

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS ARLEIGH BURKE.....	DDG 51	X	X	X	20

Dated: June 29, 1992.

Approved:

J.E. Gordon,

Rear Admiral, JAGC, U.S. Navy, Judge Advocate General.

[FR Doc. 92-16742 Filed 7-15-92; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 706**Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment****AGENCY:** Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS JOHN BARRY (DDG 52) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval destroyer. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: June 19, 1992.

FOR FURTHER INFORMATION CONTACT: Captain R.R. Rossi, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (703) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS JOHN BARRY (DDG 52) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights; Annex I, sec 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions; and, Annex I, section 3(c) pertaining to placement of task lights not less than 2 meters from the fore and aft centerline of the ship in the athwartship direction; without interfering with its special function as a Navy ship. The Judge Advocate General has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights in this vessel in a manner differently from that prescribed

herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Four of § 706.2 is amended by adding the following vessel in paragraphs 15 and 16:

15. * * *

Vessel	Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
USS JOHN BARRY.....	DDG 52	1.94 meters.

16. * * *

Vessel	Number	Obstruction angle relative ship's headings
USS JOHN BARRY	DDG 52	87.22 thru 104.01 degree.

3. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, Sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, Sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, Sec. 3(a)	Percentage horizontal separation attained
USS JOHN BARRY.....	DDG 52	X	X	X	13

Dated: June 19, 1992.

Approved:

J. E. Gordon,

Rear Admiral, JAGC, U.S. Navy, Judge Advocate General.

[FR Doc. 92-16605 Filed 7-15-92; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Hampton Roads, Regulation 92-05-24]

Safety Zone Regulations; Chesapeake Bay, Cape Charles, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone in the vicinity of Cape Charles, Virginia around the Maritime Prepositioning Force (MPF) vessels S.S. OBREGON and S.S. KOCAL. The purpose of this safety zone is to protect mariners from the hazards associated with explosives onboard the MPF vessels while they are anchored near Cape Charles. All vessels greater than 65 feet are prohibited from transiting within 1500 yards of the MPF vessels while they are anchored near Cape Charles. Entry into this zone is prohibited unless authorized by the Captain of the Port or his designated representative.

EFFECTIVE DATE: This regulation is effective from 12 p.m. on July 7, 1992, and terminates at 12 midnight on August 31, 1992, unless terminated sooner by the Captain of the Port, Hampton Roads, Virginia.

FOR FURTHER INFORMATION CONTACT: ENS M. Marchione, Project Officer, USCG Marine Safety Office Hampton Roads, telephone number (804) 441-3290.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect mariners operating in the vicinity of the MPF vessels while anchored near Cape Charles.

Drafting Information

The drafters of this regulation are ENS

M. Marchione, project officer for the Captain of the Port, Hampton Roads, and LT M.L. Lombardi, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulation

The circumstance requiring this regulation is the need for the Military Sealift Command (MSC) to conduct lighterage and training operations in the Port of Hampton Roads. Each vessel carries approximately 1.2 million pounds of military explosives. The MPF vessels, which are military support vessels, will be anchored near Fort Story, Virginia in Anchorage "A" during active periods of lighterage and training operations. While anchored in Anchorage "A", the COTP may positively direct the movement of vessels under the authority of 33 CFR 110.168(f)(1), therefore a safety zone is not required. While the MPF vessels are anchored near Cape Charles, Virginia a safety zone is required to keep a safe distance between vessels over 65 feet and the MPF vessels to minimize the risk of personnel injury or damage to property as a result of an explosion on board the MPF vessels. This safety zone will be in effect from 12 p.m. on July 7, 1992, and terminates at 12 midnight on August 31, 1992, unless terminated sooner by the Captain of the Port, Hampton Roads, Virginia.

Regulatory Evaluation

This regulation is considered to be non-major under Executive Order 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034: February 26, 1979). The Captain of the Port is anticipating that the economic impact will be so minimal that a full regulatory evaluation will be unnecessary. This regulation is temporary in nature and will not impede the flow of normal commercial traffic that is currently allowed to transit the port of Hampton Roads. Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities. The regulation contains no information collection or record keeping requirements.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it

does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart F of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 180.5.

2. A new section 165. T05-12 is added to read as follows:

§ 165.T05-12 Safety Zone: Chesapeake Bay, Cape Charles, Virginia.

(a) *Location.* The following area is a safety zone: The waters bound by a circle whose radius is 1500 yards around the MPF vessels while anchored near Cape Charles. Vessels greater than 65 feet are prohibited from entering this zone.

(b) *Effective date.* This regulation is effective from 12 p.m. on July 7, 1992, and terminates at 12 midnight on August 31, 1992.

(c) *Regulations.* (1) Entry into this safety zone is prohibited by all vessels greater than 65 feet unless authorized by the Captain of the Port, Hampton Roads, Virginia, or his designated representative. The general requirements of § 165.23 also apply to this regulation.

(2) Persons or vessels requiring entry into or passage through the safety zone must first request authorization from the Captain of the Port or his designated representative. The Captain of the Port, Hampton Roads can be contacted at telephone number (804) 441-3307 or may be contacted via Coast Guard Group, Hampton Roads, Virginia on VHF channels 13 and 16.

Dated: July 7, 1992.

G.J.E. Thornton,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

[FR Doc. 92-16811 Filed 7-15-92; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180**

[PP 1E3948/R1146; FRL-4076-2]

Pesticide Tolerances for Aluminum Tris (O-Ethylphosphonate); Correction**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; correction.

SUMMARY: EPA issued a final rule in the Federal Register of May 28, 1992 that revised the table of commodities listings in 40 CFR 180.415(a) and inadvertently omitted several commodities that had been added in a previous document. This technical correction document reinstates the commodities.

