

required to operate a commercial vehicle." Mr. Romero reported that he has driven straight trucks for 25 years, accumulating 112,500 miles and tractor-trailer combinations for 10 years, accumulating 20,000 miles. He holds a Class E operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Rodney W. Sukalski*

Mr. Sukalski, 54, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/15. Following an examination in 2010, his optometrist noted, "Yes, in my opinion I feel that Rodney Sukalski has adequate vision to drive a commercial vehicle." Mr. Sukalski reported that he has driven straight trucks for 15 years, accumulating 45,000 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.

*Sherman W. Clapper*

Mr. Clapper, 50, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is count-finger vision and in his left eye, 20/20. Following an examination in 2011, his ophthalmologist noted, "He should have sufficient vision to perform his tasks as a commercial driver". Mr. Clapper reported that he has driven straight trucks for 15 years, accumulating 7,500 miles and tractor-trailer combinations for 4 years, accumulating 400 miles. He holds a Class A CDL from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Larry D. Warneke*

Mr. Warneke, 49, has had exotropia and amblyopia in his left eye since birth. The visual acuity in his right eye is 20/15 and in his left eye, 20/200. Following an examination in 2011, his optometrist noted, "It is my opinion that this man has sufficient vision to drive as he has proved within Washington State since 1987 when driving commercial vehicles." Mr. Warneke reported that he has driven straight trucks for 20 years, accumulating 800,000 miles and tractor-trailer combinations for 23 years, accumulating 115,000 miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Lonnie D. Wendinger*

Mr. Wendinger, 56, has had retinal scars in both eyes due to toxoplasmosis since birth. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/70. Following an examination in 2010, his optometrist noted, "In my medical opinion, Lonnie has sufficient vision to perform the driving tasks necessary to operate the commercial vehicle." Mr. Wendinger reported that he has driven straight trucks for 40 years, accumulating 1 million miles and tractor-trailer combinations for 20 years, accumulating 600,000 miles. He holds a Class A CDL Minnesota. 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 August 8, 2011. 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: June 29, 2011.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2011-17183 Filed 7-7-11; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0141]

#### 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 9 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 August 8, 2011.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2011-0141 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.

*Instructions:* Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

*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 DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

**FOR FURTHER INFORMATION CONTACT:**

Elaine M. Papp, Chief, 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 from the Federal Motor Carrier Safety Regulations 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 9 individuals listed in this notice have each requested such 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 an exemption will achieve the required level of safety mandated by statute.

**Qualifications of Applicants***Joe M. Flores*

Mr. Flores, age 34, has had a macular hole in his left eye since 2006. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2011, his optometrist noted, "Joe has sufficient vision peripherally in both eyes and centrally in his right eye to operate a commercial vehicle." Mr. Flores reported that he has driven tractor-trailer combinations for 4 years, accumulating 180,000 miles. He holds a Commercial Driver's License (CDL) Class A from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a Commercial Motor Vehicle (CMV).

*Matthew K. Hagge*

Mr. Hagge, 31, has had optic atrophy in his right eye since 2007 due to multiple sclerosis. The visual acuity in his right eye is 20/250 and in his left eye, 20/20. Following an examination in 2011, his ophthalmologist noted, "Visual acuity fine for performing commercial vehicle driving." Mr. Hagge reported that he has driven straight trucks for 4 years, accumulating 20,000 miles and tractor-trailer combinations for 7 years, accumulating 420,000 miles.

He holds a CDL Class A from North Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*James O. Howard*

Mr. Howard, 48, has had amblyopia in his left eye since age 6. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/100. Following an examination in 2011, his optometrist noted, "Mr. James Howard has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Howard reported that he has driven straight trucks for 14 years, accumulating 291,200 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.

*Ramon Melendez*

Mr. Melendez, 57, has had amblyopia in his left 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 2011, his ophthalmologist noted, "certified by David Lichtenstain to have sufficient vision to operate a commercial vehicle and do driving tasks." Mr. Melendez reported that he has driven tractor-trailer combinations for 14 years, accumulating 1.1 million miles. He holds a Class A CDL from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Matthew D. Nelson*

Mr. Nelson, 27, has had refractive amblyopia in his left eye since birth. The best visual acuity in his right eye is 20/20 and in his left eye, 20/50. Following an examination in 2011, his optometrist noted, "Matthew's vision is sufficient to perform the driving tasks required to operate a commercial vehicle." Mr. Nelson reported that he has driven straight trucks for 3½ years, accumulating 56,000 miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes, but one conviction for a moving violation in a CMV; failure to observe a stop sign.

*Jesse A. Nosbush*

Mr. Nosbush, 31, has complete loss of vision in his left eye due to a work related accident in 1998. The visual acuity in his right eye is 20/20. Following an examination in 2011, his optometrist noted, "It is in my opinion that Jesse, even knowing that he has one eye, should not have any difficulty

when it comes to operating a commercial motor vehicle." Mr. Nosbush reported that he has driven tractor-trailer combinations for 9 years, accumulating 495,000 miles. He holds a Class A CDL from Minnesota. 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.

