

Issued in Orlando, FL on March 27, 2001.

**W. Dean Stringer,**

*Manager, Orlando Airports District Office,  
Southern Region.*

[FR Doc. 01-8193 Filed 4-3-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: City of Baton Rouge and Unincorporated Parts of East Baton Rouge Parish, LA

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Withdrawal of notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed highway project in East Baton Rouge Parish, Louisiana has been withdrawn. The Louisiana Department of Transportation of Development (LDOTD) is not planning to pursue to the project as proposed.

**FOR FURTHER INFORMATION CONTACT:** William C. Farr, Program Operations Manager, 5304 Flanders Drive, Suite A, Baton Rouge, LA 70808, Telephone: (225) 757-7615, or Ms. Michele Deshotels, Environmental Impact Program Manager, LDOTD, Section 28, P.O. Box 94245, Baton Rouge, LA 70804-9245, Telephone: 225-248-4192.

**SUPPLEMENTARY INFORMATION:** A Notice of Intent was published (63 FR 16616) to prepare an EIS on a proposal to improve Interstate 10 through Baton Rouge, Louisiana. The proposed project included the construction of an additional lane in the east and west bound directions in order to provide an eight-lane freeway facility, interchange improvements to address safety and capacity problems, as well as frontage road additions and extensions. It would also have included congestion management measures consisting of ramp metering, incident management, park and ride lots, transit improvements and demand management strategies.

The proposed project began at the eastern end of the Mississippi River Bridge and extended eastward along Interstates 10 and 12 to points immediately east of the interchanges with Essen Lane. The proposed construction was approximately 11.2 kilometers (7 miles) long from the western terminus to the eastern terminus of Interstate 10 and 9.7 kilometers (6 miles) from Interstate 110 to Interstate 12.

Public involvement activities completed included neighborhood meetings, steering committee activities, newsletters and public meetings which were used to obtain input from citizens who may have been affected by the proposal. All of the neighborhood meetings were open to all citizens and advertised in the Baton Rouge media to solicit general public participation.

To ensure that a full range of issues related to this proposed action are addressed and all significant issues identified comments and suggestions were invited from all interested parties to be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic assistance Program Number 20.205 Highway Planning and Construction. The regulations Implementing Executive Order 12372 regarding inter-governmental consultation on federal program and activities apply to this program)

Issued on March 26, 2001.

**William A. Sussmann,**

*Division Administrator, Baton Rouge, LA.*

[FR Doc. 01-8198 Filed 4-3-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket Nos. FMCSA-98-4334 and FMCSA-98-3637 (formerly FHWA-98-4334 and FHWA-98-3637)]**

#### Qualification of Drivers; Exemption Applications; Vision

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

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

**SUMMARY:** This notice announces the FMCSA's decision to renew the exemptions from the vision requirement in 49 CFR 391.41(b)(10), for 13 individuals.

**DATES:** This decision is effective April 5, 2001. Comments from interested persons should be submitted by May 4, 2001.

**ADDRESSES:** Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at <http://dmses.dot.gov/submit>. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-

addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically.

**FOR FURTHER INFORMATION CONTACT:** For information about the vision exemptions in this notice, Ms. Sandra Zywockarte, Office of Bus and Truck Standards and Operations, (202) 366-2987; for information about legal issues related to this notice, Mr. Joe Solomey, Office of the Chief Counsel, (202) 366-1374, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access and Filing

You may submit or retrieve comments online through the Document Management System (DMS) at: <http://dmses.dot.gov/submit>. Acceptable formats include: MS Word (versions 95 to 97), MS Word for Mac (versions 6 to 8), Rich Text File (RTF), American Standard Code Information Interchange (ASCII)(TXT), Portable Document Format (PDF), and WordPerfect (versions 7 to 8). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site.

An electronic copy of this document may also be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may also reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

##### Background

Thirteen individuals have requested renewal of their exemptions from the vision requirement in 49 CFR 391.41(b)(10) which applies to drivers of commercial motor vehicles (CMVs) in interstate commerce. They are Joe F. Arnold, Gary A. Barrett, Ivan L. Beal, Johnny A. Beutler, Richard D. Carlson, David J. Collier, Loras G. Knebel, Dexter L. Myhre, James H. Oppliger, Stephanie D. Randels, Duane L. Riendeau, Darrell L. Rohlf, and Robert A. Wagner. Under 49 U.S.C. 31315 and 31316(e), the FMCSA may grant an exemption for a renewable 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." Accordingly, the FMCSA has evaluated the 13 petitions for renewal on their merits and has decided to extend each exemption for a renewable 2-year period.

On April 5, 1999, the agency published a notice of final disposition announcing its decision to exempt 23 individuals, including 12 of these applicants for renewal, from the vision requirement in 49 CFR 391.41(b)(10) (64 FR 16517). The qualifications, experience, and medical condition of each applicant were stated and discussed in detail at 63 FR 66226 (December 1, 1998). One comment was received, and its contents were carefully considered by the agency in reaching its final decision to grant the petitions (64 FR 16517). On October 9, 1998, the agency published a notice of final disposition announcing its decision to exempt 12 individuals, including Mr. Wagner, from the vision requirement in 49 CFR 391.41(b)(10) (63 FR 54519). His qualifications, experience, and medical condition were stated and discussed in detail at 63 FR 30285 (June 3, 1998). Three comments were received, and their contents were carefully considered by the agency in reaching its final decision to grant the petitions (63 FR 54519). The agency determined that exempting the individuals from 49 CFR 391.41(b)(10) was likely to achieve a level of safety equal to, or greater than, the level that would be achieved without the exemption as long as the vision in each applicant's better eye continues to meet the standard specified in 391.41(b)(10). As a condition of the exemption, therefore, the agency imposed requirements on the individuals similar to the grandfathering provisions in 49 CFR 391.64(b) applied to drivers who participated in the agency's former vision waiver program.

