

visual acuity of the left eye and absolutely normal visual field, in my medical opinion, certainly gives him a level of vision to perform his driving tasks in a commercial vehicle safely." Mr. Thein reported that he has driven straight trucks for 20 years, accumulating 832,000 miles. He holds a Class D operator's license from Wisconsin. His driving record for the last 3 years shows one crash, for which he was cited, and no convictions for moving violations in a CMV.

Ernest W. Waff

Mr. Waff, 55, has complete loss of vision in his left eye due to a retinal detachment that he has had for 25 years. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2006, his ophthalmologist noted, "He has sufficient vision to perform the driving tasks to operate a commercial vehicle." Mr. Waff reported that he has driven straight trucks for 34 years, accumulating 221,000 miles. He holds a Class C operator's license from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mikael J. Wagner

Mr. Wagner, 51, has loss of vision in his right eye due to keratoconus and later corneal decompensation. The visual acuity in his right eye is light perception and in the left, 20/20. Following an examination in 2006, his ophthalmologist noted, "I believe he has satisfactory visual function to operate a commercial vehicle." Mr. Wagner reported that he has driven straight trucks for 25 years, accumulating 650,000 miles. He holds a Class C operator's license from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph W. Wigley

Mr. Wigley, 42, has loss of vision in his left eye due to a traumatic injury sustained in 1985. The best corrected visual acuity in his right eye is 20/20 and in the left, no light perception. Following an examination in 2006, his optometrist noted, "In our professional medical opinion, Mr. Wigley has sufficient vision to perform the driving tasks required to operate commercial vehicle." Mr. Wigley reported that he has driven straight trucks for 18 years, accumulating 153,000 miles. He holds a Class D operator's license from Arkansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this Notice. The Agency will consider all comments received before the close of business February 1, 2007. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this Notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: December 20, 2006.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-00-7363, FMCSA-04-17984, FMCSA-04-18885]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 8 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement 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 January 3, 2007. Comments must be received on or before February 2, 2007.

ADDRESSES: You may submit comments identified by DOT Docket Management System (DMS) Docket Numbers FMCSA-00-7363, FMCSA-04-17984,

FMCSA-04-18885, using any of the following methods.

- **Web Site:** <http://dmses.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 numbers for this Notice. 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 for further information.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or 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. The DMS is available 24 hours each day, 365 days each year. 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 may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person 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 (65 FR 19477; Apr. 11, 2000). This information is also available at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366-4001, maggi.gunnels@dot.gov, FMCSA, Department of Transportation, 400 Seventh Street, SW., Room 8301, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Exemption Decision**

Under 49 U.S.C. 31136(e) and 31315, 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 8 individuals who have requested renewal of their exemptions in a timely manner. FMCSA has evaluated these 8 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

David D. Bungori, Jr., David R. Cox, Timothy A. DeFrange, Robert T. Hill, Francisco J. Jimenez, Robert B. Schmitt, Rick N. Ulrich, Larry D. Wedekind.

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 8 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 45817; 65 FR 77066; 67 FR 71610; 69 FR 64810; 69 FR 33997; 69 FR 61292; 69 FR 53493; 69 FR 62742). Each of these 8 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 February 1, 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 8 individuals from the vision requirement in 49 CFR 391.41(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. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: December 20, 2006.

Rose A. McMurray,
Associate Administrator, Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket Number FRA-2006-25765]

**Union Pacific Railroad Company;
Notice of Public Hearing and Extension
of Comment Period**

On November 28, 2006, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** announcing the Union Pacific Railroad Company's (UP) request for a waiver of compliance from certain provisions of Title 49 Code of Federal Regulations (CFR) Part 232, Brake and System Safety Standards for Freight and Other Non-passenger Trains and Equipment; 49 CFR part 215, End of Train Devices; 49 CFR 229, Freight Car Safety Standards; and 71 FR 68885, Locomotive Safety Standards. Specifically, UP requests that the following regulations be waived to allow inspections and tests to be performed on run-through trains originating in Mexico and subsequently interchanged to UP at Laredo, Texas, from the Kansas City Southern de Mexico Railroad (KCSM) and be considered valid without having to perform additional train or locomotive inspections by UP on the U.S. side of the border: 49 CFR 232.205, Class I brake test-initial terminal inspection; 49 CFR 232.409, Inspection and testing of end-of-train devices; 49 CFR 215.13, Pre-departure inspection; and 49 CFR 229.21, Daily inspection.

FRA received several comments from interested parties and requests for a public hearing and an extension of the public comment period. With this notice, FRA is granting both of these requests.

Accordingly, a public hearing is hereby scheduled to begin at 9 a.m. on February 7, 2007, at La Posada Hotel and Suites, 1000 Zaragoza Street, in