

“Draft Advisory Circulars.” A paper copy of the proposed ACs may be obtained by contacting the person named above under the caption **FOR FURTHER INFORMATION CONTACT**.

#### Discussion

On October 6, 2005, the FAA published in the **Federal Register** the Notices of availability for 11 of the 12 ACs related to the “Enhanced Airworthiness Program for Airplane Systems” proposed rule. The close of comment period date for these notices is December 5, 2005. The FAA published the Notice of availability for the twelfth AC, AC 120-XX, in the **Federal Register** on October 18, 2005. The close of comment period date for this AC is December 19, 2005. The proposed rule (70 FR 58508), which also was published on October 6, 2005, contains a close of comment period date of February 3, 2006. The FAA’s intent was to have the same close of comment period date for the draft ACs and proposed rule.

The following is a list of the draft ACs in question that are open for comment, and the **Federal Register** citations for the Notices of availability, which give information about the subject matter the ACs address:

- AC 25-XX—Subpart I, Continued Airworthiness and Safety Improvements (70 FR 58567)
- AC 25-YY—Development of Standard Wiring Practices Documentation (70 FR 58562)
- AC 25.1353-1—Electrical Equipment and Installations (70 FR 58564)
- AC 25.1357-1X—Circuit Protective Devices (70 FR 58565)
- AC 25.1360-1X—Protection Against Injury (70 FR 58565)
- AC 25.1362-1X—Electrical Supplies for Emergency Conditions (70 FR 58566)
- AC 25.1365-1X—Electrical Appliances, Motors, and Transformers (70 FR 58566)
- AC 25.17XX—Certification of Electrical Wiring Interconnection Systems on Transport Category Airplanes (70 FR 58562)
- AC 25.869-1—Fire Protection Systems (70 FR 58563)
- AC 25.899-1—Electrical Bonding and Protection Against Static Electricity (70 FR 58564)
- AC 120-YY—Aircraft Electrical Wiring Interconnection Systems Training Program (70 FR 58563)
- AC 120-XX—Program to Enhance Transport Category Airplane Electrical Wiring Interconnection System Maintenance (70 FR 60597)

With this action, the FAA extends the comment period for each of the 12 draft

ACs to February 3, 2006 to coincide with the comment period for the EAPAS proposed rule.

Issued in Washington, DC on November 1, 2005.

**James J. Ballough,**

*Director, Flight Standards Service, Aviation Safety.*

**John J. Hickey,**

*Director, Flight Standards Service, Aviation Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket Nos. **FMCSA-99-5578, FMCSA-99-5748, FMCSA-2000-7363, FMCSA-2000-8398, FMCSA-2003-14223, FMCSA-2003-15892**]

#### 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 FMCSA decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 22 individuals. FMCSA has statutory authority to exempt individuals from the vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting the renewal of these exemptions will continue to 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 November 30, 2005. Comments from interested persons should be submitted by December 8, 2005.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Numbers **FMCSA-99-5578, FMCSA-99-5748, FMCSA-2000-7363, FMCSA-2000-8398, FMCSA-2003-14223, FMCSA-2003-15892** 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.

- 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.

**Instructions:** All submissions must include the agency name and docket numbers 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:** Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 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), 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 22 individuals who have requested renewal of their exemptions in a timely manner. FMCSA has evaluated these 22 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Terry J. Aldridge  
 Jerry D. Bridges  
 Roosevelt Bryant, Jr.  
 Thomas P. Cummings  
 Ralph E. Eckels  
 Marion R. Fox, Jr.  
 Gary R. Gutschow  
 Richard J. Hanna  
 James J. Hewitt  
 Carl M. Hill  
 John K. Love  
 Albert E. Malley  
 Roger J. Mason  
 David L. Menken  
 Richard L. Messinger  
 Eldon Miles  
 Rodney M. Mimbs  
 Walter F. Moniowczak  
 Ronald L. Roy  
 Thomas E. Walsh  
 Kevin P. Weinhold  
 Thomas A. Wise

These exemptions are renewed 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. 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 two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 22 applicants has satisfied the eligibility requirements for obtaining an exemption from the vision standard (64 FR 27027; 64 FR 51568; 66 FR 48504; 68 FR 54775; 64 FR 68195; 65 FR 20251; 67 FR 17102; 65 FR 45817; 65 FR 77066; 68 FR 1654; 66 FR 17743; 66 FR 33990; 66 FR 30502; 66 FR 41654; 67 FR 68719; 68 FR 2629; 68 FR 10301; 68 FR 19596; 68 FR 52811; 68 FR 61860). Each of these 22 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.

#### 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. 31315 and 31136(e). However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by December 8, 2005.

In the past FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary

statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 69 FR 51346 (August 18, 2004). FMCSA continues to find its exemption process consistent with the statutory and regulatory requirements.

Issued on: November 3, 2005.

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

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BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2001-9800]

#### Qualification of Drivers; Eligibility Criteria and Applications; Diabetes Exemption

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

**ACTION:** Notice of revised final disposition.

**SUMMARY:** This notice announces FMCSA's decision to revise the terms and conditions of its previous decision to issue exemptions to certain insulin-treated diabetic drivers of commercial motor vehicles (CMVs) from the diabetes mellitus prohibitions contained in the Federal Motor Carrier Safety Regulations (FMCSRs). This action is in response to section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) which requires FMCSA within 90 days of enactment to modify its exemption program to allow individuals who use insulin to treat diabetes mellitus to operate CMVs in interstate commerce, without having to demonstrate safe driving experience operating a CMV while using insulin, while at the same time implementing certain other requirements contained in section 4129. These changes will remain in effect until FMCSA completes a rulemaking to revise the FMCSRs to allow drivers with insulin-treated diabetes mellitus (ITDM) to operate CMVs in interstate commerce in accordance with the applicable statutory standards.

**DATES:** This notice is effective on November 8, 2005. FMCSA will begin accepting applications for exemptions under the new criteria on November 8, 2005.