

vision to operate a commercial vehicle." Mr. Proffitt submitted that he has driven straight trucks for 4 years, accumulating 40,000 miles. He holds a Class B CDL from Arkansas, and his driving record shows he has had no accidents or convictions for moving violations in a CMV in the last 3 years.

**24. Charles L. Schnell**

Mr. Schnell, 53, has a prosthetic right eye following removal of the eye for an ocular tumor in 1955. His corrected visual acuity is 20/20 in the left eye. An ophthalmologist who examined him in 2001 certified, "The patient has normal visual function in his left eye. He has normal peripheral vision and normal central vision and this should supply him with sufficient vision to perform driving tasks. However, this only qualifies his visual potential and not overall competency to perform the tasks of operating a commercial vehicle." Mr. Schnell reported that he has driven tractor-trailer combination vehicles for 10 years, accumulating 900,000 miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows one accident and no convictions for moving violations in a CMV. Another vehicle crossed the centerline and struck his vehicle. He was not charged in the accident.

**25. Charles L. Shirey**

Mr. Shirey, 51, has amblyopia in his left eye. He has best-corrected visual acuity of 20/20+ in the right eye and 20/300 in the left. Following an examination in 2001, his optometrist stated, "My impression is that Mr. Charles L. Shirey has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Shirey submitted that he has driven straight trucks for 6 years, accumulating 600,000 miles, and tractor-trailer combinations for 19 years, accumulating 2.0 million miles. He holds a Pennsylvania Class AM CDL, and his driving record shows that during the last 3 years he has had no accidents or convictions for moving violations in a CMV.

**26. James R. Spencer, Sr.**

Mr. Spencer, 61, has amblyopia in his left eye. The best-corrected visual acuity of his right eye is 20/20 and of his left eye 20/60. His optometrist examined him in 2001 and stated, "This letter is to certify that in my professional opinion, found on the exam done in my office on December 19, 2001, Mr. Spencer has adequate vision to perform the driving tasks required of a commercial vehicle driver." Mr. Spencer reported that he has driven

tractor-trailer combinations for 43 years, accumulating 4.3 million miles. He holds a Class A CDL from Florida, and his driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

**27. David E. Steinke**

Mr. Steinke, 50, has congenital right anophthalmia. His best-corrected vision in the left eye is 20/15+. An optometrist examined him in 2001 and certified, "I will again reaffirm that in my medical opinion, David has sufficient visual skills to operate a commercial vehicle." Mr. Steinke submitted that he has driven tractor-trailer combinations for 24 years, accumulating 2.6 million miles. He holds a Class ABCD CDL from Wisconsin, and has no accidents or convictions for moving violations in a CMV on his driving record for the last 3 years.

**28. Kevin R. Stoner**

Mr. Stoner, 28, has amblyopia in his right eye. His best-corrected vision is 20/400 in the right eye and 20/15 in the left. An optometrist examined him in 2001 and stated, "Once again, my clinical evaluation of this patient reveals no reason why this patient should not qualify for an interstate commercial driver's license under the waiver for monocular drivers without an optical correction." Mr. Stoner reported he has driven straight trucks for 2½ years, accumulating 150,000 miles, and tractor-trailer combinations for 6 years, accumulating 360,000 miles. He holds a Pennsylvania Class A CDL, and he has had no accidents or convictions for moving violations in a CMV for the past 3 years, according to his driving record.

**29. Carl J. Suggs**

Mr. Suggs, 64, has a macular scar in his left eye. His best-corrected visual acuity is 20/20 in the right eye and 20/400 in the left. An ophthalmologist examined him in 2001 and certified, "Mr. Suggs has been driving commercial vehicles for many years and has an exemplary record and it is my opinion that he has sufficient vision to perform the driving task required to operate a commercial vehicle." Mr. Suggs reported that he has driven straight trucks for 32 years, accumulating 390,000 miles, and buses for 41 years, accumulating 2.2 million miles. He holds a Class B CDL from North Carolina, and his driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

**30. James A. Torgerson**

Mr. Torgerson, 51, has amblyopia in his left eye. His best-corrected visual acuities are 20/20 in the right eye and 20/200 in the left. An optometrist examined him in 2001 and certified, "In my opinion, Mr. Torgerson is visually capable of operating a commercial motor vehicle." Mr. Torgerson submitted that he has driven straight trucks for 5 years, accumulating 250,000 miles, and tractor-trailer combinations for 5 years, accumulating 625,000 miles. He holds a Class A CDL from Minnesota, and his driving record for the past 3 years shows no accidents or convictions for moving violations in a CMV.