EFFECTIVE DATE: This correction is effective July 16, 1992.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H-7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716C, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5310.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 28, 1992 (57 FR 22435), EPA amended 40 CFR 180.415(a) to add a nonregionally restricted registration of the fungicide aluminum tris (O-ethylphosphonate) in or on the raw agricultural commodity fresh ginseng root. The document set out a revised table for paragraph (a), but inadvertently omitted the commodities brassica (cole) leafy vegetables group, leafy vegetables (except brassica vegetable) group, and onions, dry bulb that had been added in a final rule issued in the Federal Register of April 1, 1992 (57 FR 10998). This technical correction document reinstates these commodities by reissuing the table in 40 CFR 180.415(a).

This document contains corrections and technical amendments only and does not require notice and comment, 5 U.S.C. 553.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 26, 1992.

Douglas D. Camp,
 Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is corrected as follows:

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.415, the table in paragraph (a) is revised to read as follows:

§ 180.415 Aluminum tris(O-ethylphosphonate); tolerances for residues.
(a) * * *

Commodity	Parts per million
Brassica (cole) leafy vegetables group.....	55
Caneberries.....	0.1
Citrus.....	0.5
Ginseng root, fresh.....	0.1
Leafy vegetables (except brassica vegetables) group.....	80
Pineapple.....	0.1
Pineapple fodder.....	0.1
Pineapple forage.....	0.1
Onions, dry bulb.....	0.5

[FR Doc. 92-16631 Filed 7-15-92; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****49 CFR Part 383**

RIN 2125-AC98

Commercial Driver's License Reciprocity With Mexico

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: Notice is hereby given that the Federal Highway Administrator has determined that a Licencia Federal de Conductor issued by the Mexican Federal Government meets the commercial driver testing and licensing standards contained in 49 CFR part 383. Accordingly, the Licencia Federal de Conductor, as described herein, will be considered to be the single commercial driver's license (CDL) for operation in the United States by Mexican drivers. Mexico will extend similar reciprocity to holders of CDLs issued by the States and the District of Columbia. Also, a Mexican driver holding a Licencia Federal de Conductor issued by Mexico will be prohibited from obtaining any driver's license from a State or the District of Columbia.

EFFECTIVE DATE: July 16, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Jill L. Hochman, Office of Motor Carrier Standards, (202) 366-4001, or Mr. David Oliver, Office of Chief Counsel, (202) 366-1350, Federal Highway

Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: Effective April 1, 1992, no person shall operate a commercial motor vehicle (CMV) unless such person has a CDL. The standards for CDLs are found at 49 CFR part 383. In summary, this part requires a driver to take and pass knowledge and, if applicable, driving tests which meet Federal minimum standards to get a CDL. Also, CDLs are to be issued by the driver's State or jurisdiction of domicile.

An exception to this provision is found at 49 CFR 383.23(b). Under this exception, the Federal Highway Administrator is authorized to determine the compatibility of the commercial driver testing and licensing standards of foreign countries (foreign jurisdictions) with those of the United States. Any CMV operator who is domiciled in a foreign jurisdiction which, as determined by the Administrator, does not test drivers and issue a commercial driver's license (CDL) that is either in accordance with, or similar to, the standards in subparts F, G, and H of part 383, must obtain a nonresident CDL from a State which does comply with those standards. These drivers from foreign jurisdictions must possess a nonresident CDL in order to operate a CMV after April 1, 1992, in the United States.

Effective December 29, 1988, the FHWA Administrator determined that commercial drivers' licenses issued by Canadian Provinces and Territories in conformity with the Canadian National Safety Code are compatible with the CDL standards and are granted reciprocal status for purposes of United States law. A driver holding a commercial driver's license issued under the Canadian National Safety Code may drive in the United States on that license; at the same time the driver is prohibited from obtaining a nonresident CDL, or any other type of driver's license, from a State or other jurisdiction in the United States. This determination is codified as a footnote to 49 CFR 383.23(b).

Negotiations between representatives from the United States and the government of the United Mexican States culminated in a Memorandum of Understanding (MOU) on the issue of driver license reciprocity. The MOU was signed on November 21, 1991, by former Secretary of Transportation, Samuel K. Skinner, and Mexican Secretary of Communications and Transportation, Andres Caso Lombardo, and is attached as appendix A to this preamble. It

provides that the parties will issue licenses for CMV drivers that conform to these Federal minimum standards including knowledge and skills testing, disqualification and physical requirements of drivers. The most important provisions of the MOU are summarized below and provide essentially that:

1. The *Licencia Federal de Conductor* will be issued according to standards similar to the CDL testing and licensing standards.

2. On April 1, 1992, Mexican drivers of CMVs entering the United States will be required to have a new *Licencia Federal de Conductor* issued to comply with the standards set forth in the MOU.

3. The new *Licencia Federal de Conductor* will be recognized by all States and will be valid in the United States.

4. The United States and Mexico will exchange information on the disqualification, revocation, or cancellation of licenses.

5. CDLs issued by a State in the United States will be recognized by Mexico. (Access for United States drivers is currently being negotiated as part of the North American Free Trade Agreement.)

Accordingly, the Administrator has determined that the testing and licensing standards in Mexico for the *Licencia Federal de Conductor* meet the standards contained in 49 CFR part 383.

For holders of a current *Licencia Federal de Conductor*, the Mexican Authorities may issue a new *Licencia Federal de Conductor* based on passage of a new knowledge test, without requiring a skills test, if such applicant is currently employed as a driver and has a good driving record. This practice is consistent with the practice in the United States, as permitted by Federal regulation (49 CFR 383.77). After April 1, 1992, new license applicants will be required to take the skills test to obtain the new *Licencia Federal de Conductor*.

