

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies. A public meeting and meetings with local officials and neighborhood groups will be held in the study area. A public hearing will also be held. Information on the time and place of the public hearing will be provided in the local news media. The supplemental draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 3, 2004.

Emily Lawton,

Operations Engineer, Raleigh, North Carolina.

[FR Doc. 04-5964 Filed 3-16-04; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Watauga and Caldwell Counties, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescindment of notice of intent.

SUMMARY: The FHWA rescinds its notice of intent to prepare an environmental impact statement for the proposed US 321 Improvements project at Blowing Rock.

FOR FURTHER INFORMATION CONTACT: Ms. Emily Lawton, Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601, Telephone: (919) 856-4350.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), prepared a Draft Environmental Impact Statement (FHWA-NC-EIS-02-D) for the US 321 Improvements project at Blowing Rock in Caldwell and Watauga Counties, North Carolina. The FHWA does not

intend to prepare a Final Environmental Impact Statement on this action.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on March 3, 2004.

Emily Lawton,

Operations Engineer, Raleigh, North Carolina.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of denials.

SUMMARY: The FMCSA announces its denial of 43 applications from individuals who requested an exemption from the Federal vision standards applicable to interstate truck drivers and the reasons for the denials. The FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions does not provide a level of safety that will equal or exceed the level of safety maintained without the exemptions for these commercial motor vehicle drivers.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Zywockarte, Office of Bus and Truck Standards and Operations, (MC-PSD), (202) 366-2987, Department of Transportation, FMCSA, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the Federal vision standards for a renewable 2-year period if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption (49 CFR 391.41(b)(10)).

Accordingly, FMCSA evaluated 43 individual exemption requests on their merits and made a determination that these applicants do not satisfy the

criteria established to demonstrate that granting an exemption is likely to achieve an equal or greater level of safety than exists without the exemption. Each applicant has, prior to this notice, received a letter of final disposition on his/her individual exemption request. Those decision letters fully outlined the basis for the denial and constitute final agency action. The list published today summarizes the agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reason for denials.

The following 20 applicants lacked sufficient recent driving experience over three years:

Allen, Percy B.
Bacon, Nick D.
Clifton, Jr., Raymond E.
Coleman, Jerry D.
Hallwachs, Jerry
Hansen, Michael P.
Hardee, Richard G.
Henson, Richard M.
Hillman, Robert
Hoefner, Patrick L.
King, William J.
Levine, Martin L.
McEntyre, William C.
Meyer, Fred G.
Osuna, Jorge L.
Pierce, Jr., Charles E.
Reynolds, Glennis R.
Sharp, Ronald L.
Weeks, David N.
Whitlow, Jr., Bernard R.

Two applicants, Mr. David W. Shrimplin and Mr. Timothy D. Leggett, do not have experience operating a commercial motor vehicle (CMV) and therefore presented no evidence from which FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

The following 9 applicants do not have 3 years of experience driving a CMV on public highways with the vision deficiency:

Burnworth, Randy L.
Huelster, Randy
McFalls, Carol W.
Miller, Larry
Rich, Ross C.
Roberts, Michael J.
Schwab, Charles F.
Steinmetz, Daniel L.
Willhoyt, Richard P.

Four applicants do not have 3 years of recent experience driving a CMV with the vision deficiency:

Crane, James R.
Gruszecki, Ronald J.
Holland, Billie E.
Powell, Richard G.

Three applicants, Mr. Danny Netherland, Mr. Edward J. Perfetto and

Mr. James J. Schaaf were issued citations in conjunction with a CMV crash, a disqualifying offense.

Two applicants, Mr. Daniel Hollins and Mr. Thomas J. Long, III, had more than two CMV moving violations during the 3-year period or while their applications were pending. Applicants are only allowed two moving violations.

One applicant's, Mr. Billy R. Fox, III, license was suspended during the 3-year period because of a moving violation. Applicants do not qualify for an exemption with a suspension during the 3-year period.

One applicant, Mr. Terry L. Larkey, had two serious CMV violations within the 3-year period. Each applicant is allowed a total of two moving citations, of which only one can be serious.

One applicant, Mr. Tracy R. Heathcock, contributed to a crash while operating a CMV, which is a disqualifying offense.

Issued on: March 11, 2004.

Rose A. McMurray,

Associate Administrator for Policy and Program Development.

