

New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**Instructions:** All submissions must include the agency name and docket number for this notice at the beginning of the comment. Note that all comments received will be posted without change to the docket management system, including any personal information provided.

**Docket:** For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov>, or DOT's Docket Operations Office (see **ADDRESSES**).

**FOR FURTHER INFORMATION CONTACT:** Mr. Rick Boyle, Office of Hazardous Materials Technology, (202) 366-4545, Pipeline and Hazardous Materials Safety Administration.

**Privacy Act:** Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit <http://www.regulations.gov>.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The IAEA works with its Member States and multiple partners worldwide to promote safe, secure and peaceful nuclear technologies. The IAEA established and maintains an international standard, Regulations for the Safe Transport of Radioactive Material (TS-R-1), to promote the safe and secure transportation of radioactive material. The IAEA periodically reviews, and as deemed appropriate revises, its Regulations for the Safe Transport of Radioactive Material to reflect new information and accumulated experience. The DOT is the U.S. competent authority before the IAEA for radioactive material transportation matters. The NRC provides technical support to the DOT in this regard, particularly with regard to Type B and fissile transportation packages.

The IAEA recently initiated a review cycle for its regulations. To assure opportunity for public participation in the international regulatory development process, the DOT and the NRC are soliciting comments and information concerning issues or problems with the IAEA Regulations.

The focus of this solicitation is to identify issues or problems with the 2009 of TS-R-1. Although IAEA has not yet published the 2009 Edition of TS-R-1, a draft version suitable for this review process is available on <http://www.regulations.gov> (use the search tool to locate the docket number for this notice). The IAEA has already identified a number of issues with that draft; a table showing draft proposed changes to the 2009 Edition is also available through this docket at <http://www.regulations.gov>.

It would be helpful to recommend potential changes or solutions to resolve any identified issues or problems. This information will assist the DOT and the NRC to consider the full range of views and alternatives as the agencies develop the proposed issues the United States will submit to the IAEA.

##### II. Public Participation

Proposals must be submitted in writing (electronic file in Microsoft Word format preferred).

The DOT and the NRC will review the proposed issues and identified problems. Proposed issues and identified problems from all Member States and International Organizations will be initially considered at an IAEA Transport Safety Standards Committee (TRANSSC) Meeting to be convened by IAEA on October 5-9, 2009, in Vienna, Austria. Prior to that meeting, the DOT and the NRC will consider convening a public meeting to discuss the U.S. proposals submitted to the IAEA.

Issued in Washington, DC, on May 28, 2009.

**Theodore L. Willke,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. E9-12778 Filed 6-1-09; 8:45 am]

**BILLING CODE 4910-60-P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Motor Carrier Safety Administration

[Docket ID. FMCSA-2009-0121]

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

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

**ACTION:** Notice of applications for exemptions; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 23 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to

qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

**DATES:** Comments must be received on or before July 2, 2009.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2009-0121 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:** 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 ID 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.

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**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, [fmcsamedical@dot.gov](mailto: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 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." FMCSA can renew exemptions at the end of each 2-year period. The 23 individuals listed in this notice each have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

##### Qualifications of Applicants

###### *Daniel F. Albers*

Mr. Albers, age 40, has complete loss of vision due to a traumatic injury sustained in 1996. The visual acuity in his right eye is 20/20. Following an examination in 2009, his optometrist noted, "In my medical opinion, Mr. Albers has sufficient vision to perform the tasks required to operate a commercial vehicle." Mr. Albers reported that he has driven straight trucks for 18 years, accumulating 675,000 miles, and tractor-trailer combinations for 4 years, accumulating 100,000 miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Robert L. Brown*

Mr. Brown, 62, has loss of vision in his left eye due to a traumatic injury sustained in 1955. The best corrected visual acuity in his right eye is 20/20 and in his left eye, count-finger vision. Following an examination in 2008, his ophthalmologist noted, "Mr. Brown has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Brown reported that he has driven straight trucks for 11 years, accumulating 275,000 miles. He holds a Class C operator's license from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Nicholas Cafaro*

Mr. Cafaro, 60, has a prosthetic right eye due to a traumatic injury sustained as a child. The visual acuity in his left eye is 20/20. Following an examination in 2009, his ophthalmologist noted, "In my medical opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Cafaro reported that he has driven straight trucks for 3 years, accumulating 168,000 miles, tractor-trailer combinations for 2 years, accumulating 110,000 miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Barry G. Church*

