

Nonproliferation, Department of State (202-647-1142).

**SUPPLEMENTARY INFORMATION:** Pursuant to the authorities vested in the President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) ("IEEPA"), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), and section 301 of title 3, United States Code, and Section 6 of Executive Order 12938 of November 14, 1994, as amended, a determination was made on March 23, 2004, that it is in the foreign policy and national security interests of the United States to remove the restrictions imposed pursuant to Sections 4(b), 4(c), and 4(d) of the Executive Order on the following Russian entities, their sub-units and successors:

1. Europalace 2000
2. Grafit (aka State Scientific Research Institute of Graphite or NIIGRAFIT)
3. MOSO Company
4. The Scientific Research and Design Institute of Power Technology (aka NIKIET, Research and Development Institute of Power Engineering (RDIPE), and ENTEK).

These restrictions were imposed on the first three entities on July 30, 1998 (*see* 63 FR 42089) and on the fourth entity on January 8, 1999 (*see* 64 FR 2935).

Dated: March 24, 2004.

**John S. Wolf,**

*Assistant Secretary of State for Nonproliferation, Department of State.*

[FR Doc. 04-7341 Filed 3-31-04; 8:45 am]

**BILLING CODE 4710-25-P**

## DEPARTMENT OF STATE

### Bureau of Nonproliferation

[Public Notice 4675]

#### Lifting of Nonproliferation Statutory and Discretionary Measures Against Two Russian Entities, TZNII Central Scientific Research Institute of Precision Machine Building (aka Tzniitochmash) and Volsk Mechanical Plant

**SUMMARY:** A determination has been made, pursuant to section 620H of the Foreign Assistance Act of 1961, as amended, section 543 of the Foreign Operations, Export Financing, and Related Programs Appropriations, Division D, of the Consolidated Appropriations Act, 2004 (Pub. L. 108-99), and similar provisions in previous annual Foreign Operations, Export

Financing, and Related Programs Appropriations acts, and Executive Order 12163, as amended, to waive the statutory assistance ban on two Russian entities. The United States Government also has determined to remove discretionary nonproliferation measures on the same two Russian entities.

**EFFECTIVE DATE:** April 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ron Parson, Office of Export Controls and Conventional Arms Nonproliferation Policy, Bureau of Nonproliferation, Department of State, (202-647-0397).

**SUPPLEMENTARY INFORMATION:** Pursuant to section 620H of the Foreign Assistance Act of 1961, as amended, section 543 of the Foreign Operations, Export Financing, and Related Programs Appropriations, Division D, of the Consolidated Appropriations Act, 2004 (Pub. L. 108-99), and similar provisions in previous annual Foreign Operations, Export Financing, and Related Programs Appropriations acts, and Executive Order 12163, as amended, a determination was made on March 23, 2004, that furnishing assistance restricted by any of the foregoing provisions of law to TZNII Central Scientific Research Institute of Precision Machine-Building (aka Tzniitochmash) and Volsk Mechanical Plant is important to the national interests of the United States. On the same date, a determination was made pursuant to the authorities of the Foreign Assistance Act and the Arms Export Control Act that it is no longer the policy of the United States Government to deny all types of United States Government assistance to these two entities or to deny licenses and other approvals of defense articles and services for export to these two entities.

These restrictions were imposed on the entities on April 29, 1999 (*see* 64 FR 23148), and June 9, 1999 (*see* 64 FR 31029).

Dated: March 26, 2004.

**John S. Wolf,**

*Assistant Secretary of State for Nonproliferation, Department of State.*

[FR Doc. 04-7339 Filed 3-31-04; 8:45 am]

**BILLING CODE 4710-27-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2004-17195]

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

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

**ACTION:** Notice of applications for exemption from the vision standard; request for comments.

**SUMMARY:** This notice publishes the FMCSA's receipt of applications from 29 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. 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 49 CFR 391.41(b)(10).

