

INFORMATION CONTACT and at the FAA regional Airports office located at: 1701 Columbia Avenue, College Park, Georgia 30337.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Kenton County Airport Board.

Issued in Memphis, Tennessee, on April 28, 2005.

LaVerne F. Reid,

Manager, Memphis Airports District Office, Southern Region.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2005-21104]

Hours of Service of Drivers; American Pyrotechnics Association Application for an Exemption From the 14-Hour Rule During Independence Day Celebrations

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

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on the American Pyrotechnics Association's application for an exemption from the prohibition against driving a commercial motor vehicle (CMV) after the 14th hour of coming on duty. The exemption would be applicable for a period beginning 7 days prior to, and 2 days immediately following Independence Day. Fireworks personnel who operate CMVs in conjunction with staging fireworks shows celebrating Independence Day would be allowed to exclude off-duty and sleeper berth time of any length in the calculation of the 14 hours. Drivers would not be allowed to drive after accumulating a total of 14 hours of on-duty time, following 10 consecutive hours off duty, and would continue to be subject to the 11-hour driving time limit, and the 60- and 70-hour weekly limits. APA believes the exemption would achieve a level of safety equivalent to what would be provided by compliance with the 14-hour rule as it applies to other drivers of property-carrying vehicles.

DATES: Comments must be received on or before June 6, 2005.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number

FMCSA-2005-21140 by any of the following methods:

- Web site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.

- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Hand Delivery: 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.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://dms.dot.gov> including any personal information provided. Please see the Privacy Act heading for further information.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> and/or 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.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's complete Privacy Act Statement in the **Federal Register** (65 FR 19477, Apr. 11, 2000). This statement is also available at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Robert F. Schultz, Jr., Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations, MC-PSD, (202) 366-4009, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (Pub. L. 105-178, 112 Stat. 107, June 9, 1998) amended 49 U.S.C. 31315 and 31136(e) to provide FMCSA with authority to grant exemptions from its safety regulations. On December 8, 1998, the Federal Highway Administration's

Office of Motor Carriers, the predecessor to FMCSA, published an interim final rule implementing section 4007 (63 FR 67600). On August 20, 2004, FMCSA published a Final Rule (69 FR 51589) on this subject. By this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR part 381). The agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The agency must also provide an opportunity for public comment on the request.

The agency must then examine the safety analyses and the public comments, and determine whether the exemption would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation (49 CFR 381.305). The Agency's decision must be published in the **Federal Register** (49 CFR 381.315(b)). If the agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption, and the regulatory provision or provisions from which an exemption is being granted. The notice must also specify the effective period of the exemption (up to two years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

APA's Application for an Exemption

APA has requested an exemption from FMCSA's prohibition against drivers of property-carrying CMVs operating such vehicles after the 14th hour of coming on duty [49 CFR 395.3(a)(2)]. Fireworks personnel covered by the exemption would be allowed to exclude off-duty and sleeper berth time of any length in the calculation of the 14-hour rule. Drivers would not be allowed to drive after the accumulation of 14 hours of on-duty time, following 10 consecutive hours off duty. The exemption would be applicable to approximately 3,000 drivers responsible for operating about 3,000 commercial motor vehicles. A copy of the application for an exemption, which includes a list of all the motor carriers that would be covered by it, is included in the docket referenced at the beginning of this notice.

APA, a trade association representing the domestic fireworks industry argues that full compliance with the current hours-of-service regulations during the brief period surrounding Independence

Day would impose a substantial economic hardship on its members that operate fireworks for the public. This period is the busiest time of the year for these companies. APA members are engaged to stage multiple shows in celebration of Independence Day, during a compressed timeframe.

The drivers that would be covered by the exemption are trained pyrotechnicians, each holding a commercial drivers' license (CDL) with a hazardous materials endorsement. These drivers transport fireworks and equipment to remote locations to meet demanding schedules. APA indicated that under the hours-of-service requirements in effect prior to January 4, 2004, the pyrotechnicians could meet their schedules without exceeding the limits, and without experiencing any crashes or hazardous materials incidents. By contrast, under the new regulations, the pyrotechnicians would be unable to meet typical holiday schedules, and fireworks companies would be forced to hire a second driver for most trips. Or, fireworks companies would be forced to decrease significantly their engagements. APA argues both options are economically detrimental for its members, and would deny many Americans the primary component of their Independence Day celebration.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), the FMCSA is requesting public comment from all interested persons on the APA application for exemption from 49 CFR 395.3(a)(2). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the address section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, the FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Authority: 49 U.S.C. 31136 and 31315; and 49 CFR 1.73.