It should be noted that Mexican drivers must be medically examined every 2 years to receive and retain the *Licencia Federal de Conductor*; no separate medical card is required as in the United States for drivers in interstate commerce. As the *Licencia Federal de Conductor* cannot be issued to or kept by any driver who does not pass stringent physical exams, the *Licencia Federal de Conductor* itself is evidence that the driver has met medical standards as required by the United States. Therefore, Mexican drivers with a *Licencia Federal de Conductor* do not need to possess a medical card while driving a CMV in the United States.

The United States is considering the possibility of incorporating the medical qualification process into the CDL issuance. If and when that occurs, the CDL, like the *Licencia Federal de Conductor*, will be evidence that the driver has met medical standards.

After April 1, 1992, consistent with the MOU and to preserve the single license concept, United States licensing jurisdictions will not issue nonresident CDLs to drivers domiciled in Mexico. Mexico is extending similar reciprocity to holders of CDLs issued by the States in conformity with the United States standards.

This publication constitutes notice to the States that the same preemptive effect is present with respect to the *Licencia Federal de Conductor* as with a license issued by States of the United States. Therefore, all United States licensing jurisdictions are required by statute and regulation to grant reciprocity to the Mexican licenses. In addition, States which do not comply with the provisions of the MOU may have Federal highway funds withheld for each year that the State is in noncompliance starting in October of 1993.

The substance of this notice is incorporated as a footnote in regulatory text of 49 CFR part 383 by means of a technical amendment which is set forth below.

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The amendment in this document is primarily technical in nature and is needed solely to update the regulations to include an enabling agreement between the government of Mexico and the United States. For these reasons and since this rule imposes no additional burdens on the States or other Federal agencies, the FHWA finds good cause to make this regulation final without prior notice and opportunity for comments and without a 30-day delay in effective date under the Administrative Procedure Act. For the same reasons, and because it is not anticipated that such action would result in the receipt of useful information, notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation.

Since the changes in this document are primarily technical in nature, the anticipated economic impact, if any, is minimal. Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 605(b)), the FHWA has evaluated the effects of this rule on small entities, and hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identifier Number

The regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 383

Commercial driver's license documents, Commercial motor vehicles, Highways and roads, Motor carriers licensing and testing procedures, and Motor vehicle safety.

Appendix A

Note: This appendix will not appear in the Code of Federal Regulations.

Memorandum of Understanding Between the Government of the United States of America and the Government of the United Mexican States Relating to the Recognition and Validity of Commercial Driver's Licenses and Licencias Federales de Conductor

The government of the United States of America and the government of the United Mexican States, hereinafter referred to as the parties;

Having established the subgroup on Commercial Driver's Licenses and Licencias Federales de Conductor of the U.S.-Mexico transportation working group;

Recognizing the close commercial relationship between the two countries and desiring to facilitate dynamic transborder transportation;

Considering the understanding concerning a framework of principles and procedures for consultation regarding trade and investment relations signed on November 8, 1987;

Considering the review of the rules and regulations of both countries relating to the licensing of drivers engaged in commercial operations;

Desiring the harmonization of both parties' regulations;

Desiring the mutual acceptance of Commercial Driver's Licenses and Licencias Federales de Conductor; and

Seeking to further the objective of providing greater safety on the roadways of both countries;

Have agreed as follows:

Article 1

Definitions

For the purpose of this memorandum of understanding, including its Annex which forms an integral part thereof:

(A) *Commercial Driver's License* means a license issued by a State of the United States of America or the District of Columbia in accordance with U.S. statutory and regulatory requirements to an individual which authorizes the individual to operate a class of commercial motor vehicle;

(B) *Non-resident Commercial Driver's License* means a Commercial Driver's License issued to an individual domiciled in a foreign country;

(C) *Licencia Federal de Conductor* means a license issued by the Secretariat of Communication and Transport of the United Mexican States which authorizes a person to drive vehicles engaged in Federal public service and private vehicles of companies and industries which transport products requiring the use of Mexican Federal highways;

(D) *Driver* means an individual who operates a motor vehicle in interstate and foreign commerce in the territory of either party;

(E) *Resident* means a person who maintains in the territory of either party a true, fixed, and permanent home and principal place of living to which the person has the intention of returning whenever the person is absent; and

(F) *Subgroup* means the Subgroup on Commercial Driver's Licenses and Licencias Federales de Conductor established by the U.S.-Mexico Transportation Working Group.

Article 2

Mutual Recognition and Grant of Rights

(1) No later than April 1, 1992, each party shall require drivers, licensed pursuant to its authority, to: (1) Successfully complete a knowledge exam meeting the standards set forth in Article I(A) of the Annex, which forms an integral part of this MOU; (2) successfully complete a skills exam meeting the standards set forth in Article I(B) of the Annex; and (3) meet its established medical standards. Drivers fulfilling these requirements, if otherwise qualified to operate the appropriate class of vehicle, shall be issued a Commercial Driver's License or a Licencia Federal de Conductor, as appropriate, consistent with Article I(b)(3) of the Annex.

(2) On April 1, 1992, all Commercial Driver's Licenses and Licencias Federales de Conductor issued pursuant to Paragraph 1 shall be given complete recognition and validity by Federal and State authorities in both countries.

(A) A resident U.S. driver operating a motor vehicle who possesses a valid Commercial Driver's License issued pursuant to Paragraph 1 shall not be required to obtain a Licencia Federal de Conductor to operate in the United Mexican States.