Mr. Church, 47, has had a macular scar in his left eye since childhood. The best corrected visual acuity in his right eye is 20/15 and in his left eye, 20/400. Following an examination in 2009, his optometrist noted, "In my professional opinion, you have sufficient visual abilities to perform the driving tasks required to operate a commercial vehicle." Mr. Church reported that he has straight trucks for 7 years, accumulating 560,000 miles, and buses for 7 years, accumulating 140,000 miles. He holds a Class D operator's license from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *David J. Comeaux*

Mr. Comeaux, 48, has had a prosthetic left eye since childhood. The visual acuity in his right eye is 20/20. Following an examination in 2009, his optometrist noted, "Mr. Comeaux has been driving commercially for years and I do not see any new problems with his vision or the health of his right eye. I feel he is capable of performing driving tasks." Mr. Comeaux reported that he has driven straight trucks for 30 years, accumulating 450,000 miles, and tractor-trailer combinations for 30 years, accumulating 450,000 miles. He holds a Class A CDL from Louisiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Timothy D. Courtney*

Mr. Courtney, 48, has had parafoveal telangiectasia since 2001. The best corrected visual acuity in his right eye is 20/60 and in his left eye, 20/30. Following an examination in 2009, his optometrist noted, "It is my medical opinion that Mr. Courtney has sufficient vision to perform the driving tasks required to operate a commercial

vehicle." Mr. Courtney reported that he has driven straight trucks for 5 years, accumulating 200,000 miles, and tractor-trailer combinations for 19 years, accumulating 1.5 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *John J. Davis*

Mr. Davis, 46, has optical nerve damage and retinal scarring in his right eye due to a traumatic injury sustained as a child. The best corrected visual acuity eye in his right eye is light perception, and in the left, 20/20. Following an examination in 2009, his optometrist noted, "Mr. Davis' vision is sufficient for commercial license and has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Davis reported that he has driven straight trucks for 22 years, accumulating 121,000 miles. He holds a Class B CDL from South Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Robert R. Donoho*

Mr. Donoho, 58, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/100 and in the left, 20/20. Following an examination in 2009, his ophthalmologist noted, "It is my opinion that he has vision sufficient to perform the driving tasks required to operate a commercial vehicle." Mr. Donoho reported that he has driven straight trucks for 9 years, accumulating 225,000 miles, and tractor-trailer combinations for 12 years, accumulating 870,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Steven L. Forristall*

Mr. Forristall, 50, has complete loss of vision in his right eye due to a traumatic injury to his cornea sustained in 1980. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2009, his ophthalmologist noted, "In my opinion, Mr. Forristall has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Forristall reported that he has driven straight trucks for 31 years, accumulating 310,000 miles. He holds a Class B CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Rocky D. Gysberg*

Mr. Gysberg, 34, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/15 and in his left eye, 20/400. Following an examination in 2008, his optometrist noted, "In my opinion, Rocky is visually capable of safely performing all required driving tasks required to operate a commercial motor vehicle." Mr. Gysberg reported that he has driven straight trucks for 2 months, accumulating 1000 miles, and tractor-trailer combinations for 8 years, accumulating 704,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Randy L. Huelster*

Mr. Huelster, 38, has complete loss of vision in his left eye due to a traumatic injury sustained in 2001. The visual acuity in his right eye is 20/15. Following an examination in 2009, his ophthalmologist noted, "I certify in my best medical opinion that Randy Huelster has sufficient vision to perform the driving tasks required to operate a commercial vehicle and any other vehicle of his choice." Mr. Huelster reported that he has driven straight trucks for 9 years, accumulating 585,000 miles. He holds a Class D operator's license from Oklahoma. His driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. He exceeded the speed limit by 18 mph.

*Robert D. Kimmel*

Mr. Kimmel, 46, has optic nerve atrophy in his right eye since childhood. The best corrected visual acuity in his right eye is 20/800 and in his left eye, 20/40. Following an examination in 2008, his optometrist noted, "In my opinion, Mr. Kimmel is visually capable of operating a commercial vehicle at this time." Mr. Kimmel reported that he has driven straight trucks for 18 years, accumulating 450,000 miles, and tractor-trailer combinations for 18 years, accumulating 540,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Charles H. Lefew*

Mr. Lefew, 37, has loss of vision in his left eye due to a traumatic injury sustained since childhood. The visual acuity in his right eye is 20/20 and in his left eye, 20/400. Following an examination in 2009, his optometrist noted, "Has sufficient functional vision required to operate commercial

vehicle." Mr. Lefew reported that he has driven straight trucks for 5 years, accumulating 150,000 miles, and tractor-trailer combinations for 1 year, accumulating 30,000 miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Steve J. Morrison*