**Request for Comments**

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA is requesting public comment from all interested persons on the exemption petitions and the matters discussed in this notice. All comments received before the close of business on the closing date indicated above will be considered and will be available for examination in the docket room at the above address.

Issued on: March 27, 2002.

**Julie Anna Cirillo,**  
Chief Safety Officer.

[FR Doc. 02-7913 Filed 4-1-02; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its safety regulations. The individual petition is described below including, the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

**National Railroad Passenger Corporation**

[Docket Number FRA-2001-10596]

The National Railroad Passenger Corporation (Amtrak) seeks a permanent waiver of compliance from certain provisions of the Railroad Power Brake and Drawbars regulations, 49 CFR 229, regarding the required periodic tests of locomotive brake equipment. Specifically, Amtrak requests that the electronic brake equipment used on the new HHP8 electric locomotives be

subjected to the same provisions as outlined in a waiver (H-95-3) granted to New York Air Brake Company (NYAB) for their CCB brake equipment, which extended the time requirements for cleaning, repairing and testing of brake components listed in § 229.27(a)(2) and § 229.29(a), to a period not to exceed five years or 1,840 days.

Amtrak claims that the HHP8 electronic brake equipment is similar in arrangement and function to the NYAB CCB system. It also incorporates a number of the same components used in the CCB system. Amtrak believes that the five-year interval is justified on the basis of the duty cycle and FMECA performed for the Acela brake system, of which this system is a direct variant set up for double end control and includes the locomotive independent brake and quick release functions. This five-year maintenance interval is also currently outlined in the maintenance plan for the Acela Train Sets under 49 CFR Part 238, Tier II requirements. Further, the HHP8 locomotive is equipped with an air quality (dryers and filters) system that meets current industry standards. Amtrak would like to maintain the HHP8 locomotive brake equipment with the same conditions and time intervals as specified in waiver H-95-3, which has been re-numbered and re-issued as waiver number FRA-2000-7367.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2001-10596) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Washington, D.C. 20590-0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.—5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at <http://dms.dot.gov>.

Issued in Washington, DC, on March 26, 2002.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 02-7820 Filed 4-1-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket No. FRA-2002-11635]

*Applicant:* Norfolk Southern Corporation, Mr. Brian L. Sykes, Chief Engineer, C&S Engineering, 99 Spring Street, SW., Atlanta, Georgia 30303

The Norfolk Southern Corporation (NS) seeks approval of the proposed discontinuance and removal of the automatic block signal system on the two main track Stanley Secondary between milepost DK-1.8 and milepost DK-4.8, near Toledo, Ohio, on the Dearborn Division. The proposed changes include the removal of the existing four automatic block signals, and installation of back to back fixed approach signals near milepost DK-3.2.

The reason given for the proposed changes is to eliminate facilities no longer needed for present day operation. Both tracks are predominately used for storage, and there have been no through train movements on the Stanley Secondary since June 1, 1999.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, Washington, D.C. 20590-0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final

action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.—5:00 p.m.) at DOT Central Docket Management Facility, Room PI-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590-0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on March 26, 2002.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 02-7824 Filed 4-1-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket No. FRA-2002-11633]

*Applicant:* Norfolk Southern Corporation, Mr. G. A. Thelen, Assistant Vice President—Mechanical, 185 Spring Street, SW., Atlanta, Georgia 30303-3703.

The Norfolk Southern Railway Company (NS) seeks relief from the requirements of the Rules, Standards and Instructions, Title 49 CFR, part 236, section 236.586, "Daily or after trip test" in its entirety for locomotives equipped with Ultra Cab equipment, including the associated record keeping requirements of the 236.586 test contained in Section 236.110.

Applicant's justification for relief: NS believes that a "proper visual inspection" is redundant to inspections already being performed, and a second