

adoption of a show-cause order, a tentative order, or in appropriate cases, a final order without further proceedings.

*Docket Number:* OST-2001-9737.

*Date Filed:* May 17, 2004.

*Due Date for Answers, Conforming Applications, or Motion To Modify Scope:* June 7, 2004.

*Description:* Application of Vensecar Internacional, C.A. requesting an amendment to its application for a foreign air carrier permit authorizing it to: (1) Add the Netherlands Antilles and Jamaica as authorized intermediate points on its all-cargo flights between Venezuela and Miami; (2) engage in scheduled foreign air transportation of property and mail between a point or points in Venezuela and Houston, Texas, via the Netherlands Antilles and Jamaica; and (3) engage in scheduled foreign air transportation of property and mail from a point or points in Venezuela to San Juan, Puerto Rico, and beyond to Spain, France, the Netherlands and Germany, and beyond to points outside Europe.

**Andrea M. Jenkins,**

*Program Manager, Docket Operations,  
Federal Register Liaison.*

[FR Doc. 04-12536 Filed 6-2-04; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice for a Change in Use of Aeronautical Property at Lawrence Municipal Airport, Lawrence, MA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Request for public comments.

**SUMMARY:** The FAA is requesting public comment on the City of Lawrence, Massachusetts request to change a portion (approx. 1.38 acres) of Airport property from aeronautical use to non-aeronautical use. The property is located on Clark Street and is adjacent to 21 Clark Street. The property is and will continue to be utilized for vehicle parking associated with a business located at 21 Clark Street. The property was acquired under FAAP Project Nos. 9-19-0007-0804 and 9-19-007-6106.

This notice is as a result of a corrective action item in response to a land use inspection that found the unauthorized use of airport property.

All revenues derived from the lease of the property will be used for airport purposes in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in

the **Federal Register** on February 16, 1999.

**DATES:** Comments must be received on or before July 6, 2004.

**ADDRESSES:** Documents are available for review by appointment only by contacting Mr. Michael P. Miller, at Lawrence Municipal Airport, 492 Sutton Street, North Andover, Massachusetts 01845, telephone (978) 794-5880 and the Federal Aviation Administration, 16 New England Executive Park, Burlington, Massachusetts. Written comments on the Sponsor's request must be delivered or mailed to Ms. Donna R. Witte, Airports Program Specialist, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803, tel. (781) 238-7624.

**FOR FURTHER INFORMATION CONTACT:** Donna R. Witte at the Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (781) 238-7624.

**SUPPLEMENTARY INFORMATION:** Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21) requires the FAA to provide an opportunity for public notice and comment to the "waiver" or "modification" of a sponsor's Federal obligation to use certain airport property for aeronautical purposes.

Issued in Burlington, Massachusetts, on May 18, 2004.

**Vincent A. Scarano,**

*Manager, Airports Division, New England Region.*

[FR Doc. 04-12542 Filed 6-2-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on a Request To Impose and Use a Passenger Facility Charge (PFC) at Hartsfield Jackson Atlanta International Airport, Atlanta, GA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on a request to impose and use PFC at the Hartsfield Jackson Atlanta International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law

101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before July 6, 2004.

**ADDRESSES:** Comments on this request may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, 1701 Columbia Ave., Suite 2-260, College Park, Georgia 30337-2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Arthur L. Bacon, Director Of Finance of the City of Atlanta, Department of Aviation at the following address: City of Atlanta, Department of Aviation, P.O. Box 20509, Atlanta, Georgia 30320-2509.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Atlanta, Department of Aviation under § 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Terry R. Washington, P.E., Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Suite 2-260, College Park, Georgia 30337-2747, telephone number (404) 305-7143. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use PFC at Hartsfield-Jackson Atlanta International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On April 17, 2004, the FAA determined that the application to Impose and Use PFC submitted by The City of Atlanta was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 16, 2004. The following is a brief overview of the application request.

*PFC Application No.:* 04-06-C-00-ATL.

*Level of the proposed PFC:* \$4.50.

*Proposed charge effective date:* May 1, 1997.

*Proposed charge expiration date:* May 1, 2019.

*Total estimated net PFC revenue increase:* \$18,462,000.

*Brief description of projects:*

1. Security Screening Checkpoint ("SSCP") Reconfiguration and Expansion Project.
2. Security Access Control System Project.

*Class or classes of air carriers which the public agency has requested not be*

required to collect PFCs: Air Taxi/ Commercial Operators (ATCO) when enplaning revenue passengers in limited, irregular, special service operations

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Atlanta's Department of Aviation.

Issued in College Park, Georgia, on May 26, 2004.

**Daniel Gaetan,**

*Acting Manager, Atlanta Airports District Office, Southern Region.*

[FR Doc. 04-12541 Filed 6-2-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2004-17195]

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** The FMCSA announces its decision to exempt 29 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). 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:** June 3, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ms. Teresa Doggett, Office of Bus and Truck Standards and Operations, (202) 366-2990, 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:

##### Electronic Access

You may see all the comments online through the Document Management System (DMS) at: <http://dmses.dot.gov>.

##### Background

On April 1, 2004, the FMCSA published a notice of receipt of exemption applications from 29 individuals, and requested comments

from the public (69 FR 17263). The 29 individuals petitioned the FMCSA for exemptions from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. They are: Manuel A. Almeida, James C. Askin, Paul J. Bannon, Ernie E. Black, Gary O. Brady, Michael C. Branham, Stephen H. Goldcamp, Steven F. Grass, Donald E. Hathaway, Michael S. Johannsen, Mearl C. Kennedy, Wai Fung King, Christopher J. Meerten, William J. Miller, Robert J. Mohorter, James A. Mohr, Charles R. Murphy, Lacy L. Patterson, Roderick F. Peterson, Stephen P. Preslopsky, Timothy J. Sands, Donald W. Sidwell, David M. Smith, Jose M. Suarez, Robert L. Swartz, Jr., Elmer K. Thomas, Robert L. Vaughn, Richard G. Wendt, and Richard A. Yeager.

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. Accordingly, the FMCSA has evaluated the 29 applications on their merits and made a determination to grant exemptions to all of them. The comment period closed on May 3, 2004. One comment was received.

#### Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

Since 1992, the agency has undertaken studies to determine if this vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70° to 120°, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Paul Aiello, M.D., and James W. Rosenberg, M.D., "Visual Requirements and Commercial Drivers," October 16, 1998,

filed in the docket, FHWA-98-4334.) The panel's conclusion supports the agency's view that the present visual acuity standard is reasonable and necessary as a general standard to ensure highway safety. The FMCSA also recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 29 applicants fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, corneal and retinal scars, and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but nine of the applicants were either born with their vision impairments or have had them since childhood. The nine individuals who sustained their vision conditions as adults have had them for periods ranging from 3 to 30 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion has sufficient vision to perform all the tasks necessary to operate a CMV. The doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and performance tests designed to evaluate their qualifications to operate a CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 29 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualifies them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 4 to 42 years. In the past 3 years, seven of the drivers have had convictions for traffic violations. Six of these convictions were for speeding and one was for "failure to obey traffic sign." None of the drivers was involved in a crash.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the April 1, 2004, notice (69 FR 17263). Since there were no substantial docket comments on the specific merits or qualifications of any applicant, we have not repeated the individual profiles here, but note that information