

influences on the outcome. While this appears to be largely accomplished based on an examination of the various types of validity, there remained an additional potential threat to the validity of the results. Relative to this, it had been argued that the drivers in the various waiver programs have lower crash rates because they were aware of being monitored, and monitoring is a strong motivation to exercise care. To address this possible threat, the agency conducted a follow-up assessment after the waived drivers were given grandfather rights in March 1996 and were no longer monitored. Conducted in June 1998, the agency made an assessment of the drivers' crash experience for the period from March to December 1996. The results, on file in docket FMCSA-99-5578, showed that the drivers who had been in the program continued to have a crash rate that was lower than the national norm.

In regard to their third issue, Advocates believes that the agency misinterpreted the current law on exemptions by considering it slightly more lenient than the previous law. Regardless of how one characterizes the new exemption language, the FMCSA strictly adheres to the statutory standard for granting an exemption. In short, we determine whether granting the exemption is likely to achieve an equal or greater level of safety than exists without the exemption.

Advocates' final point suggesting that the Supreme Court decision, *Albertsons, Inc. v. Kirkingburg*, 119 S.Ct. 2162 (June 22, 1999) affects the legal validity of vision exemptions is without support. Vision exemptions are granted under FMCSA's statutory authority and standards, which were not at issue in the case.

Conclusion

Based upon its evaluation of the 28 exemption applications, the FMCSA exempts Eddie Alejandro, Eldred S. Boggs, David F. Breuer, James T. Butler, Roger K. Cox, Richard S. Cummings, Joseph A. Dean, Donald P. Dodson, Jr., William H. Goss, Eric W. Gray, James K. Holmes, Daniel L. Jacobs, Jose M. Limon-Alvarado, Robert S. Loveless, Jr., Eugene R. Lydick, John W. Montgomery, Danny R. Pickelsimer, Zeljko Popovac, Juan Manuel M. Rosas, Francis L. Savell, Richie J. Schwendy, David M. Stout, Artis Suitt, Gregory E. Thompson, Kerry W. VanStory, Harry S. Warren, Carl L. Wells, and Prince E. Williams from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for 2 years unless revoked earlier by the 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 not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is still effective at the end of the 2-year period, the person may apply to the FMCSA for a renewal under procedures in effect at that time.

Issued on: March 28, 2005.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

[FR Doc. 05-6476 Filed 3-31-05; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34631]

Union Pacific Railroad Company— Acquisition and Operation Exemption—Line of Denver Terminal Railroad Company, d/b/a Denver Rock Island Railroad

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the prior approval requirements of 49 U.S.C. 11323-25 for Union Pacific Railroad Company to acquire and operate approximately 3.23 miles of rail line of the Denver Terminal Railroad Company, d/b/a Denver Rock Island Railroad (DRIR), extending from DRIR milepost 0.72 near Sandown to DRIR milepost 3.95 at Belt Junction, in Denver, CO, subject to standard labor protective conditions.

DATES: The exemption will be effective on May 1, 2005. Petitions to stay must be filed by April 18, 2005. Petitions to reopen must be filed by April 26, 2005.

ADDRESSES: Send an original and 10 copies of all pleadings referring to STB Finance Docket No. 34631 to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, send one copy of all pleadings to petitioner's representative, Robert T. Opal, General Commerce Counsel, 1400 Douglas Street, Stop 1580, Omaha, NE 68179-0001.

FOR FURTHER INFORMATION CONTACT: Eric S. Davis, (202) 565-1608. (Assistance for

the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.)

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, e-mail, or call: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail asapdc@verizon.net; telephone (202) 306-4004. (Assistance for the hearing impaired is available through FIRS at 1-800-877-8339.)

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: March 24, 2005.

By the Board, Chairman Nober, Vice Chairman Buttrey, and Commissioner Mulvey.

Vernon A. Williams,

Secretary.

[FR Doc. 05-6277 Filed 3-31-05; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 24, 2005.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 2, 2005 to be assured of consideration.

Financial Management Service (FMS)

OMB Number: 1510-0047.

Form Number: TFS 2211.

Type of Review: Extension.

Title: List of Data (A) and List of Data (B).

Description: Information from insurance companies to provide Treasury a basis to determine acceptability of companies applying for a Certificate of Authority to write or reinsure Federal surety bonds or an Admitted Reinsurer (not on excess risks to U.S.).

Respondents: Business or other for-profit.