

applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Howard K. Bradley  
Kirk G. Braegger  
Ambrosio E. Calles  
Jose G. Cruz  
Everett A. Doty  
Donald J. Goretski  
Harry P. Henning  
Christopher L. Humphries  
Ralph J. Miles  
William R. New  
Thomas C. Rylee  
Stanley B. Salkowski, III  
Michael G. Thomas  
William H. Twardus  
Ronald Watt

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 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 Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was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. 31136(e) and 31315.

#### 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. 31136(e) and 31315, each of the 15 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226; 64 FR 16517; 67 FR 76439; 68 FR 10298; 70 FR 7545; 65 FR 45817; 65 FR 77066; 67 FR 71610). Each of these 15 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.

#### 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. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by March 22, 2007.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 15 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an 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. The 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. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: February 9, 2007.

**Pamela M. Pelcovits**,  
*Office Director, Policy, Plans and Regulations.*  
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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

**AGENCY:** Pipeline and Hazardous Materials Safety Administration, DOT.

**ACTION:** List of Applications for Modification of Special Permit.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new applications for special permits to facilitate processing.

**DATES:** Comments must be received on or before March 7, 2007.

*Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at <http://dms.dot.gov>.

This notice of receipt of applications for modification of special permits is published in accordance with Part 107 of the Federal hazardous materials

transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 7, 2007.

**Delmer F. Billings,**  
Director, Office of Hazardous Materials,  
Special Permits & Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
<b>MODIFICATION SPECIAL PERMITS</b>				
8915-M		Matheson Tri Gas	49 CFR 173.302a(a)(3); 173.301(d); 173.302a(a)(5).	To modify the special permit to authorize the transportation in commerce of additional Division 2.1 materials in DOT Specification 3A, 3AA, 3AX, 3AAX and 3T cylinders.
10885-M		U.S. Department of Energy, Washington, DC.	49 CFR 172.101 Col. 9(b), 172.204(c)(3); 173.27(b)(2); 173.27(f) Table 2; 175.30(a)(1); 173.27(b)(3).	To modify the special permit to authorize the transportation in commerce of additional hazardous materials and to provide relief from segregation by highway.
12274-M	1999-5707	Snow Peak, Inc., Clackamas, OR.	49 CFR 172.301, 173.302a(b)(2), (b)(3) and (b)(4); 180.205(c) and (g) and 180.209(a).	To modify the special permit to authorize larger non-DOT specification nonrefillable inside containers.
12283-M	1999-5767	Interstate Battery of Alaska, Anchorage, AK.	49 CFR 173.159(c)(1); 173.159(c).	To modify the special permit to authorize the round trip transportation in commerce of batteries within the State of Alaska.
12571-M	2000-8315	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.304(a)(2); 180.209.	To modify the special permit to authorize markings on the sides of the trailers rather than on each individual tube.
13167-M		ITT Industries Space, Systems, LLC, Rochester, NY.	49 CFR 173.301(f); 173.304.	To modify the special permit to authorize an additional non-DOT specification packaging.
14392-M		Department of Defense, Ft. Eustis, VA.	49 CFR 172.101 Column (10B); 176.65, 176.83(a)(b)(g), 176.84(c)(2); 176.136; and 176.144(a).	To reissue the special permit of originally issued on an emergency basis for the transportation in commerce of explosives by vessel in an alternative stowage configuration.
14466-M	2007-27095	Northern Air Cargo, Anchorage, AK.	49 CFR 172.101 Column (9B).	To reissue the special permit originally issued on an emergency basis for the transportation in commerce of certain Class I explosive materials which are forbidden for transportation by air, to be transported by cargo aircraft within the State of Alaska when other means of transportation are impracticable or not available.

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