, John E. Evenson, Larry J. Folkerts, George J. Ghigliotty, Randolph D. Hall, Richard T. Hatchel, Steven C. Humke, Paul W. Hunter, Leon E. Jackson, Neil W. Jennings, Robert J. Johnson, Charles R. Kuderer, Robert L. LaFollette, Craig M. Landry, Thomas D. Laws, Ray P. Lenz, William R. Mayfield, Michael B. McClure, Lamont S. McCord, Francis M. McMullin, Joe L. Meredith, Jr., Norman Mullins, Harold W. Mumford, Richard E. Nordhausen, Jr., Tony E. Parks, Clifford C. Priesmeyer, Clarence H. Redding, Gerald R. Rietmann, Andrew H. Rusk, Arthur A. Sappington, Richard L. Sheppard, William H. Smith, David J. Triplett, Kenneth E. Vigue, Jr., Edward C. Williams, David G. Williams, and Richard A. Winslow.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked 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. 31136 and 31315.

Issued on: March 6, 2007.

### Larry W. Minor,

Office Director, Bus and Truck Standards and Operations.

[FR Doc. E7-4488 Filed 3-12-07; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-00-8398, FMCSA-02-12844, FMCSA-04-17984, FMCSA-05-20027]

### Qualification of Drivers; Exemption Applications; Vision

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

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

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 15 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement 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 1, 2007. Comments must be received on or before April 12, 2007.

**ADDRESSES:** You may submit comments identified by DOT Docket Management System (DMS) Docket Numbers FMCSA-00-8398, FMCSA-02-12844, FMCSA-04-17984, FMCSA-05-20027, 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 acknowledgement page that appears after submitting comments online.

*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@dot.gov](mailto:maggi.gunnels@dot.gov) FMCSA, Department of Transportation, 400 Seventh Street, SW., Room 8301, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

### SUPPLEMENTARY INFORMATION:

#### Exemption Decision

Under 49 U.S.C. 31136(e) and 31315, 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 15 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 15 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

David F. Breuer  
Wilford F. Christian  
Richard S. Cummings  
Joseph D. Dean  
Daniel L. Jacobs  
Jimmy C. Killian