(B) A resident Mexican driver operating a motor vehicle who possesses a valid Licencia Federal de Conductor issued pursuant to Paragraph 1 shall not be required to obtain a non-resident Commercial Driver's License to operate in the United States of America;

(C) Drivers possessing a Commercial Driver's License or a Licencia Federal de Conductor may drive only those classes of vehicles for which they have been tested and licensed to drive.

(3) Should either party be unable to implement the provisions of Paragraph 1, that party shall inform the other party. In such event, the parties shall consult for the purpose of agreeing upon a new date for the mutual recognition of Commercial Driver's Licenses and Licencias Federales de Conductor as provided for in Paragraph 2. In the interim, neither party shall be obligated to comply with the provisions of Paragraph 2.

Article 3

Medical Qualification

In recognition of the medical qualification program for a Licencia Federal de Conductor, the United States of America shall conduct a comprehensive study of processes for including driver medical qualification determinations within its commercial driver's licensing process.

Article 4

Application of Law

U.S. and Mexican drivers of motor vehicles referred to in Article 2(2) shall be subject to the applicable laws and regulations of the country in which they operate such motor vehicles.

Article 5

Exchange of Information

On a regular basis, but not less than annually, the parties shall exchange information relevant to suspensions or revocations of Commercial Driver's Licenses or Licencias Federales de Conductor, or convictions (either administrative or judicial) resulting from traffic violations. The parties shall exchange general information regarding Commercial Driver's Licenses and Licencias Federales de Conductor. The scope of the information exchanged shall be determined by the subgroup as set forth in Article II of the Annex.

Article 6

Continuation of Subgroup

The subgroup shall, unless otherwise agreed, verify the implementation of the requirements established by this memorandum of understanding. Article III of the Annex sets forth the future activities of the subgroup.

Article 7

Implementation

The agencies responsible for the implementation of the provisions of this memorandum of understanding shall be the Department of Transportation for the United States of America and the Secretariat of Communication and Transport for the United Mexican States.

Article 8

Consultations

Either party may, at any time, request consultations relating to the implementation of this memorandum of understanding. Such consultations shall begin at the earliest possible date, but not later than 60 days after a party makes a request, unless otherwise agreed. Each party shall prepare and present during such consultations relevant evidence in support of its position to facilitate consultations.

Article 9

Entry Into Force

This memorandum of understanding shall enter into force upon the date of signature.

Article 10

Termination

Either party may, at any time, give notice in writing to the other party of its decision to terminate this memorandum of understanding. Such termination shall take effect one hundred and eighty (180) days after such notice.

Article 11

Amendments

This memorandum of understanding may be amended at any time by the agreement of both parties. Any amendment shall enter into force upon an exchange of diplomatic notes.

In witness whereof, the undersigned, being duly authorized by their respective governments, have signed this memorandum of understanding.

Done in duplicate at Washington, DC in the English and Spanish languages, each of which shall be of equal authenticity, this 21st day of November, nineteen hundred and ninety one.

For the Government of the United States of America:

Samuel K. Skinner

For the Government of the United Mexican States:

Caso Lomabado

Annex

I. Standards for the Licensing Process of Commercial Driver's Licenses and Licencias Federales de Conductor

A. Driver's Knowledge Test

1. In accordance with Article 2 of the MOU, each party shall require its applicant for a Commercial Driver's license or a Licencias Federales de Conductor to successfully complete a driver's knowledge test. The Licencias Federales de Conductor will be issued in accordance with Article 126 of the Law of General Means of Communication and Articles 47 and 48 of the Transport Regulation on Federal Highways. The Commercial Driver's License shall be issued in accordance with 49 U.S. Code of Federal Regulations part 383. In both cases, the knowledge content areas of the driver's knowledge test shall be comparable to the knowledge content areas contained in the Commercial Driver's License standards as set forth in 49 U.S. Code of Federal Regulations part 383 and regulations to be promulgated by the United Mexican States before April 1992. An applicant shall only be tested on the portion of the knowledge content areas that are relevant to the type of vehicle the applicant will be licensed to drive.

2. The driver's knowledge test for applicants for a Licencia Federal de Conductor shall: (A) Include questions on each of the knowledge content areas referred to in Paragraph 1 above; (B) contain at least (80) questions; and (C) be based on a passing score of eighty (80) percent.

3. The format of the driver's knowledge test given by any state of the United States of America or the District of Columbia for Commercial Driver's Licenses and by the United Mexican States for the Licencia Federal de Conductor need not be similar. For example, the United States of America shall administer a "general knowledge" test to all commercial drivers regardless of the class of Commercial Driver's License for which the applicant applies. The United States of America shall also administer separate "air-brake" and "endorsement" tests to drivers of specialized vehicles. The "general knowledge", "air brake", and "endorsement" tests shall be based on the knowledge content areas referred to in Paragraph 1 above. The United Mexican States shall administer a separate test for each of the license classes that incorporates all of the knowledge content areas referred to in Paragraph 1 above for the types of vehicles that fall within the license class.

B. Driver's Skills Test

1. In accordance with Article 2 of the MOU, each party shall require its applicant for a Commercial Driver's License or a Licencia

Federal de Conductor to successfully complete a driver's skills test. The Licencia Federal de Conductor will be issued in accordance with Article 126 of the Law of General Means of Communication and Articles 47 and 48 of the Transport Regulation on Federal Highways. The Commercial Driver's License shall be issued in accordance with 49 U.S. Code of Federal Regulations part 383. In both cases, the skills content areas of the driver's skills test shall be comparable to the skills content areas contained in the Commercial Driver's License standards as set forth in 49 U.S. Code of Federal Regulations part 383 and regulations to be promulgated by the United Mexican States before April 1992. The driver's skills test shall be: (a) Given in a commercial motor vehicle that is representative of the class of vehicles the driver will be licensed to drive; and (b) conducted in on-street conditions or a combination of on-street and off-street conditions.

