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#### Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may renew an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, 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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 26 individuals who have requested renewal of their exemptions in a timely manner. The FMCSA has evaluated these 26 applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period. They are:

Grady L. Black, Jr.  
Thomas B. Blish  
John A. Chizmar  
Billy M. Coker  
Weldon R. Evans  
Richard L. Gagnebin  
James P. Guth  
Rayford R. Harper  
James W. Harris  
William N. Hicks  
Paul M. Hoerner  
Edward E. Hooker  
Donald A. Jahr  
Charles L. Lovern  
Craig M. Mahaffey  
Michael S. Maki  
Howard R. Payne  
Kenneth A. Reddick  
Leonard Rice, Jr.  
John A. Sortman  
Edd J. Stabler  
James T. Sullivan  
Steven C. Thomas  
Edward A. Vanderhei  
Larry J. Waldner

Edward W. Yeates, Jr.

These exemptions are extended subject to the following conditions: (1) That each individual have a physical exam every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for 2 years unless rescinded earlier by the FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

#### Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application for additional 2-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 26 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226, 64 FR 16517, 66 FR 41656, 64 FR 27027, 64 FR 51568, 66 FR 48504, 64 FR 68195, 65 FR 20251, 65 FR 45817, 65 FR 77066, 65 FR 66286, 66 FR 13825, 66 FR 17743, 66 FR 33990, 66 FR 30502, 66 FR 41654). Each of these 26 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, the FMCSA

concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

#### Comments

The FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, the FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by October 20, 2003.

In the past the FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 66 FR 17994 (April 4, 2001). The FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Issued on: September 12, 2003.

**Pamela M. Pelcovits,**

*Office Director, Policy, Plans, and Regulation.*  
[FR Doc. 03-23881 Filed 9-17-03; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for a Waiver of Compliance

In accordance with Title 49, Code of Federal Regulations (CFR), §§ 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of Federal railroad 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.

**Michigan State Trust Railway  
Preservation, Inc.—FRA Waiver  
Petition Docket No. FRA-2003-15514**

In 2001, Michigan State Trust Railway Preservation, Inc. ("MSTP") and the Institute for Steam Railroading in conjunction with the Tuscola and Saginaw Bay Railway (TSBY) sought and was granted a waiver (Docket No. FRA-2001-10379) of compliance from Title 49, part 240 of the Code of Federal Regulations (49 CFR part 240)—Qualification and Certification of Locomotive Engineers. MSTP requested relief from that part of the regulation (49 CFR 240.201(d)) which provides that only certified persons may operate locomotives and trains. MSTP plans to offer noncertified persons the opportunity to operate a locomotive when participating in its "engineer-for-an-hour" program. The waiver would only apply to persons participating in the program. MSTP has purchased a second locomotive and now seeks to expand its operations to a third location.

The MSTP is a nonprofit educational corporation. It owns and operates a 1941 Lima-built steam locomotive. The locomotive, ex-Pere Marquette No. 1225, has operated approximately 6200 miles since 1988 over the general railroad system of transportation. The newly purchased and restored locomotive is Engine No. 75 (0-4-0). The MSTP is located at the steam locomotive restoration facility (Institute for Steam Railroading) in Owosso, Michigan. The MSTP gains access to TSBY trackage at this location. It does not own or control any trackage with the exception of two lead tracks extending from siding tracks, each approximately 130 feet in length. These tracks are leased from the TSBY. The MSTP plans to conduct this program in two of three locations. The first is the San Yard between Mile Post (MP) 105.2 on the TSBY track at the point where it meets the Central Michigan Railroad which is west of Legion Road to MP 106.1 and south of the highway/railroad grade crossing at Gould and Corunna Road. The second location is at the Henderson, Michigan Grain Elevator. It is on the St. Charles Branch of the TSBY between MP 70.2 and MP 69.2, north of the highway/railroad grade crossing at Riley Road. The third location is at the TSBY Shop Yard at their repair shops on the main line along Howard Street between mile markers 106.4 and 107. This operation will remain between the switch leading from the Main Track to the Scale Track with a Blue Flag placed to the east side of that switch. The proposed dates of operation will be three weekends

between the months of May and October inclusive.

MSTP's reason for granting this waiver is two-folded. First, to accomplish a part of its mission statement, *i.e.*, to educate the public on steam era railroad technology and its impact on the culture and economy of the Great Lakes Region. Second, to generate needed interest and revenue so that it may continue to educate the public about steam locomotive technology in an effort that the next generation will keep the knowledge and the 1225 alive into the future.

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 No. FRA-2003-15514) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. 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 at the above address. All written communications are also accessible on the Internet at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on September 8, 2003.

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

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

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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**Docket No. FRA-2000-7257**

[Notice No. 30]

**Railroad Safety Advisory Committee ("RSAC"); Working Group Activity Update**

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

**ACTION:** Announcement of Railroad Safety Advisory Committee (RSAC) working group activities.

**SUMMARY:** FRA is updating its announcement of RSAC's working group activities to reflect their current status. For additional details on completed activities see prior working group activity notices (68 FR 25677).

**FOR FURTHER INFORMATION CONTACT:** Trish Butera or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493-6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493-6302.

**SUPPLEMENTARY INFORMATION:** This notice serves to update FRA's last announcement of working group activities and status reports of May 13, 2003, (68 FR 25677). The twenty-first full Committee meeting was held May 20, 2003. The twenty-second meeting is scheduled for September 18, 2003, at the Washington Plaza Hotel.

Since its first meeting in April of 1996, the RSAC has accepted eighteen tasks. Status for each of the tasks is provided below:

*Task 96-1—(Withdrawn)* Revising the Freight Power Brake Regulations. This task was withdrawn following discussion by the Working Group, and the rulemaking was completed (49 CFR part 232).

*Task 96-2—(Completed)* Reviewing and recommending revisions to the Track Safety Standards (49 CFR part 213).

*Task 96-3—(Completed)* Reviewing and recommending revisions to the Radio Standards and Procedures (49 CFR part 220).

*Task 96-4—*Reviewing the appropriateness of the agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads. This Task was accepted on April 2, 1996, and a Working Group was