*Richard E. Purvenas, Jr.*

Mr. Purvenas, 51, has a prosthetic left eye. The visual acuity in his right eye is 20/20. Following an examination in 2011, his optometrist noted, "It is my understanding that Mr. Purvenas has maintained a safe driving record for many years and has always driven without having any vision in the left eye. Since it has always been non-existent, he has functioned well, and his peripheral visual acuity is excellent there is no reason to believe that he cannot continue to operate commercial vehicles." Mr. Purvenas reported that he has driven buses for 5 years, accumulating 400,000 miles. He holds a Class D operator's license from Delaware. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Wilfred E. Sweatt*

Mr. Sweatt, 50, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/50. Following an examination in 2011, his optometrist noted, "He has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Sweatt reported that he has driven straight trucks for 8 years, accumulating 176,000 miles. He holds an operator's license from New Hampshire. His driving record for the last 3 years shows no crashes and no conviction for moving violations in a CMV.

*Thomas L. Swatley*

Mr. Swatley, 55, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/50. Following an examination in 2011, his optometrist noted, "Mr. Swatley appears to have stable visual function at the present time that is not an impediment to his operating commercial vehicles." Mr. Swatley reported that he has driven straight trucks for 35 years, accumulating 1.1 million miles and tractor-trailer combinations for 3 years, accumulating 450,000 miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows

no crashes and no conviction 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 August 8, 2011. 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: June 29, 2011.

Larry W. Minor,

Associate Administrator.

[FR Doc. 2011-17184 Filed 7-7-11; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA-2011-0031]

#### Notice of Proposed Buy America Waiver To Allow Bidder To Certify Compliance

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of proposed Buy America waiver to allow bidder to certify compliance; Request for comment.

**SUMMARY:** The New York Metropolitan Transportation Authority (MTA) has asked the Federal Transit Administration (FTA) to waive its Buy America requirements on the basis of public interest to permit the low bidder for a contract to construct the 86th Street Station for the Second Avenue Subway project to certify compliance with Buy America. The bidder certified non-compliance based on a misunderstanding of how FTA would apply its rules to certain construction materials. In fact, the low bidder is willing and able to comply with the Buy America rules. Without a waiver, MTA may spend an additional \$32.9 million on the 86th Street Station without furthering the goals of Buy America. FTA seeks public comment before deciding whether to grant MTA's request. This Notice sets forth the

justification for a public interest waiver in this instance.

**DATES:** Comments must be received by July 15, 2011. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** Please submit your comments by only one of the following means, identifying your submissions by docket number FTA-2011-0031. All electronic submissions must be made to the U.S. Government electronic site at <http://www.regulations.gov>. Commenters should follow the instructions below for mailed and hand-delivered comments.

(1) *Web site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site;

(2) *Fax:* (202) 493-2251;

(3) *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Docket Operations, M-30, Room W12-140, Washington, DC 20590-0001.

(4) *Hand Delivery:* Room W12-140 on the first floor of the West Building, 1200 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 make reference to the "Federal Transit Administration" and include docket number FTA-2011-0031. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail form to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to <http://www.regulations.gov>. For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jayme L. Blakesley at (202) 366-0304 or [jayme.blakesley@dot.gov](mailto:jayme.blakesley@dot.gov).

#### SUPPLEMENTARY INFORMATION:

The purpose of this notice is to seek public comment on whether the Federal Transit Administration should waive its Buy America requirements of 49 CFR Part 661 to permit a low bidder to re-submit its Buy America certificate in connection with its bid to construct the 86th Street Station for the Second Avenue Subway project. If granted, this waiver would be limited to the

procedural aspects of the Buy America rule. The low bidder will need to certify compliance with Buy America and will be required to comply with all of the substantive Buy America requirements.

In February 2011, MTA received bids for a contract to construct the 86th Street Station for its Second Avenue Subway project, a \$4.8 billion project for 2.3 miles of new subway on the East Side of Manhattan. Five parties submitted bids, ranging from \$301,860,000 to \$460,443,000. The low bid of \$301,860,000, submitted by Skanska/Traylor JV, is \$32.9 million lower than the next lowest bidder and almost \$100 million lower than MTA's budget for the contract.

Skanska/Traylor JV signed and submitted a Certificate of Non-Compliance with its bid, based on its understanding that certain construction materials—shotcrete steel fibers and Polyvinyl Chloride (PVC) membrane—would need to be produced in the United States in order to comply with FTA's Buy America requirements.

Except for items made primarily of iron and steel, FTA treats the procurement of construction projects as the procurement of a manufactured end product subject to the requirements of 49 CFR 661.5. The main elements incorporated into the project at the job site are the components. As with all manufactured products, Buy America requires all of the manufacturing processes to take place in the United States and all of the components of the product to be of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d).

Skanska/Traylor JV certified non-compliance based on its understanding that shotcrete was subject to the steel and iron requirements of 49 CFR 661.5(b) and (c), not the manufactured product requirements of § 661.5(d), and PVC membrane would be considered a component. As such, Skanska/Traylor JV would have needed to obtain each item from a domestic source. According to Skanska/Traylor JV and MTA, neither shotcrete nor the type of PVC membrane called for in MTA's specification is produced in the United States.

FTA and MTA engineers examined the materials in question and determined that shotcrete is a manufactured product and that shotcrete steel fibers and PVC membrane are subcomponents of the waterproofing system that will be constructed around the tunnel for the 86th Street Station. As such, FTA's Buy America rules do not require shotcrete or PVC membrane to be produced in the