

for Robert S. Althouse, Tyson C. Johnson, Steven F. Kohalmi, Theodore Stanley Pankiewicz and Gary E. Stone, and was in favor of granting the Federal diabetes exemptions to these applicants. Two of the comments were recommendations in favor of granting the Federal diabetes exemption for Mr. William G. Hansen. The letters were written by Mr. Eric D. Stubblefield and Ms. Charlene Ruth LaForest, who state that Mr. Hansen has not had problems with his diabetes to preclude him from operating a commercial motor vehicle safely. Three of the comments were recommendations in favor of granting Federal diabetes exemptions to individuals with ITDM and suggested streamlining the process of granting exemptions.

### Conclusion

After considering the comments to the docket, and based upon its evaluation of the eighty-four exemption applications, FMCSA exempts, Robert S. Althouse, Edwin K. Anderson, James G. Arnoldussen, Sr., William B. Bailor, Kenneth E. Benoit, Thomas S. Benson, Dennis A. Boelens, Melvin J. Boney, Christopher D. Bostic, Walter R. Braxton, Gordon M. Caldwell, Jake C. Cogswell, Eric W. Crawford, Merle N. Cromwell, Trenn A. Davis, Bobby J. Davison, Donald J. DeBaets, Anthony Espinosa, Gregory W. Eylar, Stephen R. Ferrario, Raymond J. Ford, Kevin J. Fries, Fred L. Frisch, Douglas E. Fuller, Daniel D. Greenwell, William G. Hansen, George H. Hayes, Jr., Danny E. Hillier, John H. Hilliges, Thomas Hogan, Harvey J. Hollins, John Horta, Paris J. Howell, Eric J. Huffman, Tyson C. Johnson, Ken M. Jorgenson, Barry J. Kelley, John H. Kingsley, Gary J. Klostermann, Steven F. Kohalmi, Peter D. Krenz, Robert J. Lampman, Jason C. Lang, Kevin J. Lavoie, Dennis M. Lester, Dario Lopez, Jerard L. Marquardt, Robert H. McCann, III, Lewis S. Needles, Derald W. Newton, Galen L. Nightingale, Chris C. Northway, John D. Owens, Theodore S. Pankiewicz, Jody A. Peckels, James H. Pfeiffer, Marc R. Pream, Travis W. Proctor, William B. Racobs, Remson H. Rawson, Ann M. Reinke, Frank W. Reynolds, Vincente L. Rodriguez, Bradley C. Roen, Thomas C. Routon, Tyler A. Russell, Randy L. Schroeder, Michael W. Sharp, Nathaniel B. Shaw, Sean L. Shidell, Wendell R. Shults, Joseph B. Simon, David E. Steinke, Floyd T. Stokes, Gary E. Stone, Timothy D. Stone, Anthony A. Thomas, William J. Thomas, Kaleo B. Tokunaga, John R. Turcotte, Danny J. Watson, Eric W. Williams, Russell A. Williams, and Kimberly A. Woehrman, from the ITDM standard in 49 CFR 391.41(b)(3), subject

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

Issued on: January 29, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236, as detailed below.

[Docket Number FRA-2009-0003]

*Applicant:* CSX Transportation, Incorporated, Mr. C. M. King, Chief Engineer, Communications and Signals, 500 Water Street, SC J-350, Jacksonville, Florida 32202.

The CSX Transportation, Incorporated seeks approval of the proposed discontinuance of CP Barbourville Station (MP CA-494.37), including the conversion of the power-operated switch to hand operation, and the discontinuance and removal of dispatcher controlled signals 42R, 44R, 46L, 46RA, and 46RB on Main Tracks #1 and #2, on the Huntington Division, Kanawha Subdivision, at CP Barbourville Station, milepost CA-494.37.

The reason given for the proposed changes is a pole line elimination project and that the power-operated switch and signals at the east leg of wye

are no longer needed for present day operations.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2009-0003) 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>.

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 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).

Issued in Washington, DC, on February 2, 2009.

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

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

[FR Doc. E9-2591 Filed 2-6-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2009-0003; Notice 1]

#### General Motors Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain model year 2009 Chevrolet Cobalt and Pontiac G5 passenger cars did not fully comply with paragraphs S4.3(c) and S4.3(d) of 49 CFR 571.110, Federal Motor Vehicle Safety Standard (FMVSS) No. 110 *Tire Selection and Rims for Motor Vehicles With a GVWR of 4,536 Kilograms (10,000 pounds) or Less*. GM has filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), GM 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 GM'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 approximately 6,619 model year 2009 Chevrolet Cobalt and Pontiac G5 passenger cars built from April 2008 through November 12, 2008.