Issued on: April 28, 2005.

Annette M. Sandberg,
Administrator.

[FR Doc. 05-9148 Filed 5-5-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement for the Long Island Rail Road Main Line Corridor Improvements, Long Island, NY

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The FTA, in cooperation with the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR), will prepare an Environmental Impact Statement (EIS) on a proposal to make LIRR Main Line Corridor improvements between Queens Village and Hicksville in Queens and Nassau Counties New York.

The FTA is the lead federal agency under the National Environmental Policy Act of 1969 (NEPA). The project is being conducted by LIRR, the project sponsor. The EIS will be prepared in accordance with NEPA and the applicable regulations for implementing NEPA, as set forth in 23 CFR part 771 and 40 CFR parts 1500-1508, as well as applicable laws and regulations, including Section 4(f) of the Department of Transportation Act of 1966, the Clean Air Act, and Executive Order 12898 on Environmental Justice. As sponsor of the proposed project, the LIRR will ensure that the EIS and the environmental review process will also satisfy the requirements of the New York State Environmental Quality Review Act (SEQRA).

The Proposed Action would consist of the addition of a new third track to the existing two track configuration between the Queens Interlocking in Queens County and the Divide Interlocking in Nassau County, with crossover service to the Oyster Bay Branch east of the Mineola Station. The Proposed Action may include modification or additions of: Crossovers, interlockings, sidings, bridges (over/undergrade bridges, viaducts, and culverts), signal systems (signal bridges, signal huts, signals, control towers), communications, substations, and retaining walls. Modifications to existing stations may be required such as changes to station buildings, parking, shelters/waiting rooms, platform placement and amenities such as the addition of elevators at stations. Up to five (5) roadway grade crossings will be considered for separation and/or closure. Property acquisitions may be necessary to accommodate the Proposed Action, as well as utility relocations

(including but not limited to: Electric, signal, communications, gas, water, sewer, and storm systems).

The EIS will evaluate a No Action Alternative and various Build Alternatives, and any additional alternatives generated by the scoping process. Scoping will be accomplished through meetings and correspondence with interested persons, organizations, and Federal, State, regional, and local agencies.

DATES: The public is invited to participate in project scoping on June 14th, 16th, and 21st 2005 from 4 p.m. to 6 p.m. and from 7 p.m. to 9 p.m. at the locations identified under the **ADDRESSES** below to ensure that all significant issues are identified and considered. Presentation boards depicting the project concept will be available for review at the meeting locations. Formal presentations by the LIRR regarding the project will be made at 4:30 p.m. and 7:30 p.m., each followed by the opportunity for the public to make comments on the scope of the EIS. LIRR representatives will be available for informal questions and comments throughout the duration of each scoping meeting. Those wishing to speak are requested to register at the meeting location upon arrival. However, additional speakers will be invited until there are no other speakers requesting to be heard. Subsequent opportunities for public involvement will be announced on the Internet, by mail, and through other appropriate mechanisms, and will be conducted throughout the study area. Additional project information may be obtained from the MTA Web site: <http://www.mta.info> (click "Inside the MTA" then "Planning Studies," and "LIRR Main Line Corridor Improvements"). Written comments on the scope of the EIS should be sent to Mr. Peter Palamaro, the LIRR Public Affairs Representative by August 31, 2005 at the address given under **ADDRESSES** below.

ADDRESSES: The public scoping meetings will be held:

- Tuesday, June 14, 2005, at Jericho Terrace—249 Jericho Turnpike, Mineola, NY 11501;
- Thursday, June 16, 2005, at Floral Terrace—250 Jericho Turnpike, Floral Park, NY 11001; and
- Tuesday, June 21, 2005, at Antuns Hicksville—244 West Old Country Road, Hicksville, NY 11801.

The scoping meeting sites are accessible to mobility-impaired people and interpreter services will be provided for hearing-impaired people upon request. Written comments will be taken at the meeting or may be sent to