

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