**DATES:** Comments must be received on or before May 3, 2004.

**ADDRESSES:** You may submit comments identified by any of the following methods. Please identify your comments by the DOT DMS Docket Number FMCSA-2003-17195.

- *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.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

*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.

*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>.

**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 mandated by the statute.

**Qualifications of Applicants**

*1. Manuel A. Almeida*

Mr. Almeida, age 56, underwent surgery for a retinal detachment in his left eye in 2000. The best-corrected visual acuity in his right eye is 20/20 and in the left, 20/400. His optometrist examined him in 2003 and certified, "In my opinion, Mr. Almeida has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Almeida submitted that he has driven tractor-trailer combinations for 35 years, accumulating 2.6 million miles. He holds a Class A commercial driver's license (CDL) from

Massachusetts. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

*2. James C. Askin*

Mr. Askin, 32, has amblyopia in his right eye. The visual acuity in his right eye is 20/400 and in the left, 20/20. His optometrist examined him in 2003 and stated, "It is my opinion that James C. Askin has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Askin reported that he has driven straight trucks for 2 years, accumulating 120,000 miles, and tractor-trailer combinations for 11 years, accumulating 1.5 million miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no accidents and one conviction for a moving violation "speeding" in a CMV. He exceeded the speed limit by 10 mph.

*3. Paul J. Bannon*

Mr. Bannon, 39, experienced a retinal detachment in his right eye in 1981. His best-corrected visual acuity in the right eye is 20/200 and in the left, 20/20. Following an examination in 2003, his optometrist certified, "The critical issue is that Mr. Bannon has sufficient peripheral vision to operate a commercial vehicle. His best-corrected vision using both eyes is 20/20. This is also sufficient in the tasks required to operate a commercial vehicle." Mr. Bannon submitted that he has driven straight trucks and tractor-trailer combinations for 18 years, accumulating 540,000 miles in the former and 180,000 miles in the latter. He holds a Class A CDL from Delaware. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*4. Ernie E. Black*

Mr. Black, 39, has amblyopia in his right eye. His best-corrected visual acuity in the right eye is 20/200 and in the left, 20/20. Following an examination in 2003, his optometrist certified, "In my medical opinion, he has more than ample vision to operate a commercial vehicle." Mr. Black reported that he has driven straight trucks for 9 years, accumulating 270,000 miles. He holds a Class C driver's license from North Carolina. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*5. Gary O. Brady*

Mr. Brady, 39, 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 certified, "My medical opinion is that Gary O. Brady has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Brady reported that he has driven straight trucks for 5 years, accumulating 350,000 miles, and tractor-trailer combinations for 8 years, accumulating 600,000 miles. He holds a Class A CDL from West Virginia. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

*6. Michael C. Branham*

Mr. Branham, 47, has amblyopia in his right eye. His visual acuity in the right eye is 20/400 and in the left, 20/20. Following an examination in 2003, his optometrist certified, "My medical opinion is that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle without glasses." Mr. Branham reported that he has driven tractor-trailer combinations for 24 years, accumulating 3.0 million miles. He holds a Class DM driver's license from South Carolina currently, but at the time of his application he held a Class AM CDL, now expired. His driving record for the last 3 years shows no crashes and one conviction for a moving violation "speeding" in a CMV. He exceeded the speed limit by 9 mph.

*7. Stephen H. Goldcamp*

Mr. Goldcamp, 49, has amblyopia in his left eye. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/200. His optometrist examined him in 2003 and noted he has "sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Goldcamp reported that he has driven straight trucks for 8 years, accumulating 272,000 miles, and tractor-trailer combinations for 16 years, accumulating 576,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

*8. Steven F. Grass*

Mr. Grass, 34, lost the vision in his left eye due to an injury at age 2. His best-corrected visual acuity in the right eye is 20/20. Following an examination in 2003, his optometrist certified, "Mr. Grass is very well adapted to using only the vision in his right eye. I believe that there is no reason for him to not be able to operate a commercial vehicle safely." Mr. Grass reported that he has driven tractor-trailer combinations for 10 years, accumulating 453,000 miles. He holds a