2. The parties shall review the feasibility of incorporating the use of simulators in administering part of the skills test.

3. The Commercial Driver's License and the Licencia Federal de Conductor shall indicate on the document that it reflects the agreed upon standards referred to in paragraphs I (a)(1) and (b)(1).

II. Exchange of Information

1. In accordance with Article 5 of the MOU, the parties shall exchange information regarding Commercial Driver's Licenses and Licencias Federales de Conductor. The scope of the information exchanged shall be determined by the subgroup. With regard to information relevant to suspensions or revocations of a Commercial Driver's License or Licencia Federal de Conductor, or convictions (either administrative or judicial) resulting from traffic violations, the following information shall be exchanged: (a) Convictions (either administrative or judicial) that result from violations committed by drivers of one party while driving in the territory of the other party; and (b) suspensions and revocations of a resident driver's Commercial Driver's License or Licencia Federal de Conductor because of violations committed in the territory of the issuing party. Each party shall take appropriate action, consistent with its national laws, against its drivers based on this information.

2. At a minimum, the information shall contain the name of the driver, the driver's license number, the date of conviction, the specific offense, the location of the offense, and the State issuing the license for U.S. drivers.

III. Activities of the Subgroup

1. In accordance with Article 6 of the MOU, the subgroup shall be convened as necessary to discuss the effective implementation of the provisions of the MOU. The first meeting shall be held not later than March 1, 1992, to prepare for the full implementation of the MOU.

2. To facilitate the exchange of information required by Article 5 of the MOU and Article II of the Annex, the subgroup shall convene as necessary to determine the scope of

information on Commercial Driver's Licenses and Licencias Federales de Conductor to be exchanged. The subgroup shall determine the methods and process for exchange of this information and information relevant to suspensions or revocation of a Commercial Driver's License or Licencias Federales de Conductor, or convictions (either administrative or judicial) resulting from traffic violations by December 31, 1991, or another date as mutually agreed.

3. By December 31, 1991, or another date as mutually agreed, the subgroup shall agree upon an indicator on the Commercial Driver's License and the Licencias Federales de Conductor to show that the license reflects the agreed upon standards referred to in paragraphs I (a)(1) and (b)(1) of the Annex.

4. In accordance with Article 3 of the MOU, and in recognition of the United Mexican States' Medical Qualification Program for the Licencias Federales de Conductor, U.S. members of the subgroup and other U.S. officials will visit the United Mexican States to observe its medical exam system and procedures for the Licencias Federales de Conductor, as well as to identify differences between the processes used by each party to review medical qualifications of drivers of commercial vehicles. The purpose of the visit is to help determine if the procedures used in the Mexican medical qualification program are adaptable to the U.S. commercial driver's licensing process.

Issued on: July 9, 1992.

T.D. Larson,
Administrator.

In consideration of the foregoing, the FHWA hereby amends title 49, Code of Federal Regulations, chapter III, subchapter B, as set forth below.

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES [AMENDED]

1. The authority citation for 49 CFR part 383 is revised to read as follows:

Authority: 49 U.S.C. 3102; 49 U.S.C. app. 12701 et seq; 49 CFR 1.48.

§ 383.23 [Amended]

2. In § 383.23, paragraph (b) is amended by revising footnote number one to read as follows:

§ 383.23 Commercial driver's license.

* * * * *

(b) Exception. * * * *

[FR Doc. 92-16688 Filed 7-15-92; 8:45 am]

BILLING CODE 4910-22-M

¹ Effective December 29, 1988, the Administrator determined that commercial drivers' licenses issued by Canadian Provinces and Territories in conformity with the Canadian National Safety Code are in accordance with the standards of this part. Effective November 21, 1991, the Administrator determined that the new Licencias Federales de Conductor issued by the United Mexican States are in accordance with the standards of this part.

Continued

49 CFR Part 391

(FHWA Docket No. MC-92-27)

Qualification of Drivers; Vision Waivers**AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice of final disposition.

SUMMARY: The FHWA announces its decision to issue waivers of the vision requirements (49 CFR 391.41(b)(10)) to drivers who meet certain conditions set forth in this document. The FHWA will continue to process the applications already received, and waivers will be issued to eligible drivers in the order their applications were received by the FHWA. The FHWA will continue to accept applications for waiver of the vision requirements until September 21, 1992.

EFFECTIVE DATE: This document is effective on July 18, 1992.

ADDRESSES: Applications may be submitted to the Vision Waiver Program, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For program information about the waiver program, please contact Mr. Neill L. Thomas or Mrs. Eliane Viner, Office of Motor Carrier Standards at (202) 366-2981. If you have legal questions, you may contact Mr. Eric A. Kuwana or Mr. Raymond W. Cuprill, Office of Chief Counsel at (202) 366-0834. Both of the above offices are located at the Federal Highway Administration, Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION:**Waiver Background**

On March 25, 1992, the FHWA published a notice in the Federal Register (57 FR 10295) to announce its intent to accept applications for waiver of the vision requirements, as contained in the Federal Motor Carrier Safety Regulations (FMCSRs), 49 CFR 391.41(b)(10). The March 25 notice sets forth the proposed program to waive the vision requirements for drivers who meet certain conditions. As a supplement to the March 25 notice, a June 3 notice modified some of the

program's conditions, clarified some of its details, and requested comments (Docket No. MC-92-27) on the proposed vision waiver program. The comment period on the proposed waiver program closed on July 8, 1992. All comments received have been carefully analyzed during the process which led to the decision to proceed with the vision waiver program and to publish this notice of final disposition.

