

viability of the medical standards in the Federal Motor Carrier Safety Regulations, the framework that relates driver health to safe CMV operation. The MRB assesses and provides recommendations to FMCSA about regulations that may need to be changed or updated. FMCSA's MRB provides information, advice, and recommendations to the Secretary of Transportation and the FMCSA Administrator on the development and implementation of science-based physical qualification standards applicable to interstate CMV drivers, and implementation of a national registry of medical examiners. The MRB does not hold regulatory development responsibilities, manage programs, or make decisions affecting such programs. The MRB provides a forum for the development, consideration, and communication of information from a knowledgeable, scientific perspective. The MRB began operations in February 2006, with formal deliberations beginning in August 2006. The MRB meets quarterly each year and has issued many recommendations on cardiovascular diseases, seizure disorders, musculoskeletal diseases, and other topics pertinent to the certified driver medical examination.

## II. Request for Applications

FMCSA seeks physicians from many different medical specialties to develop science-based CMV physical qualification standards, medical advisory criteria and safety policies. As members of the Agency's MRB, physicians will provide expert guidance on medical guidelines and standards. The Agency is committed to appointing physicians with diverse professional backgrounds and taking into account gender, ethnicity, demographic and socioeconomic factors. To be eligible for appointment, physicians must (a) Be a U.S. citizen; (b) not be a Federal government employee; (c) have a U.S. medical license (as a Medical Doctor or Doctor of Osteopathy) and is in good standing with a State medical licensing authority; (d) be able to attend three to four face-to-face meetings a year and three to five 1 hour teleconferences, and spend approximately 5 hours per month providing additional consultation. Interested physicians should have a commitment to transportation safety and health, an understanding of evidence-based medicine and research methods, knowledge of transportation medical issues, history of excellence in original medical research demonstrated through publications in peer-reviewed journals, experience on panels that develop medical standards and a record

of leadership activities in transportation safety and medical professional organizations.

MRB members are special government employees under the Federal Advisory Committee Act of 1972, Public Law 92-463. While attending meetings or conducting business of the Committee, expenses for travel and subsistence or per diem allowances will be paid by FMCSA.

Applications should be submitted online at <http://www.mrb.fmcsa.dot.gov>. For additional information, please contact Jennifer Musick at 703-998-0189, extension 237, or via e-mail at [contactmrb@fmcsa.dot.gov](mailto:contactmrb@fmcsa.dot.gov). FMCSA will accept applications through July 30, 2008, and will periodically call for applications as the MRB work continues.

Issued on: June 20, 2008.

**John H. Hill,**  
Administrator.

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BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-99-6156, FMCSA-99-6480, FMCSA-00-7006, FMCSA-01-10578, FMCSA-02-11714, FMCSA-02-13411, FMCSA-03-16241, FMCSA-03-16564, FMCSA-04-17195, FMCSA-05-21711, FMCSA-05-22194, FMCSA-05-23099, FMCSA-05-23238, FMCSA-06-23773, FMCSA-06-24015, FMCSA-06-24783]

### 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 58 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 exemption renewals will provide a level of safety that is 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 July 20, 2008. Comments must be received on or before July 30, 2008.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-99-6156, FMCSA-99-6480, FMCSA-00-7006, FMCSA-01-10578, FMCSA-02-11714, FMCSA-02-13411, FMCSA-03-16241, FMCSA-03-16564, FMCSA-04-17195, FMCSA-05-21711, FMCSA-05-22194, FMCSA-05-23099, FMCSA-05-23238, FMCSA-06-23773, FMCSA-06-24015, FMCSA-06-24783, using any of the following methods.

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

- **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- **Fax:** 1-202-493-2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year.

If you want acknowledgment 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://DocketsInfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202)-366-4001,

fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

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.

##### Exemption Decision

This notice addresses 58 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 58 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Jawad K. Al-Shaibani  
Harold J. Bartley, Jr.  
Kenneth J. Bernard  
Allen G. Bors  
Brad T. Braegger  
Michael C. Branham  
John E. Breslin  
Trixie L. Brown  
Raymond L. Brush  
Marcus S. Burkholder  
Scott F. Chalfant  
Leroy A. Chambers  
Harvis P. Cosby  
Rodney D. Curtis  
Norman J. Day  
Michael D. DeBerry  
Francisco Espinal  
William L. Foote  
Spencer N. Haugen  
Victor B. Hawks  
Edward J. Hess, Jr.  
William G. Hix  
Ralph Holmes  
Bruce A. Homan  
Timothy B. Hummel  
Fredrick C. Ingles  
Larry L. Jarvis  
Michael S. Johannsen  
Charles Johnston  
Harry L. Jones  
Mearl C. Kennedy  
Patrick E. Martin  
Bennet G. Maruska  
Leland K. McAlhaney  
Bobby G. Minton

William C. Mohr, Sr.  
Charles J. Morman  
Charles R. Murphy  
Larry A. Nienhuis  
Corey L. Paraf  
Kenneth R. Piechnik  
John J. Pribanic  
Ronald M. Price  
John P. Raftis  
Bruce G. Robinson  
Scott D. Russell  
Alton M. Rutherford  
Richard A. Schneider  
Charles L. Schnell  
Andrew W. Schollett  
Joseph B. Shaw, Jr.  
Wolfgang V. Spekis  
Sandra J. Sperling  
Ryan K. Steelman  
Robert L. Swartz, Jr.  
Charles V. Tracey  
Duane L. Tysseling  
Leonard R. Wilson

*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 58 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 54948; 65 FR 159;

67 FR 10475; 69 FR 8260; 71 FR 19604; 71 FR 6824; 64 FR 68195; 65 FR 20251; 67 FR 38311; 69 FR 26921; 71 FR 27033; 66 FR 53826; 66 FR 66966; 68 FR 69434; 70 FR 74102; 65 FR 20245; 67 FR 15662; 67 FR 37907; 69 FR 26206; 71 FR 26601; 67 FR 76439; 68 FR 10298; 71 FR 16410; 68 FR 61857; 68 FR 75715; 71 FR 646; 68 FR 74699; 69 FR 10503; 71 FR 6829; 69 FR 17263; 69 FR 31447; 70 FR 48797; 70 FR 61493; 70 FR 57353; 70 FR 72689; 71 FR 4194; 71 FR 13450; 71 FR 5105; 71 FR 19600; 71 FR 6826; 71 FR 19602; 71 FR 14566; 71 FR 30227; 71 FR 32183; 71 FR 41310). Each of these 58 applicants has requested 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 July 30, 2008.

