

vehicle in front of him. Neither Mr. Stamey nor the driver of the vehicle which struck his was cited.

*25. Scott C. Teich*

Mr. Teich, 40, has had astigmatism in his left eye since childhood. His best-corrected visual acuity in the right eye is 20/20 and in the left, 20/60. Following an examination in 2004, his optometrist certified, "In my opinion, Mr. Teich possesses sufficient vision to safely operate a commercial vehicle and perform the driving tasks that are required." Mr. Teich reported that he has driven tractor-trailer combinations for 10 years, accumulating 900,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and one conviction for a moving violation—speeding—in a CMV. He exceeded the speed limit by 5 mph.

*26. Emerson J. Turner*

Mr. Turner, 60, has a central vision deficit in his right eye due to trauma 15 years ago. His best-corrected visual acuity in the right eye is finger counting and in the left, 20/20. Following an examination in 2004, his optometrist certified, "In my medical opinion, Mr. Turner appears to have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Turner reported that he has driven tractor-trailer combinations for 3 years, accumulating 348,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and two convictions for moving violations in a CMV. The moving violations were "failure to obey traffic control device" and exceeding the speed limit by 15 mph.

*27. Daniel E. Watkins*

Mr. Watkins, 41, underwent a congenital cataract operation in his left eye in 1964. The visual acuity in his right eye is 20/20 and in the left, finger counting. His ophthalmologist examined him in 2004 and stated, "It is my medical opinion that Mr. Watkins has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Watkins reported that he has driven straight trucks and tractor-trailer combinations for 5 years, accumulating 625,000 miles in each. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes and one conviction for a moving violation—speeding—in a CMV. He exceeded the speed limit by 11 mph.

*28. Dean E. Wheeler*

Mr. Wheeler, 51, had a corneal transplant in his right eye prior to 1996. The best-corrected visual acuity in his right eye is 20/50 and in the left, 20/20. Following an examination in 2004, his optometrist certified, "I feel in my medical opinion that Mr. Dean Wheeler has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Wheeler reported that he has driven straight trucks for 5 years, accumulating 60,000 miles. He holds a Class ABCD CDL from Wisconsin. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*29. Michael C. Williams, Sr.*

Mr. Williams, 36, lost the vision in his left eye due to an injury in 1992. His visual acuity in the right eye is 20/20. Following an examination in 2004, his optometrist noted, "In summary, the eye health is normal and vision is clear and normal. There appears to be no concern or limit to his visual ability to drive in general or to drive commercially." Mr. Williams reported that he has driven straight trucks for 7 years, accumulating 350,000 miles, and tractor-trailer combinations for 9 years, accumulating 720,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*30. Louise E. Workman*

Mr. Workman, 55, has amblyopia in his right eye. His best-corrected visual acuity in his right eye is 20/70 and in the left, 20/30. His ophthalmologist examined him in 2004 and noted, "In my opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Workman submitted that he has driven straight trucks for 30 years, accumulating 1.5 million miles, and tractor-trailer combinations for 15 years, accumulating 75,000 miles. He holds a Class A CDL from Arkansas. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

**Request for Comments**

In accordance with 49 U.S.C. 31315 and 31136(e), the FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued: May 11, 2005.

**Pamela M. Pelcovits,**

*Office Director, Policy, Plan, and Regulation.*  
[FR Doc. 05–9795 Filed 5–16–05; 8:45 am]

**BILLING CODE 4910–EX–M**

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA–2005–21192; Notice 1]

**ArvinMeritor, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance**

ArvinMeritor Inc. (ArvinMeritor) has determined that certain automatic slack adjusters assembled by the petitioner in 2004 do not comply with S5.1.8(a) and S5.2.2(a) of 49 CFR 571.121, Federal Motor Vehicle Safety Standard (FMVSS) No. 121, "Air brake systems." ArvinMeritor has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Pursuant to 49 U.S.C. 30118(d) and 30120(h), ArvinMeritor has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of ArvinMeritor's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are a total of approximately 187 automatic slack adjusters assembled between October 13, 2004 and December 20, 2004. S5.1.8(a) is applicable to trucks and buses, and S5.2.2(a) is applicable to trailers. Both sections are titled "Brake adjuster," and both require that:

Wear of the service brakes shall be compensated for by means of a system of automatic adjustment. When inspected pursuant to S5.9, the adjustment of the service brakes shall be within the limits recommended by the vehicle manufacturer.

ArvinMeritor states that the noncompliant automatic slack adjusters were assembled with housings supplied by TaeJoo Ind. Co., Ltd., and these housings were below the dimensional specifications. The petitioner states that as a result, there is interference between the automatic slack adjuster pawl and the housing cavity in which the pawl is positioned, preventing the pawl from properly engaging the actuator, which can result in a reduction or elimination of the automatic adjustment function as required by S5.1.8(a) and S5.2.2(a).