Class A CDL from New Mexico. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*9. Donald E. Hathaway*

Mr. Hathaway, 51, has amblyopia in his left eye. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/70. Following an examination in 2003, his optometrist certified, "It is my opinion that, with spectacle correction, Donald Hathaway has sufficient vision to perform the required tasks to operate a commercial vehicle." Mr. Hathaway reported that he has driven straight trucks for 12 years, accumulating 420,000 miles, and tractor-trailer combinations for 18 years, accumulating 1.6 million miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*10. Michael S. Johannsen*

Mr. Johannsen, 44, lost the vision in his left eye in 2000 due to injury. The visual acuity in his right eye is 20/15. Following an examination in 2003 his ophthalmologist stated, "I believe that Mr. Johannsen has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Johannsen reported that he has driven straight trucks for 9 years, accumulating 207,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

*11. Mearl C. Kennedy*

Mr. Kennedy, 49, has amblyopia in his right eye. His best-corrected visual acuity in the right eye is 20/60 and in the left, 20/20. Following an examination in 2003, his ophthalmologist certified, "In my medical opinion, Mearl (Ken) Kennedy has sufficient vision to perform the task of operating a commercial vehicle." Mr. Kennedy reported that he has driven straight trucks for 32 years, accumulating 480,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*12. Wai Fung King*

Mr. King, 36, has amblyopia in his right eye. His best-corrected visual acuity in the right eye is 20/50 and in the left, 20/20. His ophthalmologist examined him in 2003 and noted, "Patient has sufficient vision to operate a commercial vehicle." Mr. King submitted that he has driven straight

trucks for 9 years, accumulating 252,000 miles. He holds a Class B CDL from Illinois. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

*13. Christopher J. Meerten*

Mr. Meerten, 27, has a congenital cataract in his right eye. His visual acuity in the right eye is counting fingers and in the left, 20/15. Following an examination in 2003, his optometrist certified, "I believe he has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Meerten reported that he has driven tractor-trailer combinations for 5 years, accumulating 20,000 miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*14. William J. Miller*

Mr. Miller, 55, has amblyopia in his left eye. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/60. His ophthalmologist examined him in 2003 and certified, "It is my medical opinion that Mr. Miller is as safe driving as someone with a much milder amblyopia. As such, I would urge that he be given a driver's license with the only restriction being the wearing of corrective lenses." Mr. Miller reported that he has driven tractor-trailer combinations for 10 years, accumulating 1.0 million miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

*15. Robert J. Mohorter*

Mr. Mohorter, 46, has a corneal scar and aphakia in his right eye due to an injury at age 8. His visual acuity in the right eye is light perception only and in the left, 20/20. Following an examination in 2003, his optometrist certified, "In my professional opinion, due to his excellent acuity and his full field of vision, Robert Mohorter has sufficient visual abilities to operate a commercial vehicle." Mr. Mohorter reported that he has driven tractor-trailer combinations for 20 years, accumulating 3.0 million miles. He holds a Class AM CDL from New York. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*16. James A. Mohr*

Mr. Mohr, 59, lost his left eye due to an injury in 1954. His best-corrected visual acuity in the right eye is 20/20. Following an examination in 2003, his

ophthalmologist certified, "It is my opinion that he has vision adequate enough to be certified as a commercial driver." Mr. Mohr reported that he has driven straight trucks for 5 years accumulating 100,000 miles, and tractor-trailer combinations for 20 years, accumulating 2.0 million miles. He holds a Class A CDL from Montana. His driving record for the last 3 years shows no crashes and one conviction for a moving violation—speeding—in a CMV. He exceeded the speed limit by 18 mph.