Paragraph S4.3 of FMVSS No. 110 requires in pertinent part:

S4.3 Placard. Each vehicle, except for a trailer or incomplete vehicle, shall show the information specified in S4.3(a) through (g), and may show, at the manufacturer's option, the information specified in S4.3(h) and (i), on a placard permanently affixed to the driver's side B-pillar. In each vehicle without a driver's side B-pillar and with two doors on the driver's side of the vehicle opening in opposite directions, the placard shall be affixed on the forward edge of the rear side door. If the above locations do not permit the affixing of a placard that is legible, visible and prominent, the placard shall be permanently affixed to the rear edge of the driver's side door. If this location does not permit the affixing of a placard that is legible,

visible and prominent, the placard shall be affixed to the inward facing surface of the vehicle next to the driver's seating position. This information shall be in the English language and conform in color and format, not including the border surrounding the entire placard, as shown in the example set forth in Figure 1 in this standard. At the manufacturer's option, the information specified in S4.3(c), (d), and, as appropriate, (h) and (i) may be shown, alternatively to being shown on the placard, on a tire inflation pressure label which must conform in color and format, not including the border surrounding the entire label, as shown in the example set forth in Figure 2 in this standard. The label shall be permanently affixed and proximate to the placard required by this paragraph. The information specified in S4.3(e) shall be shown on both the vehicle placard and on the tire inflation pressure label (if such a label is affixed to provide the information specified in S4.3(c), (d), and, as appropriate, (h) and (i)) may be shown in the format and color scheme set forth in Figures 1 and 2. \* \* \*

(c) Vehicle manufacturer's recommended cold tire inflation pressure for front, rear and spare tires, subject to the limitations of S4.3.4. For full size spare tires, the statement "see above" may, at the manufacturer's option replace manufacturer's recommended cold tire inflation pressure. If no spare tire is provided, the word "none" must replace the manufacturer's recommended cold tire inflation pressure.

(d) Tire size designation, indicated by the headings "size" or "original tire size" or "original size," and "spare tire" or "spare," for the tires installed at the time of the first purchase for purposes other than resale. For full size spare tires, the statement "see above" may, at the manufacturer's option replace the tire size designation. If no spare tire is provided, the word "none" must replace the tire size designation. \* \* \*

In its petition, GM explained that the noncompliances with FMVSS No. 110 exist due to errors in the vehicle tire and loading information placards that it affixed to the vehicles. GM explains that the subject vehicles were originally designed to be equipped with spare tires as standard equipment. The vehicle owner's manuals and tire and information placards included all required information associated with the spare tire equipped vehicles. When a production change substituted a Tire Sealant and Compressor Kit (inflator kit) for the spare tire, the vehicle tire and information placards should have been revised to comply with paragraphs S4.3(c) and S4.3(d) FMVSS No. 110, but were not.

GM described the noncompliances as the following errors on the tire and loading information placard:

(1) The tire size designation shows a spare tire size appropriate for the subject vehicles instead of the word "none".

(2) The manufacturer's recommended cold tire inflation pressure shows inflation pressure appropriate for the subject spare tire instead of the word "none".

GM also stated that all other information (front and rear tire size designations and their respective cold tire inflation pressures as well as seating capacity and vehicle capacity weight) on the subject placards is correct and that it was not aware of any field or owner complaints associated with these noncompliances.

GM additionally stated that it believes that this noncompliance is inconsequential to motor vehicle safety for the following reasons:

(1) All information required for maintaining and/or replacing the front and rear tires, as well as the seating capacity and vehicle capacity weight are correct on the tire and loading information placard on the subject vehicles.

(2) The vehicle price label (a.k.a., the Monroney label) has the correct information, whether the vehicle is equipped with an inflator kit or a spare tire. Therefore, original purchase owners should already know if their vehicle is equipped with an inflator kit in place of a spare tire.

(3) In addition to the FMVSS 138 required owner's manual language of checking the inflation pressures of all tires including the spare monthly, the owner's manual also recommends the owner to check the tires including the compact spare once a month or more. The tire information placard on the subject vehicles contains spare tire size and recommended cold tire inflation pressure instead of the word "none" as required by FMVSS No. 110. The inflator kit is located in the same location where a spare tire would be for vehicles ordered with an optional spare tire. Therefore, if an owner were to look for the spare tire, he/she would find the inflator kit, and realize that the vehicle is equipped with an inflator kit instead of a spare tire.

(4) In the event of a flat tire, the inflator kit serves the purpose of getting back on the road. Since the inflator kit is located in the same location as the spare tire, the customer should have no problem finding it. The owner's manual provides the instructions for using the inflator kit as well as installing the spare tire. There is a label with instructions on the sealant canister of the inflator kit as well.

(5) The inflator kit includes a tire sealant canister, an air compressor as well as a pressure gage in one unit. The inflator kit can be used to inflate one or more tires regardless of whether the