ArvinMeritor believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. ArvinMeritor states that it has conducted dynamic testing of vehicles simulating the affected automatic slack adjusters and based on the results of this testing, ArvinMeritor is satisfied that the braking systems will still halt a vehicle within the stopping distances required by FMVSS No. 121. (The technical summary of brake performance evaluation tests can be found in the NHTSA Docket as an attachment to ArvinMeritor's petition.)

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically. Comments may be faxed to 1-202-493-2251, or may be submitted to the Federal eRulemaking Portal: go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: June 16, 2005.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: May 11, 2005.

**Ronald L. Medford,**

*Senior Associate Administrator for Vehicle Safety.*

[FR Doc. 05-9741 Filed 5-16-05; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA-03-14455]

#### Pipeline Safety: Public Meeting on Use of Excess Flow Valves in Gas Distribution Service Lines

**AGENCY:** Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, DOT.

**ACTION:** Notice; public meeting.

**SUMMARY:** The Pipeline and Hazardous Materials Safety Administration's (PHMSA) Office of Pipeline Safety (OPS) is sponsoring a public meeting on the use of Excess Flow Valves in gas distribution safety lines as a technique for mitigating the consequences of service line incidents. The meeting will be held on June 17, 2005, in Washington, DC.

**DATES:** The public meeting will be held Friday, June 17, 2005, from 8:30 a.m. to 3 p.m.

**ADDRESSES:** The meeting will be held at the Ritz Carlton hotel, Pentagon City, 1250 South Hays Street, Arlington, VA 22202. The phone number for hotel reservations is (703) 415-5000 or 1-(800)-241-3333. Attendees staying at the hotel must make reservations by May 30.

**FOR FURTHER INFORMATION CONTACT:** Mike Israni (PHMSA/OPS) at 202-366-4571; [mike.israni@dot.gov](mailto:mike.israni@dot.gov), regarding the subject matter of this notice. For information regarding meeting logistics, please contact Cheryl Whetsel at 202-366-4431; [cheryl.whetsel@dot.gov](mailto:cheryl.whetsel@dot.gov).

**SUPPLEMENTARY INFORMATION:** PHMSA/OPS invites public participation in a meeting to be held on June 17, 2005, to discuss use of excess flow valves (EFV) in gas distribution service lines to mitigate the consequences of potential service line incidents. The preliminary agenda for this meeting includes briefings on the following topics:

- Operator Case Studies and Experience
- Analysis of Recent Incident Data
- NTSB Position and Recommendation
- Views of State Regulatory Commissioners
- Views of State Fire Marshals
- Views of EFV Manufacturers
- Views of Industry Trade Associations
- A study for the National Association of Regulatory Utility Commissioners (NARUC) conducted by the National Regulatory Research Institute (NRRRI)
- Distribution Integrity Management Program role in EFVs

## Background

EFVs are devices designed to be installed in gas service lines, the pipelines that carry gas from a distribution main to each individual customer. They automatically shut off the flow of natural gas in a service line when the line is ruptured. Proper operation of an EFV would minimize or eliminate safety consequences from fires caused by escaped gas.

EFVs will not shut off flow in response to a leak in a building or in response to a slow leak, such as a leak caused by corrosion or a small crack in the service line. If an EFV activates improperly when there is no line break, *i.e.*, spurious actuation, it would cut off gas flow to the customer.

### Proposals to Require EFV Installation

In 2001, the National Transportation Safety Board (NTSB) recommended that DOT mandate installation of EFVs as a means of reducing or preventing injury or death from incidents resulting from service line breaks or ruptures in all new and renewed service lines where operating conditions are compatible with available valves.

The public safety community has also weighed-in on this issue. The International Association of Fire Chiefs (IAFC) and the International Association of Fire Fighters (IAFF) believe the use of EFVs should be required. The National Fire Protection Association (NFPA) and the National Association of State Fire Marshals (NASFM) have expressed interest in exploring options to improve gas distribution pipeline integrity management.

### State Regulatory Considerations

Nearly all gas service lines are under the regulatory authority of state regulatory commissions. PHMSA/OPS has been discussing the need to mandate the installation of EFVs with state regulators. A requirement could be promulgated in a stand-alone federal regulation. Alternatively, operators could be required to consider the use of the valves among a range of prevention and mitigation options within the broader context of a Gas Distribution Integrity Management rule.

To date, no state has taken a position in support of a stand-alone federal mandate. Several states strongly oppose a stand-alone federal mandate. The leadership of the National Association of Regulatory Utility Commissioners (NARUC) has expressed the view that the use of the valves should be considered within the broader context of a Gas Distribution Integrity Management regulation. NARUC has