Concurrent Rulemaking

This waiver program will complement the FHWA's efforts to review, and to eventually amend, its vision requirements through a rulemaking action. Drivers of commercial motor vehicles (CMVs) have been required to meet specific Federal vision requirements since 1937. Although the FHWA has spent many resources on studies to ascertain the effects of vision deficiencies on driving safety, the current vision requirements have not been modified since 1971.

As part of an ongoing process to reassess its regulations, the FHWA published an advance notice of proposed rulemaking (ANPRM) on February 28 of this year (57 FR 6793), to review the FHWA's vision requirements, as currently contained in the driver qualification requirements of the FMCSRs, 49 CFR part 391. Although the comment period on the ANPRM (Docket No. MC-91-1) remained open until April 28, 1992, the FHWA published its notice of intent to accept applications for waivers on March 25. The comments to the ANPRM and the June 3 notice have been analyzed by the FHWA and have been considered in the decision to issue vision waivers. This waiver program does not constitute a final disposition of the rulemaking initiated by the ANPRM of February 28.

As part of the concurrent rulemaking process initiated by the February 28 ANPRM, the FHWA contracted with Ketron, Inc. to study the relationship between visual disorders and commercial motor vehicle safety. Copies of the Ketron study, entitled "Visual Disorders and Commercial Drivers," are now available for distribution and a copy has been placed in the docket to the ANPRM. The Ketron study illuminated the lack of empirical data to establish a link between vision disorders and commercial motor vehicle safety. The study also failed to provide a sufficient foundation on which to propose a satisfactory vision standard for drivers of CMVs in interstate commerce.

As explained in the notices of March 25 and June 3, the waiver program will enable the FHWA to conduct a study

comparing a group of experienced, visually deficient drivers with a control group of experienced drivers who meet the current Federal vision requirements. This study will provide the empirical data necessary to evaluate the relationships between specific visual deficiencies and the operation of CMVs. The data will permit the FHWA to properly evaluate its current vision requirement in the context of actual driver performance, and, if necessary, establish a new vision requirement which is safe, fair, and rationally related to the latest medical knowledge and highway technology.

Comments

The FHWA received over 50 separate comments in response to the June 3 notice, a few of which bore multiple signatures of drivers in favor of the proposal. The FHWA has also received over 1,000 applications for waivers from visually deficient drivers. All but four of the comments supported the vision waiver program as proposed, or, in a few cases, with slight modifications. The Owner-Operator Independent Drivers Association supports the vision waiver program and its conditions because "[C]ommercial vehicle operators with visual deficiencies have proven to be safe and successful drivers in interstate commerce and within commercial zones." Two presidents of local chapters of the International Brotherhood of Teamsters support the waiver program as proposed because it will allow some of their members, who have demonstrated safe driving records over many years, to retain their jobs. A member of Congress, an attorney representing a driver, and the Assistant Majority Leader for the Illinois House of Representatives wrote to support the vision waiver program on behalf of visually deficient drivers of CMVs. Comments from drivers were unanimous in support of the vision waiver program.

The Advocates for Highway and Auto Safety (AHAS), an association based in Washington, DC, submitted material for consideration along with its comments opposing the vision waiver program. The AHAS stated that the FHWA improperly invoked both the Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 355, as amended) and the Americans with Disabilities Act of 1990 (ADA) (Pub. L. 101-336, 104 Stat. 327, as amended) to justify the vision waiver program. The FHWA fully acknowledges that neither of these acts mandates changes to the driver qualification requirements in the FMCSRs. Rather, the ADA contains general goals that Federal agencies,

Therefore, under the single license provision of § 383.21, a driver holding a commercial driver's license issued under the Canadian National Safety Code or a new Licencia Federal de Conductor issued by Mexico is prohibited from obtaining nonresident CDL or any other type of driver's license, from a State or other jurisdiction in the United States.

although not required, should consider when making policy decisions or taking actions which affect persons with disabilities. Individualized determinations and the use of qualified individuals with disabilities are unquestionably the goals of this legislation and should be important factors in the FHWA's decisionmaking process.

The AHAS and the Insurance Institute for Highway Safety (IIHS) assert that the FHWA's study, "Visual Disorders and Commercial Drivers" (November 1991), and other prior studies provide a sufficient basis for creating a new, more stringent vision requirement in the FMCSRs. To the contrary, the FHWA believes that the results of the Ketron study, and those before it, do not provide a sufficient nexus between the current vision requirements and driving performance. Therefore, the FHWA believes that the data collected from the research study accompanying the vision waiver program will provide the necessary information to proceed with rational, performance-oriented rulemaking.

The AHAS also challenges the vision waiver program as being inconsistent with the statutory responsibilities of the FHWA because its actions must "enhance the safety of commercial motor vehicle operations and the health of commercial motor vehicle drivers." This quote from the Motor Carrier Safety Act of 1984 (Pub. L. 98-554, 98 Stat. 2832, as amended) is taken out of context, and hence, is misleading. In the 1984 Act, Congress expressly authorized the Department of Transportation (DOT) to "waive, in whole or in part, application of any regulation issued under this section [section 206] with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles." (emphasis added.) Congress recognized that not all actions by the DOT could possibly increase the level of safety for CMV operations. By using the word "consistent," the Congress permitted the DOT to grant waivers in instances where the current level of CMV safety would remain constant. The FHWA believes that the vision waiver program will allow only those drivers who have an established record of safe CMV operations to drive in interstate commerce. Therefore, the level of safety for CMV operations will remain unchanged as a result of the vision waiver program.