These requirements are as follows: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that vision in the better eye meets the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests 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 retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official.

### Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application for an additional 2-year period. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 13 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 30285; 63 FR 54519; 63 FR 66266; 64 FR 16517), and each has requested timely renewal of the exemption. These 13 applicants have submitted evidence showing that the vision in their 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 their records of safety while driving with their respective vision deficiencies over the past 2 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, the FMCSA concludes that extending the exemption for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption for each renewal applicant.

### Discussion of Comments

The Advocates for Highway and Auto Safety (AHAS) expresses opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, the AHAS objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The 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 13 individuals from the vision requirement in 49 CFR 391.41(b)(10). That final decision to grant exemptions 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 application. Those notices of applications stated in detail the qualifications, experience, and medical condition of each petitioner for

an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

These 13 individuals identified in today's publication have successfully driven with an exception from the vision requirements for the past two years. These drivers have received physical examinations during the past two-year period, in accordance with the program requirements. Either an ophthalmologist or optometrist has attested that they continued to meet the standard in 49 CFR 391.41(b)(10) in the better eye. Upon filing their renewal application, all 13 applicants have presented proof of continued qualification. Their vision impairment is stable. The driving record of all 13-renewal applicants continues to highlight their safe driving. These individuals have, and are continuing to, achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent the exemption.

Nonetheless, 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 the FMCSA. The FMCSA 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), the FMCSA will take immediate steps to revoke the exemption of a driver.

### Conclusion

In accordance with 49 U.S.C. 31315 and 31136(e), the FMCSA extends the exemptions from the vision requirement in 49 CFR 391.41(b)(10) granted to Joe F. Arnold, Gary A. Barrett, Ivan L. Beal, Johnny A. Beutler, Richard D. Carlson, David J. Collier, Loras G. Knebel, Dexter L. Myhre, James H. Oppliger, Stephanie D. Randels, Duane L. Riendeau, Darrell L. Rohlfs, and Robert A. Wagner, subject to the following conditions: (1) That each individual be physically examined 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 retains 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 2 years unless revoked earlier by the 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. 31315 and 31136(e).

#### Request for Comments

The FMCSA has evaluated the qualifications and driving performance of the 13 applicants here and extends their exemptions based on the evidence introduced. The agency will review any comments received 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). While comments of this nature will be entertained at any time, the FMCSA requests that interested parties with information concerning the safety records of these drivers submit comments by May 4, 2001. All comments will be considered and will be available for examination in the docket room at the above address. The FMCSA will also continue to file in the docket relevant information which becomes available. Interested persons should continue to examine the docket for new material.

**Authority:** 49 U.S.C. 322, 31136 and 31315; and 49 CFR 1.73.

Issued on: March 29, 2001.

**Julie Anna Cirillo,**

*Acting Deputy Administrator,*

[FR Doc. 01-8265 Filed 4-3-01; 8:45 am]

**BILLING CODE 4910-EX-P**

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD-2001-9305]

#### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel Achiever.

**SUMMARY:** As authorized by Pub. L. 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

**DATES:** Submit comments on or before May 4, 2001.

**ADDRESSES:** Comments should refer to docket number MARAD-2001-9305. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dms.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2307.

**SUPPLEMENTARY INFORMATION:** Title V of Pub. L. 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to

properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

#### Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: ACHIEVER. Owner: Clive Edward Lonsdale.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Length Overall: 19.2 meters or 63 feet, Beam: 4.3 meters or 14 ft 10 inches, Draft: 1.59 meters or 6 feet, Under deck tonnage: 30.89 tons, Deck erections: 4.27 tons, Gross Tonnage: 35 tons, Net Tonnage: 26 tons."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "I am planning to use Achiever for sailing adventure charters from Dutch Harbor, visiting the Natural Wonders of the Aleutian Islands. Achiever has the facility to offer live-aboard accommodation for charter parties. I will be working in partnership with a Dutch Harbour resident, Jeff Hancock who currently organises local adventure kayaking and back packing trips from his Sport Equipment Store Aleutian Adventure Sports, based in Dutch Harbor. We will be employing a professional American captain and crew to run the trips and we aim to carry no more than 12 passengers on short trips around the Aleutian chain of islands. Our joint interests will enhance Dutch Harbor's facilities, hopefully encouraging visitors from around the world." Geographic area: "North and South of the Alaska Peninsular from the Shumagin Islands to Attu Island at the Western end of the Aleutian Islands."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1991. Place of construction: Whakatane, New Zealand.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "I am aware of several small motor fishing vessels that offer half-day fishing trips from Dutch Harbour. They are fast launches that take small parties out on halibut fishing trips. Achiever will not conflict with these charter vessels and to the best of my knowledge there are no other operators offering the type of charter I intend to offer. From my knowledge of the port of Dutch Harbor I have identified: Miss Amber, Lucille, Grand Aleutian, Silver Cloud and Miss