

date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 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://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, 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; Page 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on September 27, 2010.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2010-24703 Filed 9-30-10; 8:45 am]

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## 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) has received a request for a waiver of compliance from certain requirements of its safety standards. 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.

#### Western Maryland Scenic Railroad

[Waiver Petition Docket Number FRA-2010-0089]

The Western Maryland Scenic Railroad (WMSR) petitioned FRA for relief from the requirements of CFR 223.15 *Existing passenger cars*, and § 223.13 *Existing cabooses*, for nine (9) passenger cars, and one (1) caboose. Specifically, passenger cars WMSR 200, 540, 541, 726, 844, 846, 850, 851, and 855, which were built between 1946, and 1954, and used by Class I Railroads until their retirement in long distance passenger service. Also, the cars are not equipped with the required number of emergency windows exits. The caboose, WMSR 1906, was built in 1969. Since

FRA's long-standing definition of "antiquated" is being built prior to the end of World War II, even though this equipment is used on in tourist/excursion/educational service, relief from the Federal safety glazing requirements is required.

WMSR operates this equipment primarily on trackage between Cumberland, and Frostburg, Maryland. A portion of the trackage is leased from the CSX Transportation Inc. (CSXT), in Ridgeley, WV, where the railroad's maintenance, storage, and repair facilities are located. WMSR is the only operator/tenant of this least trackage and acreage.

The above referenced passenger cars and caboose have occasionally been leased/loaned for excursion service purposes to other organizations, including CSXT, such as Charity Train, Masters Golf Tournament, and the Kentucky Derby Train. In addition, WMSR has been requested to provide excursion passenger equipment for an anniversary celebration on the South Branch Valley Railroad later in 2010. WMSR tourist railroad operations are conducted at speeds of 20 mph, but while the equipment is on loan/lease to other operators, the operating speeds may differ.

There have been no reported incidents of stoning or acts of vandalism against the excursion trains. WMSR believes that the cost to retrofit these cars is not economically feasible, would impose a serious financial hardship to the non-profit organization, and would jeopardize their ability to utilize the equipment in its current service.

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-2010-0089) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.

- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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 a.m.–5 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://www.regulations.gov>.

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**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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## 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) has received a request for a waiver of compliance from certain requirements of its safety standards. 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.

#### Port Manatee Railroad

[Waiver Petition Docket Number FRA-2010-0091]

The Port Manatee Railroad (PMRR) seeks a waiver of relief from the statutory requirements of 49 U.S.C. 21103(a)(4), whereby train employees have 48 or 72-hour off-duty periods following the initiation of on-duty

periods of either 6 or 7 consecutive days. PMRR is a marine terminal-switching railway operated on Manatee County Authority property at Port Manatee in Palmetto, Florida. PMRR provides support in vessel loading/discharge cargo operations and is not part of the General Railroad system of transportation. To avoid substantial operational and financial burdens and, at the same time, maintain a level of appropriate service to vessels while ensuring a safe working environment for its employees, a waiver request was submitted to FRA for approval.

PMRR currently has 6 train and engine service employees who typically work three assignments as follows: (1) A regular shift between 8 a.m. and 5 p.m.; (2) an overtime shift between 8 a.m. and 8 p.m.; and (3) a split shift that includes 8 a.m. to noon, an 8 hour break, followed by 8 p.m. to 8 a.m. PMRR reports that its employees are not unionized, and with its waiver request, the railroad filed documentation indicating that its employees unanimously support the request for relief. PMRR's entire petition may be viewed at <http://www.regulations.gov> under the docket number listed above.

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-2010-0091) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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 a.m.–5 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://www.regulations.gov>.

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Issued in Washington, DC, on September 27, 2010.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2010-24704 Filed 9-30-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1998-4334; FMCSA-2000-8398; FMCSA-2002-11714; FMCSA-2006-24015; FMCSA-2008-0106; FMCSA-2008-0174]

### Qualification of Drivers; Exemption Renewals; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 59 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m.

Monday through Friday, except Federal holidays.

### SUPPLEMENTARY INFORMATION:

#### Background

Under 49 U.S.C. 31136(e) and 31315, 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. The comment period ended on August 26, 2010 (75 FR 44050).

#### Discussion of Comments

FMCSA received no comments in this proceeding.

#### Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 59 renewal applications, FMCSA renews the Federal vision exemptions for Catarino Aispuro, Gary R. Andersen, Edwin A. Betz, Donald L. Carman, Mitchell L. Carman, Christopher R. Cone, Walter O. Connelly, Stephen B. Copeland, Armando P. D'Angeli, Donald R. Davis, Ivory Davis, Louis A. DiPasqua, Jr., Henry L. Donivan, Randy J. Doran, Robert E. Dukes, Roger D. Elders, James F. Epperson, Lucious J. Erwin, Riche Ford, Kelly L. Foster, Kevin J. Friedel, Donald W. Garner, Paul W. Goebel, Jr., Ronnie L. Hanback, Steven G. Harter, Michael C. Hensley, George F. Hernandez, Jr., Scott A. Hillman, Charles S. Huffman, Jesse P. Jamison, James A. Jones, Ronnie M. Jones, Andrew C. Kelly, Jason W. King, James T. Leek, Billy J. Lewis, Velmer L. McClelland, Larry McCoy, Sr., Robert W. McMillian, Danny W. Nuckles, Richard A. Peterson, William R. Proffitt, Chad M. Quarles, Carroll G. Quisenberry, Daniel S. Rebstad, Ryan J. Reimann, Ronney L. Rogers, Manuel C. Savin, Brandon J. See, Douglas A. Sharp, Ricky L. Shepler, LeTroy D. Sims, Robert M. Stewart, John L. Stone, Nils S. Thornberg, Daniel W. Toppings, Kenneth E. Valentine, Christopher R. Whitson and George L. Young.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked 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