

400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m. Monday through Friday, except Federal Holidays.

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Instructions: All submissions must include the agency name and docket number 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: 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:

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.

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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 29 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. Lee A. Burke

Mr. Burke, age 46, has a corneal scar in his right eye due to a childhood injury. His best-corrected visual acuity in the right eye is 20/70 and in the left, 20/15. Following an examination in 2003, his ophthalmologist certified, "In summary, it is my medical opinion that Mr. Burke has very good vision with both eyes open. I have no concern about his abilities to safely operate a commercial vehicle." Mr. Burke reported that he has driven straight trucks for 28 years, accumulating 112,000 miles. He holds a Class D driver's license from Wisconsin. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

2. Barton C. Caldara

Mr. Caldara, 37, has amblyopia in his right eye. His best-corrected visual acuity in the right eye is 20/150 and in the left, 20/20. His ophthalmologist examined him in 2003 and stated, "I believe Mr. Caldara has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Caldara reported that he has driven tractor-trailer combinations for 13 years, accumulating 325,000 miles. He holds a Class ABCDM CDL from Wisconsin. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

3. Terrance F. Case

Mr. Case, 59, has amblyopia in his left eye. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/200. Following an examination in 2003, his optometrist stated, "He has functioned normally all his life with this vision and in my professional opinion he has sufficient vision to

perform the driving tasks required to operate a commercial vehicle." Mr. Case submitted that he has driven straight trucks for 28 years, accumulating 308,000 miles, and tractor-trailer combinations for 5 years, accumulating 350,000 miles. He holds a Class A CDL from Maine. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

4. Lawrence M. Daley

Mr. Daley, 55, has had a central field defect in his left eye due to histoplasmosis since 1997. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/150. Following an examination in 2003, his ophthalmologist certified, "In light of Mr. Daley having operated a commercial vehicle safely for the last 6 years with this condition, I feel he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Daley reported that he has driven straight trucks for 3 years, accumulating 150,000 miles, and tractor-trailer combinations for 30 years, accumulating 300,000 miles. He holds a Class D driver's license from South Carolina. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

5. Allan Darley

Mr. Darley, 44, has amblyopia in his left eye. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/125. Following an examination in 2003, his ophthalmologist stated, "According to findings of my examination, I feel that he would, therefore, qualify to have sufficient vision to perform his driving tasks as required for operating a commercial vehicle." Mr. Darley submitted that he has driven straight trucks for 23 years, accumulating 460,000 miles, and tractor-trailer combinations for 18 years, accumulating 360,000 miles. He holds a Class A CDL from Utah. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

6. Charley Davis

Mr. Davis, 50, lost his left eye due to an injury 30 years ago. His visual acuity in the right eye is 20/20. Following an examination in 2003, his optometrist certified, "In my opinion, due to his excellent visual acuity, good peripheral vision, and many years of driving experience, he has sufficient vision for driving a commercial vehicle." Mr. Davis reported that he has driven tractor-trailer combinations for 29 years, accumulating 3.5 million miles. He