

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration****Qualification of Drivers; Exemption Applications; Vision**

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its denial of 113 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the vision standard if the exemptions granted will not compromise safety. The agency has concluded that granting exemptions for the 113 applicants would not likely provide a level of safety equivalent to, or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, Physical Qualifications Division (MC-PSP) 202-366-4001, Department of Transportation, FMCSA, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are 8 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Background**

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the Federal vision standard for a renewable two-year period if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption. (49 CFR 381.305(a)).

Accordingly, FMCSA evaluated 113 individual exemption requests on their merits and made a determination that these applicants do not satisfy the eligibility criteria for the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final agency action. The list published today summarizes the agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denials.

The following 18 applicants lacked sufficient driving experience during the

three-year period prior to the date of their application:

Ahne, Stanley W.
Beasley, Mark H.
Black, Edward
Cinko, John R.
Collins, Kevin E.
DeCaro, Albert P.
Faw, Louis D.
Gomez, Jr., Galdino L.
Klein, William C.
McCluer, Jerry D.
Merrill, Roy A.
Moreland, Richard
Robertson, Leland F.
Sinclair, John F.
Thomas, Terry B.
Thompson, Kevin S.
Warfield, Richard D.
Zepernick, Sr., Edward A.

The following 16 applicants do not have any experience operating a CMV.

Benton, Joseph F.
Berry, Sr., Michael S.
Brobbel, Simon J.
Cherry, Charlie L.
Chess, James J.
Dawes, Calvin L.
Dennison, Robert J.
Gulley, Thomas R.
Hayos, Anastacio D.
Jones, Frederick L.
King, Douglas
Manion, Corey P.
Perea, Jose F.
Stoddard, Edgar P.
Weinman, Bruce L.
Young, Kurtis, T.

The following 16 applicants do not have 3 years of experience driving a CMV on public highways with the vision deficiency.

Beckworth III, Jimmy D.
Duval, Ronald
Hobbs, Carl D.
House, Carlton E.
Howard, Mark P.
Hummel, Timonhy B.
Jarvis, Larry L.
Neeffe, Steven J.
Reid, Paul R.
Scheve, Jarod S.
Thulin, Bruce E.
Vigil, Francisco C.
Wainwright, James C.
Weigel, Eugene M.
Williams, Carl A.
Wood, John E.

The following 12 applicants did not operate a commercial vehicle during the 3 years prior to the date they applied for the exemption and therefore do not have 3 years of recent experience driving a CMV with the vision deficiency.

Bon, Edward L.
Gaillard, Henry A.
Gamez, Exiquio

Green, Lefonne C.
Hill, Danny J.
Leonard, Gary W.
Martin, Jesse L.
Maxwell, Brian A.
Newman, Gordon S.
Taves, Michael A.
Vanatta, Dennis M.
Wells, David L.

The following 25 applicants did not operate a commercial vehicle during part of the 3 years prior to the date they applied for the exemption and therefore lack sufficient driving experience over the past 3 years under normal highway operating conditions.

Brunson, Johnny L.
Cashman, Dean T.
Chaplin, Mryl S.
Cornell, Chaney T.
Downer, Scott W.
Fitzgerald, David P.
Gregory, Jimmy D.
Gysberg, Rocky D.
Holt, Lee P.
Kennedy, Millard S.
Kenney III, Peter M.
Lawrence, Clifford L.
Mayson, Tyrone O.
Moctar, Bouha O.
Moreno, Rick P.
McKnight, Tommy L.
Natola, Eric J.
Paraf, Corey
Plumley, James C.
Schmidt, Brendon K.
Shoemaker, David C.
Smith, Clay L.
Tade, Jerry W.
Thompson, Arnold L.
Virgen-Meza, Francisco

Three applicants, Charles W. Jones, Mark L. McWhorter, and Keith L. Wraight, were charged with a moving violation in conjunction with a CMV crash, which makes them ineligible.

Two applicants, Cleaven E. Barrett and Darrell B. Dean, do not have sufficient peripheral vision in the better eye to qualify for an exemption.