The IIHS observed that the research study to be undertaken during the

waiver program was not fully described. It provided much useful constructive criticism about how such a study should be conducted, including acceptable standards of epidemiologic study design. The FHWA is aware of the importance of this research, and fully intends to take every necessary precaution to assure its validity.

The National Private Truck Council (NPTC), which expressed strong support for the waiver program, also provided some useful observations on the conduct of the research study. The NPTC was concerned that the composition of the study group, which understandably is limited to experienced drivers with safe driving records, may compromise any conclusions, unless the control group is compatible. The NPTC was also concerned about the lack of any indication in the notices with respect to any action to be taken in the event the conditions which are required to be reported by the control group, in fact, occur. For example, the study group drivers are required to submit medical reports annually confirming that the vision capability has not worsened. If the condition does worsen, the notice does not indicate what action the FHWA will take concerning that driver. The answer is that the waiver will be withdrawn if the vision in the better eye falls below the minimum requirement. On the other hand, conviction of a moving violation or the occurrence of an accident during the study period will not necessarily terminate the waiver, unless the conviction or occurrence would be disqualifying under applicable regulations.

The American Trucking Association (ATA) offered that "[t]he trucking industry is opposed to the granting of waivers to drivers who are unable to meet the current vision standards." Originally, the ATA's opposition was largely based on the lack of an opportunity for public comment, but the June 3 notice provided for public comment. The ATA's current opposition centers on its belief that the existing vision requirements should not be relaxed in any manner. The FHWA is not relaxing its vision requirements, as contained in the FMCSRs (49 CFR 391.41(b)(10)). As authorized in the 1984 Act, the program permits conditional waivers from the regulatory requirements in order to test their efficacy. Moreover, this action relieves the burden on those drivers, many of whom have safely driven for decades with vision deficiencies, who became ineligible due to changes in the law (Commercial Driver's License requirement) unrelated to vision. At the

same time, the waivers will provide necessary data for an empirical study. The FHWA strongly believes that the vision waiver program is consistent with its regulatory responsibilities and is well within its statutory authority.

Statutory Authority

The Congress authorized the Secretary of Transportation, after notice and an opportunity for comment, to waive application of any regulation with respect to any person or class of persons if the Secretary determines that such a waiver (1) is not contrary to the public interest and (2) is consistent with the safe operation of commercial motor vehicles. This authority was granted by section 206(f) of the Motor Carrier Safety Act of 1984. The FHWA Administrator is delegated this authority pursuant to 49 CFR 1.48(aa).

Public Interest

The FHWA believes that the waiver program is in the public interest. It is consistent with the national policy, as expressed in the Rehabilitation Act of 1973 and the ADA, to facilitate the employment of qualified individuals with disabilities. The vision waiver program removes a barrier that may unduly restrict individuals from pursuit of their chosen occupation. The program allows for individualized determinations based on performance standards that complement medical qualifications. In essence, an applicant's driving ability, past experience, and medical evaluation substitute for the stricter vision requirements.

Safety Impact

The FHWA believes that the waiver program's conditions enable the FHWA to find that such waivers are "consistent with the safe operation of commercial motor vehicles." All drivers eligible for a waiver have proven experience and have demonstrated their ability to safely operate a CMV for a number of years. The reporting requirements of the waiver program and the FHWA's Motor Carrier Management Information System, along with existing Commercial Driver's License standards applicable to waived drivers of heavier vehicles, ensure that unsafe, visually impaired drivers are removed from operation just as effectively as other unsafe drivers. The drivers who receive waivers will not be accorded any additional privileges which would allow them to operate in a manner different from other drivers of CMVs in interstate commerce.

In fact, the drivers eligible for vision waivers are being held to a slightly higher standard. These experienced

drivers must have driving records that not only equal their peers, but surpass them. Eligibility for the waiver program is based, first of all, on experience gained in a commercial motor vehicle, and further on a driving record much cleaner than presently required, even for a CDL. These conditions, along with the waiver program's reporting requirements, are not applied to drivers who meet the current vision requirements contained in the FMCSRs. The FHWA believes that the following conditions will effectively screen out unsafe drivers.

Conditions

The conditions which drivers must meet to be eligible for the waiver program remain as proposed. An applicant is required to have three years of driving experience in a CMV with a record that shows (1) no suspensions or revocations of his/her driver's license for operating violations in any motor vehicle; (2) no involvement in a reportable accident (in a CMV) in which the applicant was cited for a moving traffic violation; (3) no convictions for a disqualifying offense, as described in 49 CFR 383.51, (i.e., driving a commercial motor vehicle while under the influence of alcohol or a controlled substance, leaving the scene of an accident involving a commercial motor vehicle, or the commission of a felony involving the use of a commercial motor vehicle) or more than one serious traffic violation, as that term is defined in 49 CFR 383.5, (i.e., excessive speeding, reckless driving, improper or erratic lane changes, following the vehicle ahead too closely, or a violation arising in connection with a fatality, while driving a commercial motor vehicle); and (4) no more than two convictions for any other moving traffic violations while driving a commercial motor vehicle.

If the applicant is currently licensed to drive a CMV (e.g., holds a valid Commercial Driver's License), the four requirements in the "document in writing" section of this document must go back three years from the date of the application for waiver. If the applicant is not currently licensed to drive a CMV, the four requirements in the "document in writing" section must go back three years from the date (after April 1, 1990) when the applicant last possessed a valid license to operate a CMV. The documentation required must be in writing, and where applicable, be on forms or letterhead of the State licensing agency or the reviewing ophthalmologist or optometrist.

Applications

Many of the applications received to date are missing information necessary to make a decision whether to grant a waiver to that individual. Individuals with incomplete applications will be contacted by the FHWA and requested to resubmit their applications and include the missing information. The FHWA suggests that future applicants use plain paper (there is no prescribed application form), include all the supporting documents (such as the DMV record), and use the format set out below.