Mr. Morrison, 43, has complete loss of vision due to a congenital cataract. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2009, his optometrist noted, "It is my opinion that he does have sufficient visual abilities to continue to perform driving and operating a commercial vehicle in interstate commerce." Mr. Morrison reported that he has driven straight trucks for 26 years, accumulating 520,000 miles, and buses for 1 year, accumulating 1,500 miles. He holds a Class D operator's license from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Joseph B. Peacock*

Mr. Peacock, 30, has loss of vision in his left eye due to a traumatic injury sustained in 1995. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/60. Following an examination in 2009, his optometrist noted, "Based on the eye examination, I feel that Mr. Peacock has more than adequate visual acuity and peripheral vision to safely operate a commercial vehicle at this time." Mr. Peacock reported that he has driven straight trucks for 8 years, accumulating 56,000 miles, and tractor-trailer combinations for 8 years, accumulating 4,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Mark A. Pirl*

Mr. Pirl, 45, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2009, his ophthalmologist noted, "In my medical opinion, this patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Pirl reported that he has driven tractor-trailer combinations for 17 years, accumulating 850,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no

convictions for moving violations in a CMV.

*Frank Price, Jr.*

Mr. Price, 50, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2009, his optometrist noted, "In my opinion, Mr. Price has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Price reported that he has driven tractor-trailer combinations for 15 years, accumulating 1.6 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Terry L. Pruitt*

Mr. Pruitt, 58, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/60. Following an examination in 2008, his optometrist noted, "Mr. Pruitt's ocular hypertension or amblyopia does not affect his ability to operate a commercial vehicle." Mr. Pruitt reported that he has driven tractor-trailer combinations for 36 years, accumulating 4.5 million miles. He holds a Class A CDL from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Joseph E. Salter*

Mr. Salter, 50, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/100. Following an examination in 2009, his optometrist noted, "In my medical opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle and he should have no restrictions relating to his vision and driving." Mr. Salter reported that he has driven straight trucks for 6 years, accumulating 123,498 miles, and tractor-trailer combinations for 5½ years, 154,781 miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Charles A. Terry*

Mr. Terry, 61, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/80. Following an examination in 2009, his optometrist noted, "I, Dr. Dubose do attest that in my medical opinion, Mr. Terry does have sufficient vision to

perform the necessary tasks that are required to operate a commercial vehicle." Mr. Terry reported that he has driven straight trucks for 3 years, accumulating 120,000 miles, and tractor-trailer combinations for 22 years, 1.6 million miles. He holds a Class A CDL from Alabama. His driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. He exceeded the speed limit by 12 mph.

*Steven L. Thomas*

Mr. Thomas, 51, has endophthalmitis in his left eye after cataract surgery in 1997. The best corrected visual acuity in his right eye is 20/15 and in the left, 20/400. Following an examination in 2009, his optometrist noted, "Mr. Thomas has sufficient vision to drive and operate a commercial vehicle." Mr. Thomas reported that he has driven straight trucks for 15 years, accumulating 150,000 miles, and tractor-trailer combinations for 22 years, accumulating 770,000 miles. He holds a Class A CDL from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Daniel A. Wescott*

Mr. Wescott, 56, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/400. Following an examination in 2009, his optometrist noted, "The result of his vision exam does in my medical opinion qualify him to drive a commercial vehicle." Mr. Wescott reported that he has driven straight trucks for 10 years, accumulating 130,000 miles, and tractor-trailer combinations for 26 years, accumulating 780,000 miles. He holds a Class A CDL from Colorado. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Donald J. Zuza*

Mr. Zuza, 62, has central retinal artery occlusion in his right eye. The best corrected visual acuity in his right eye is count-finger vision and in his left eye, 20/25. Following an examination in 2009, his ophthalmologist noted, "In my medical opinion, Donald Zuza has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Zuza reported that he has driven straight trucks for 33 years, accumulating 330,000 miles. He holds a Class D operator's license from New Jersey. 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 July 2, 2009. 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: May 26, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E9-12770 Filed 6-1-09; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. **FMCSA-1998-4334; FMCSA-2000-7006; FMCSA-2000-7363; FMCSA-2000-8398; FMCSA-2001-9258; FMCSA-2003-14223; FMCSA-2003-14504; FMCSA-2004-19477; FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2006-26066; FMCSA-2007-27333; FMCSA-2007-27515**]

### 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 29 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 June 26, 2009. Comments must be received on or before July 2, 2009.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-1998-4334; FMCSA-2000-7006; FMCSA-2000-7363; FMCSA-2000-8398; FMCSA-2001-9258; FMCSA-2003-14223; FMCSA-2003-14504; FMCSA-2004-19477; FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2006-26066; FMCSA-2007-27333; FMCSA-2007-27515, 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.

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