Four applicants had commercial driver's licenses suspensions during the three-year review period in relation to a moving violation. Applicants are ineligible for an exemption if their license is suspended during the three-year period prior to the date they applied for the exemption.

Glenn, Curtis J.
Gwyn, Terry W.
Roberson, Terry L.
Selleck, David A.

One applicant, David M. Field, had 2 serious CMV violations within a three-year period. Each applicant is allowed a total of 2 moving violations, one of which can be serious. Three applicants, Wilfred J. Gagnon, James R. King, and

Kenneth G. Mallette, contributed to a crash while operating a CMV. Applicants do not qualify for an exemption if they have contributed to a crash during the three-year review period.

Two applicants, Rayfus J. Hewitt and Limmie J.T. Sweet, did not hold a license that allowed operation of vehicles over 26,000 pounds, for all or part of the three-year review period.

The following four applicants meet the vision standard and do not need a vision exemption.

Adkison, Gary L.
Albrecht, Thomas K.
Fry, Donald L.
Maust, Larry A.

One applicant, Lyndon P. Walker, was disqualified for multiple reasons.

One applicant, Merrill C. Vogelzang, provided inconsistent information that could not be verified during the application process.

Three applicants, Levern F. Brantner, Jr., Troy Harrison, and James E. Kilby, III, were disqualified because their vision was not stable for the entire three-year review period.

One applicant, Raymond P. Gonzales, did not submit all of the required documentation and therefore presented no verifiable evidence that he met the terms and conditions of the Federal vision exemption program.

Finally, one applicant, Alphonso L. Mitchell, does not meet the vision standard in his better eye.

Issued on: February 22, 2006.

Pamela M. Pelcovits,

Director for Policy Plan's and Regulations.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their expected burdens. The **Federal Register**

notice with a 60-day comment period soliciting comments on the following collections of information was published on December 20, 2005 (70 FR 75533).

DATES: Comments must be submitted on or before March 31, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292), or Mr. Victor Angelo, Office of Support Systems, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6470). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On December 20, 2005, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 70 FR 75533. FRA received no comments in response to this notice. Accordingly, DOT announces that these information collection activities have been reevaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); see also 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection

requirements (ICRs) and the expected burden. The updated requirements are being submitted for clearance by OMB as required by the PRA.

Title: Identification of Cars Moved in Accordance with Order 13528.

OMB Control Number: 2130-0506.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Form(s): None.

Abstract: This collection of information identifies a freight car being moved within the scope of Order 13528 (now codified under 49 CFR 232.3). Otherwise, an exception will be taken, and the car will be set out of the train and not delivered. The information that must be recorded is specified at 49 CFR 232.3(d)(3), which requires that a car be properly identified by a card attached to each side of the car and signed stating that such movement is being made under the authority of the order. Section 232.3(d)(3) does not require retaining cards or tags. When a car bearing a tag for movement under this provision arrives at its destination, the tags are simply removed.

Annual Estimated Burden Hours: 67 hours.

Title: U.S. DOT Crossing Inventory Form.

OMB Control Number: 2130-0017.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads and States.

Form(s): FRA F 6180.17.

Abstract: Form FRA F 6180.71 is a voluntary form, and is used by States and railroads to periodically update certain site specific highway-rail crossing information which is then transmitted to FRA for input into the National Inventory File. This information has been collected on the U.S. DOT-AAR Crossing Inventory Form (previous designation of this form) since 1974 and maintained in the National Inventory File database since 1975. The primary purpose of the National Inventory File is to provide for the existence of a uniform database which can be merged with accidents data and used to analyze information for planning and implementation of crossing safety programs by public, private, and governmental agencies responsible for highway-rail crossing safety. Following the official establishment of the National Inventory in 1975, the Federal Railroad Administration (FRA) assumed the principal responsibility as custodian for the maintenance and continued development of the U.S. DOT/AAR National Highway-Rail Crossing Inventory Program. The major goal of the Program is to provide Federal, State,