[FR Doc. 04-6031 Filed 3-16-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA 2001-9972; Formerly FRA Docket No. 87-2; Notice No. 16]

RIN 2130-AB20

Automatic Train Control (ATC) and Advanced Civil Speed Enforcement System (ACSES); Northeast Corridor (NEC) Railroads

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Amendment to Order of Particular Applicability requiring ACSES between New Haven, Connecticut, and Boston, Massachusetts—modification of temporary speed restriction requirements.

SUMMARY: In 1998, FRA issued an Order of Particular Applicability (Order) requiring all trains operating on the Northeast Corridor (NEC) between New Haven, Connecticut, and Boston, Massachusetts (NEC-North End) to be equipped to respond to the new Advanced Civil Speed Enforcement System (ACSES). In August of 2001, the National Railroad Passenger Corporation (Amtrak) requested that FRA temporarily suspend the Order's requirement to enforce temporary speed

restrictions (TSRs) through the use of temporary transponders on the NEC-North End between Mill River Interlocking at mile post (MP) 73.6 and High Street Interlocking at MP 142.9. After reviewing data that Amtrak provided in August 2003 on its current transponder attrition rate, FRA has decided to grant the requested relief until April 1, 2005.

DATES: The amendments to the Order are effective March 17, 2004.

FOR FURTHER INFORMATION CONTACT: Paul Weber, Railroad Safety Specialist, Signal and Train Control Division, Office of Safety, Mail Stop 25, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 (202) 493-6258; or Patricia V. Sun, Office of Chief Counsel, Mail Stop 10, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 (202) 493-6038.

ADDRESSES: *Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION: The Order, as published on July 22, 1998, set performance standards for cab signal/automatic train control and ACSES systems, increased certain maximum authorized train speeds, and contained safety requirements supporting improved rail service on the NEC. 63 FR 39343. Among other requirements, the Order required all trains operating on track controlled by Amtrak on the NEC-North End to be controlled by locomotives equipped to respond to ACSES by October 1, 1999. FRA has subsequently amended the Order eight times to reset the implementation schedule and make technical changes. 64 FR 54410, October 6, 1999; 65 FR 62795, October 19, 2000; 66 FR 1718, January 9, 2001; 66 FR 34512, June 28, 2001; 66 FR 57771, November 16, 2001; 67 FR 6753, February 12, 2002; 67 FR 14769, March 22, 2002; and 67 FR 47884, July 22, 2002.

The ninth amendment to this Order is effective upon publication instead of 30 days after the publication date in order to realize the significant safety and transportation benefits afforded by the ACSES system at the earliest possible time. All affected parties have been notified.

FRA is not reopening the comment period since the amendment to this Order is necessary to avoid disruption of rail service. Under these circumstances, delaying the effective

date of the amendment to allow for notice and comment would be impracticable, unnecessary, and contrary to the public interest.

Modification of Temporary Speed Restriction Requirements

As stated above, in an August 28, 2001 letter, Amtrak requested that FRA suspend the Order's requirement to enforce temporary speed restrictions with temporary transponders until Amtrak completed full implementation of data radio enforcement. In its October 2001 response, FRA asked Amtrak to provide more documentation to justify this request.

On August 13, 2003, Amtrak enclosed data supporting its assertion that unanticipated technical difficulties such as multiple changes to the original data base, problems with high speed trains sets, and an unusually high transponder attrition rate, had prevented it from adhering to the Order's implementation schedule. Amtrak stated that it had discovered the cause of the high transponder attrition rate and was correcting it by replacing current transponders with updated ones. As this replacement process would, however, result in further delays in ACSES implementation, Amtrak repeated its request that FRA grant it temporary relief from the Order's requirement to enforce TSRs through the use of temporary transponders on the NEC-North End between Mill River Interlocking at MP 73.6 and High Street Interlocking at MP 142.9. This would be a temporary measure to allow Amtrak to reap the significant safety benefits of positive 4 train separation and permanent civil speed restrictions as it continued to update transponders and implement the data radio infrastructure needed to support ACSES' positive train stop override feature as well as direct transfer of TSR data from the dispatching system to the onboard computer. Amtrak anticipated full implementation of ACSES by the end of the first quarter of 2005.

FRA agrees that partial implementation of ACSES would provide significant safety benefits as work continues towards full implementation of the system. FRA is therefore amending the Order as follows:

(1) Effective March 17, 2004, until no later than April 1, 2005, the requirement to achieve positive enforcement of TSRs through temporary transponders is suspended on the mainline track between Mill River Interlocking (MP 73.6) and High Street Interlocking (MP 142.9) to allow Amtrak to achieve direct loading of TSR data from its computer-