Vital Statistics

Name of applicant: (First name, middle initial, last name)
Address: (House number and street name) City, State, and zip code:
Telephone number: (Area code and number)
Sex: (Male or female)
Date of birth: (Month, day, and year)
Age:
Social Security number:
State driver's license number: (Issuing State and license number)
Driver's license classification code:
Driver's license date of issuance: (Month, day, and year)

Experience

Number of years driving straight trucks:
Approximate number of miles driving straight trucks:
Number of years driving tractor-trailer combinations:
Approximate number of miles driving tractor-trailer combinations:
Number of years driving buses:
Approximate number of miles driving buses:

Anticipated post-waiver operations

Employer's name: (If applicable)
Employer's address:
Employer's telephone number:
Type of vehicle to be operated: (Straight truck, tractor-trailer combination, bus)
Commodities to be transported: (e.g., general freight, liquids in-bulk (in cargo tanks), steel, dry-bulk, large heavy machinery, refrigerated products)
States in which you will drive:
Estimated number of miles you will drive per year:
Estimated number of daylight driving hours per week:
Estimated number of nighttime driving hours per week:

Document In Writing

(1) You now possess a valid "intrastate" CDL or possessed a license (non-CDL) to operate a CMV after April

1, 1990 (e.g., a photostatic copy of both sides of the driver's license or certification from the State licensing agency);

(2) You operated a CMV for the three-year period immediately preceding:

(i) The date of this application if you are currently licensed to drive a CMV; or

(ii) The date (after April 1, 1990) you last held a valid license to operate a CMV (e.g., a signed statement from the applicant's employer or a certified statement from the applicant, in the event the applicant was operating as a motor carrier);

(3) Your driving record for that three-year period:

(a) Contains no suspensions or revocations of your driver's license for the operation of any motor vehicle (including your personal vehicle);

(b) Contains no involvement in a reportable accident for which you received a citation for a moving traffic violation;

(c) Contains no convictions for a disqualifying offense or more than one serious traffic violation while driving a commercial motor vehicle during the three-year period, which disqualified, or should have disqualified, the applicant in accordance with the driver disqualification provisions of 49 CFR 383.51.

(d) Contains no more than two convictions for any other moving traffic violations in a commercial motor vehicle.

(4) You have been examined by an ophthalmologist or an optometrist and that person, in writing, has:

(a) Identified and defined the visual deficiency;

(b) Certified that the visual deficiency has not worsened since the last vision examination required by your State's driver licensing agency;

(c) Certified that your visual acuity is at least 20/40 (Snellen), corrected or uncorrected, in the better eye; and

(d) Certified that in his/her medical opinion, you are, with your vision deficiency, able to perform the driving tasks required to operate a commercial motor vehicle.

Waivers

The waivers will be issued in a prescribed form and signed by or for the Administrator. Instructions will be sent to eligible drivers that will contain all pertinent conditions. Failure to report the required information to the FHWA or comply with the other conditions of the waiver program will be cause for immediate revocation of a driver's vision waiver. All waivers will display a

unique number to identify the driver. State and Federal enforcement officials will have the authority and right to verify the authenticity of each waiver.

Reporting Requirements

There will be five reporting requirements which must be met in full during the term of any waiver issued to a vision deficient driver. Each driver will be required to:

(1) Report any citation for a moving violation involving the operation of a CMV to the Federal Highway Administration (FHWA) within 15 days following the issuance;

(2) Report the judicial/administrative disposition of such charge within 15 days following notice of disposition;

(3) Report any accident involvement whatsoever while operating a CMV to the FHWA within 15 days following the accident (include Federal, State, insurance company, and/or motor carrier accident reports);

(4) Submit documentation of an annual examination by an ophthalmologist or an optometrist to the FHWA at least 15 days before the annual anniversary of the effective date of the waiver. The documentation must contain the medical specialist's

certification that the individual is still eligible under the waiver's vision criteria and the vision deficiency has not worsened since the last vision examination required by the waiver; and

(5) Report to the FHWA by the 15th calendar day of each month (not including the month in which the waiver becomes effective):

(a) The number of miles driving a CMV during the preceding month;

(b) The number of daylight hours and the number of nighttime hours driving a CMV during the preceding month; and

(c) The number of days a CMV was not operated during the preceding month.

All documentation described in items (1) through (5), above, must be mailed to the FHWA, Vision Waiver Program, 400 Seventh Street, SW., Washington, DC 20590. Failure to submit timely reports will be cause for cancellation of the waiver.

Request for Control Group Participants

The success of the research study, which is part of the vision waiver program, is dependent upon obtaining the voluntary participation of drivers without vision deficiencies. Effective comparative analysis can be performed

only with a control group of drivers that is approximately twice the numerical size of the group of waived drivers. The FHWA, therefore, requests that drivers without vision deficiencies volunteer to participate in the control group. The control group will be requested to submit the same demographic information as is required of the waived driver group, except for the certification by the ophthalmologist or optometrist. Volunteers should write the Vision Waiver Program at the aforementioned address. They will be contacted directly thereafter. The control group would subsequently be asked to report, quarterly, the same type of accident and traffic conviction information as is required by the waived driver group. This voluntary action will enable the FHWA to conduct a valid study, which will be used in the decisionmaking process for concurrent rulemaking initiated by the February 28 ANPRM.

Authority: 49 U.S.C. app. 2505; 49 U.S.C. 504 and 3102; 49 CFR 1.48.

Issued on: July 10, 1992.

T.D. Larson,

Administrator.

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