

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket Nos. FMCSA-2001-10578, FMCSA-2003-16241]

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 17 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 December 30, 2005. Comments from interested persons should be submitted by February 6, 2006.

ADDRESSES: You may submit comments identified by DOT DMS Docket Numbers FMCSA-2001-10578 or FMCSA-2003-16241 by any of the following methods:

- Web site: <http://dms.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.

All submissions must include the agency name and docket numbers 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: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366-4001, 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:

Public Participation: The DMS is generally available 24 hours each day, except when announced system maintenance requires a brief interruption in service. 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. An acknowledgement page appears after submitting comments online and can be printed to document submission of comments.

Privacy Act: 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>.

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 17 individuals who have requested renewal of their exemptions in a timely manner. FMCSA has evaluated these 17 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are: Ronald G. Austin, Zack Bradford, Rickey C. Dalton, Martiano L. Espinosa, Derek T. Ford, Paul C. Gruenberg, Jr.,

James G. LaBair, Dennis A. Leschke, Lonnie Lomax, Jr., Bennet G. Maruska, James T. McGinnis, Gary L. Miller, Eugene C. Murphy, Carl W. Skinner, Jr., Stephen G. Sniffin, Doyce J. Soriez, and Jack E. Wilson.

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. 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 17 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (66 FR 53826; 66 FR 66966; 68 FR 69434; 68 FR 61857; 68 FR 75715). Each of these 17 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. 31315 and 31136(e). However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by February 6, 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 evaluating, if needed, subsequently comments submitted by interested parties. As indicated above, the agency previously published notices of final disposition announcing its decision to exempt these 17 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 a driver.

Issued on: December 28, 2005.

Larry W. Minor,

Director, Office of Bus and Truck Standards and Operations.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2005-23198]

Pipeline Safety: Mechanical Damage Technical Workshop

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of workshop.

SUMMARY: PHMSA and the National Association of Pipeline Safety Representatives (NAPSR) are hosting this workshop to address pipeline safety issues with mechanical damage. Several pipeline industry trade associations are participating in the development of the workshop agenda. Mechanical damage from third party intrusion and latent defects caused during pipeline construction remains a leading cause of major incidents. This workshop will provide a forum to share information on mechanical damage among pipeline operators, state agencies, technical experts, and the public. Participants will discuss and learn about prevention, detection, and characterization technologies for mechanical damage. This information will aid PHMSA in coordinating actions to address the problems mechanical damage poses in operating natural gas and hazardous liquid pipelines.

DATES: PHMSA will hold the meeting on Tuesday, February 28, 2006, from 8 a.m. to 4:30 p.m. and Wednesday, March 1, 2006, from 9 a.m. to 4:30 p.m.

ADDRESSES: PHMSA will hold the meeting at the Houston Marriott Westchase, 2900 Briar Park Drive, Houston, Texas 77042. The telephone number for hotel reservations is (713) 978-7400 or 1-(800) 452-5110.

FOR FURTHER INFORMATION CONTACT: Please contact Robert Smith at (202) 366-3814, or robert.w.smith@dot.gov, regarding the subject matter of this notice. For information regarding hotel accommodations for individuals with disabilities, please contact the hotel staff at (713) 978-7400.

SUPPLEMENTARY INFORMATION:

Who Should Attend: PHMSA urges Federal and State pipeline safety regulators and operators of natural gas transmission and distribution, and hazardous liquid pipelines to attend. Workshop attendees will discuss and see existing and future technology used to prevent, detect and characterize mechanical damage.

Registration with PHMSA: To facilitate meeting planning, advance

registration is strongly encouraged. Please visit the Meeting Registration and Document Commenting webpage (<http://primis.phmsa.dot.gov/meetings/>) where PHMSA will post details about the meeting.

Hotel Registration: PHMSA has reserved a room rate of \$92.00 per night for the first 100 reservations for both Monday, February 27 and Tuesday, February 28, 2006. Mention the Department of Transportation/PHMSA or the Mechanical Damage Technical Workshop when speaking with the hotel. The hotel must receive reservations by attendees on or before, February 13, 2006.

Background: PHMSA and NAPSR are hosting this workshop to address pipeline safety issues with mechanical damage. Several pipeline industry trade associations are participating in the development of the workshop agenda. The participating trade associations are the American Gas Association, Association of Oil Pipe Lines, American Public Gas Association, American Petroleum Institute, Common Ground Alliance, Interstate Natural Gas Association of America, In Line Inspection Association and the Pipeline Research Council International. The results of this workshop and the information shared will further research on mechanical damage and document the state of current damage prevention, detection and characterization technology.

Mechanical damage from third party intrusion and latent defects caused during pipeline construction remains a leading cause of major pipeline incidents. Mechanical damage defect types are commonly identified as denting, metal loss, metal deformation, and cracking. Several existing technologies are in practice to prevent, detect and characterize damage to pipelines. Regulators, operators, and commercial vendors have varying levels of confidence in these technologies. Several organizations fund or conduct research addressing mechanical damage technology. Organizations developing mutual technology goals will lead to aligning resources, better synergy, and better dissemination of information about new technologies. This will promote pipeline safety across the industry. The workshop aims to identify confidence levels with existing technologies, build research synergy, and gauge the state of our efforts to address mechanical damage.