

However, that process permits the design data package granting the "host" TSO authorization to contain the non-TSO function design data package, without assuring the required performance of the hosting TSO article is unaffected by the added non-TSO function.

Deferring the evaluation of the non-TSO function until installation is not ideal, since the installer generally does not have the TSO manufacturer's equipment or expertise available to perform a thorough equipment performance evaluation, especially when the performance must be determined by laboratory simulation or under specific test conditions. In the proposed notice, we bring greater scrutiny to integrated non-TSO functions into the host TSO by providing guidance to the Aircraft Certification Office (ACO) for the consistent performance evaluation of the non-TSO function at the time of TSO authorization issuance. Note also, as with the TSO article itself, the integrated non-TSO function must have separate FAA approval for installation in an aircraft. Thus, this proposed notice allows the ACO to acknowledge the software and hardware design assurance levels and environmental testing accomplished on the non-TSO function, precluding the need for repeated evaluations at each installation approval.

#### How To Obtain Copies

You can get a copy of proposed FAA Notice 8150.NTF and Order 8150.1B from the FAA's Regulatory and Guidance Library (RGL) at <http://www.airweb.faa.gov/rgl>. On the RGL Web site, click on "Orders/Notices". Or, contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on May 24, 2005.

**Susan J.M. Cabler,**

*Assistant Manager, Aircraft Engineering Division, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2005-20560]

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

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

**ACTION:** Withdrawal of notice of applications for exemption from the vision standard.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) withdraws a notice of applications for exemption from the vision standard with request for comments published on May 17, 2005. The notice was published in error.

**DATES:** The notice of applications with request for comments published on May 17, 2005 (70 FR 28348), is withdrawn effective May 17, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: May 23, 2005.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2005-20560]

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** The FMCSA announces its decision to exempt 30 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

**DATES:** May 31, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Access

You may see all the comments online through the Document Management System (DMS) at: <http://dmses.dot.gov>.

#### Background

On April 6, 2005, the FMCSA published a notice of receipt of exemption applications from 30 individuals, and requested comments from the public (70 FR 17504). The 30 individuals petitioned the FMCSA for exemptions from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. They are: Edmund J. Barron, Eddie M. Brown, Tony Cook, Jeffery W. Cotner, John K. Fank, Bobby G. Fletcher, Lonny L. Ford, Larry G. Garcia, Robert E. Hendrick, Jonah G. Higdon, Daniel J. Hillman, Ronald A. Johnson, Clyde H. Kitzan, Joe S. Lassiter III, Gene A. Leshner, Jr., Eugene A. Maggio, Anthony R. Miles, Raymond E. Morelock, Kenneth L. Nau, David L. Peebles, David W. Peterson, Frederick G. Robbins, Jose C. Sanchez-Sanchez, Boyd D. Stamey, Scott C. Teich, Emerson J. Turner, Daniel E. Watkins, Dean E. Wheeler, Michael C. Williams, Sr., and Louie E. Workman.

Under 49 U.S.C. 31315 and 31136(e), the 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." The statute also allows the agency to renew exemptions at the end of the 2-year period. Accordingly, the FMCSA has evaluated the 30 applications on their merits and made a determination to grant exemptions to all of them. The comment period closed on May 6, 2005. Two comments were received, and their contents were carefully considered by the FMCSA in reaching the final decision to grant the exemptions.

#### Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red,