*17. Charles R. Murphy*

Mr. Murphy, 53, has a retinal scar in his left eye due to injury 30 years ago. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/400. His optometrist examined him in 2003 and stated, "It is my medical opinion that this scar has been there for many years and that he has sufficient vision to perform the tasks to drive a commercial vehicle." Mr. Murphy submitted that he has driven tractor-trailer combinations for 30 years, accumulating 3.6 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no accidents and one conviction for a moving violation—"failure to obey traffic sign"—in a CMV.

*18. Lacy L. Patterson*

Mr. Patterson, 65, has amblyopia in his left eye. His best-corrected visual acuity in the right eye is 20/15 and in the left, 20/60. Following an examination in 2003, his optometrist certified, "In my medical opinion, Lacy Lavarn Patterson has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Patterson reported that he has driven tractor-trailer combinations for 42 years, accumulating 4.2 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*19. Roderick F. Peterson*

Mr. Peterson, 33, lost the vision in his left eye due to trauma in childhood. The visual acuity in his right eye is 20/15. His ophthalmologist examined him in 2003 and stated, "I believe Mr. Peterson, in light of the fact that this was a childhood trauma, has developed excellent coping skills and should be able to drive commercial vehicles safely." Mr. Peterson reported that he has driven straight trucks for 13 years, accumulating 390,000 miles. He holds a Class B CDL from Georgia. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

*20. Stephen P. Preslopsky*

Mr. Preslopsky, 48, has had decreased vision in his left eye for 10 years due to injury. His best-corrected visual acuity in the right eye is 20/20 and in the left, counting fingers. Following an examination in 2003, his ophthalmologist certified, "It is my opinion that Mr. Preslopsky's vision is sufficient to operate a commercial vehicle, however, this is only from a medical standpoint since I do not know what is actually required to perform this task." Mr. Preslopsky reported that he has driven straight trucks for 8 years, accumulating 220,000 miles, and tractor-trailer combinations for 15 years, accumulating 715,000 miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*21. Timothy J. Sands*

Mr. Sands, 41, experienced nerve damage in his left eye due to an injury at age 14. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/400. His ophthalmologist examined in 2003 and stated, "It is my medical opinion that Mr. Sands does possess adequate vision, and that he does have sufficient visual field function in his injured eye and normal right eye to perform the driving tasks required to operate a commercial vehicle." Mr. Sands reported that he has driven straight trucks for 12 years, accumulating 186,000 miles, and tractor-tractor combinations for 2 years, accumulating 82,000 miles. He holds a Class A CDL from Alaska. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

*22. Donald W. Sidwell*

Mr. Sidwell, 66, experienced a retinal detachment in his right eye in 1989. His best-corrected visual acuity in the right eye is 20/200 and in the left, 20/20. Following an examination in 2003, his optometrist certified, "In my medical opinion, Mr. Sidwell has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Sidwell reported that he has driven straight trucks for 35 years, accumulating 350,000 miles, and tractor-trailer combinations for 14 years, accumulating 1.1 million miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*23. David M. Smith*

Mr. Smith, 35, has amblyopia in his left eye. His visual acuity in the right

eye is 20/20 and in the left, 20/200. Following an examination in 2003, his optometrist certified, "I feel he would have sufficient vision to safely operate a commercial vehicle." Mr. Smith reported that he has driven tractor-trailer combinations for 4 years, accumulating 240,000 miles. He holds a Class AM CDL from Illinois. His driving record for the last 3 years shows no crashes and one conviction for a moving violation—speeding—in a CMV. He exceeded the speed limit by 20 mph.