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 58 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an 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. The 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: June 19, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Reappointment of Representatives to the Unified Carrier Registration Agreement Board of Directors

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

**ACTION:** Notice.

**SUMMARY:** FMCSA announces the reappointment of four Directors who serve on the Board of Directors that governs the Unified Carrier Registration (UCR) Agreement as the representatives from each of the four FMCSA service areas. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) created the UCR Agreement. Under the UCR Agreement, for-hire and private motor carriers, brokers, freight forwarders, and leasing companies provide registration and financial responsibility information and pay certain fees. The UCR Agreement replaced the Single State Registration System (SSRS), which was repealed January 1, 2007.

**DATES:** The Directors' appointments to the Board are effective beginning on June 1, 2008. Their terms will expire May 31, 2011.

**FOR FURTHER INFORMATION CONTACT:** Ms. Julie Otto, Federal Motor Carrier Safety Administration, Office of Safety Programs (MC-ES), (202) 366-0710, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are

from 8 a.m. to 5 p.m., ET, Monday through Friday except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4305 of SAFETEA-LU (Pub. L. 109-59, 119 Stat. 1144, Aug. 10, 2005) created, under Title 49 of the U.S. Code, a new section 14504a titled "Unified Carrier Registration System Plan and Agreement." Under the UCR Agreement, for-hire motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies provide registration and financial responsibility information and pay certain fees. The Unified Carrier Registration Plan Board of Directors must issue rules and regulations to govern the UCR Agreement.

Title 49 U.S.C. 14504a(a)(9) defines the Unified Carrier Registration Plan as the organization of State, Federal, and industry representatives responsible for developing, implementing, and administering the UCR Agreement. Section 14504a(d)(1)(B) directed the Secretary to establish a Unified Carrier Registration Plan Board of Directors made up of 15 members representing FMCSA, State government, and the motor carrier industry.

Section 14504a(d) stipulates that the Unified Carrier Registration Plan Board of Directors must consist of representatives from the following groups:

- One Director from the U.S. Department of Transportation, either the FMCSA Deputy Administrator or such other Presidential appointee;
- Four Directors, one from each of FMCSA service areas (as defined by FMCSA in 71 FR 27778, Jan. 1, 2005), selected from among the chief administrative officers of the State agencies responsible for overseeing the administration of the UCR agreement;
- Five Directors representing the State agencies responsible for overseeing the administration of the UCR Agreement, selected from among their professional staffs and nominated by the National Conference of State Transportation Specialists (NCSTS), a non-profit organization founded in 1959 and consisting of State agencies involved in transportation safety, insurance, and consumer protection; and
- Five Directors representing the motor carrier industry.

##### Board of Directors

Today's publication serves as public notice of the reappointment of the board members from four FMCSA service areas to the Unified Carrier Registration Plan Board of Directors. The four

members reappointed to the Board include the following:

*Mr. Charles "Buddy" Covert*, Director, Transportation Administration Division, Public Service Commission of West Virginia is being reappointed to represent the FMCSA Eastern service area. Mr. Covert's office assists the State with supporting and promoting a transportation safety environment that balances the interests of all parties and pursues excellence through quality. The current Transportation Administration Division consists of the Director's office and three operations sections that include Motor Carrier, Hazardous Material Registration, and the Coal Resource Transportation System.

*Ms. Sandy Bowling*, Supervisor of Insurance and Safety Section, Indiana Department of Revenue, Motor Carrier Services Division is being reappointed to represent the FMCSA Midwestern service area. Ms. Bowling has been with the Motor Carrier Services Division for 23 years. She is responsible for issuing U.S. Department of Transportation (USDOT) numbers, UCR registration, intrastate operating authority, intrastate household goods and passenger authority, and insurance filings. Ms. Bowling's division also created the UCR registration system on behalf of the UCR Board. Ms. Bowling is responsible for all maintenance and reporting for the UCR registration system.

*Ms. Angel Oliver*, Supervisor, Credentialing Unit, Motor Carrier Division, Texas Department of Transportation (TxDOT) is being reappointed to represent the FMCSA Southern service area. The Motor Carrier Division is responsible for administering UCR in Texas and providing credentials to intrastate and interstate for-hire motor carriers. Ms. Oliver has been with TxDOT for 20 years.

*Mr. Frank LaQua*, Motor Carrier Services Manager, North Dakota Department of Transportation is being reappointed to represent the Western service area. Mr. LaQua has been with the North Dakota Department of Transportation for 23 years, serving 15 of those years as Manager of Motor Carrier Services. Mr. LaQua is responsible for North Dakota's International Fuel Tax Agreement (IFTA), International Registration Plan (IRP), and UCR program areas and is North Dakota's IRP and IFTA Commissioner.

##### Board Member Term Limits

The four Directors who are reappointed in this notice as members of the Board will serve a term of 3 years, expiring on May 31, 2011.