*24. Jose M. Suarez*

Mr. Suarez, 41, underwent laser treatment for a macular scar in his right eye in 1998. His best-corrected visual acuity in the right eye is 20/50 and in the left, 20/15. Following an examination in 2003, his ophthalmologist certified, "In my medical opinion he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Suarez reported that he has driven tractor-trailer combinations for 9 years, accumulating 450,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

*25. Robert L. Swartz, Jr.*

Mr. Swartz, 56, has amblyopia in his right eye. His best-corrected visual acuity in the right eye is 20/100 and in the left, 20/15. Following an examination in 2003, his optometrist certified, "I find no visual problems with Mr. Swartz driving a commercial vehicle." Mr. Swartz reported that he has driven straight trucks for 26 years, accumulating 338,000 miles. He holds a Class B CDL from Ohio. His driving record for the last 3 years shows no crashes and one conviction for a moving violation—speeding—in a CMV. He exceeded the speed limit by 10 mph.

*26. Elmer Kevin Thomas*

Mr. Thomas, 40, has had reduced vision in his left eye for 3 years due to histoplasmosis. His best-corrected visual acuity in the right eye is 20/20 and in the left, only peripheral light perception. His optometrist examined him in 2003 and noted, "Kevin's daily performance and his good peripheral field results lead me to believe Kevin's vision is sufficient to operate a commercial vehicle." Mr. Thomas reported that he has driven straight trucks and tractor-trailer combinations for 9 years, accumulating 234,000 miles in the former and 900,000 miles in the latter. He holds a Class A CDL from Ohio. His driving record for the last 3

years shows no accidents or convictions for moving violations in a CMV.

*27. Robert L. Vaughn*

Mr. Vaughn, 70, has amblyopia in his left eye. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/400. Following an examination in 2003, his ophthalmologist stated, "It is my medical opinion that the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Vaughn submitted that he has driven tractor-trailer combinations for 30 years, accumulating 3.4 million miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no accidents and one conviction for a moving violation—speeding—in a CMV. He exceeded the speed limit by 10 mph.

*28. Richard G. Wendt*

Mr. Wendt, 47, has amblyopia in his right eye. His visual acuity in the right eye is 20/200 and in the left, 20/20. Following an examination in 2003, his optometrist certified, "Mr. Wendt's vision remains unchanged since the first time I examined him August 6, 2001, and he retains visual function sufficient to operate a commercial vehicle." Mr. Wendt reported that he has driven straight trucks for 23 years, accumulating 690,000 miles. He holds a Class B CDL from Mississippi. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*29. Richard A. Yeager*

Mr. Yeager, 55, has amblyopia in his right eye. His best-corrected visual acuity in the right eye is 20/100 and in the left, 20/20. His optometrist examined him in 2003 and stated, "My medical opinion is Richard Yeager has sufficient vision to perform driving tasks that are required to drive a commercial vehicle." Mr. Yeager submitted that he has driven tractor-trailer combinations for 14 years, accumulating 1.8 million miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

**Request for Comments**

In accordance with 49 U.S.C. 31315 and 31136(e), the FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: March 25, 2004.

**Rose A. McMurray,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. 04-7243 Filed 3-31-04; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA-99-5748, FMCSA-99-6156, FMCSA-99-6480, FMCSA-2001-10578]

#### 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 publishes the FMCSA decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 14 individuals. The 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 April 14, 2004. Comments from interested persons should be submitted by May 3, 2004.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Numbers FMCSA-99-5748, FMCSA-99-6156, FMCSA-99-6480, and FMCSA-2001-10578 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.

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**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.

*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), the FMCSA may renew an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, 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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 14 individuals who have requested renewal of their exemptions in a timely manner. The FMCSA has evaluated these 14 applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period. They are:

Mark K. Cheely  
Richard J. Cummings  
Glenn E. Gee  
Robert N. Heaton  
Laurent G. Jacques  
Alfred G. Jeffus  
Michael W. Jones  
Earl E. Martin  
Robert W. Nicks  
Tommy L. Ray, Jr.  
Andrew W. Schollett  
Edward J. Sullivan  
Steven L. Valley  
Stephen D. Vice

These exemptions are extended subject to the following conditions: (1) That each individual have a physical exam 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 2 years unless rescinded earlier by the 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 2 years from its approval date and may be renewed upon application for additional 2-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 14 applicants has satisfied the