

violation of 49 U.S.C. 30115 does not impose notification or remedy because it is not a noncompliance with an FMVSS. Consequently, that portion of its inconsequentiality petition is moot.

However, the failure to provide metric units on the subject combined certification/tire information labels as required by FMVSS No. 120 is a noncompliance that is violation of Chapter 301.

While NHTSA strongly encourages manufacturers to include both English and Metric units on all certification and tire information labels, we do not believe that in this particular situation that the omission of metric units is likely to have any affect on motor vehicle safety. The agency agrees with Medical Coaches that the present label on these trailers is likely to achieve the safety purposes of the required information. First, all the correct English unit information required by FMVSS No. 120 is provided on the combined certification/tire information label. Second, the information contained on the label is of the correct size. Third, the information contained on the label is in the prescribed format.

In consideration of the foregoing, NHTSA has decided that Medical Coaches has met its burden of persuasion that the failure to include metric units on the combined certification/tire information labels on the subject vehicles, as required by paragraph S5.3 of FMVSS No. 120, is inconsequential to motor vehicle safety. Accordingly, Medical Coaches' application is granted, and it is exempted from providing the notification of noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120. All products manufactured or sold on and after May 9, 2008, must comply fully with the requirements of FMVSS No. 120.

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

Issued on: July 13, 2009.

**Daniel C. Smith**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Request for Applications for the Federal Motor Carrier Safety Administration Medical Review Board

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

**ACTION:** Request for applications for the Medical Review Board.

**SUMMARY:** FMCSA solicits applications from interested physicians to serve on the Agency's Medical Review Board (MRB). The MRB, authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), provides scientific advice to the Secretary of Transportation (the Secretary) and the FMCSA Administrator on medical issues relating to the physical qualification standards for commercial motor vehicle (CMV) drivers. In 2006, the Secretary appointed five physicians for 2-year terms to serve on the MRB. In 2008, the Secretary reappointed the physicians to the MRB, with the chairperson currently serving a 2-year term, and the other four members serving staggered 1-year terms. In 2009, the Secretary appointed two new members to a 2-year term, and reappointed two of the current members to a 1-year term to ensure the MRB continued to operate with five active members. The term of the chairman and two members will expire in 2010. Therefore, in 2010, the Secretary will appoint three new MRB members to fill the vacancies created when the three current members' terms expire. In addition, the Secretary will appoint alternates to serve if one or more of the appointed MRB members is unable to complete his/her term. The appointment of alternates ensures that the MRB will operate continuously with five active members.

**DATES:** Applications must be received by August 17, 2009. FMCSA will periodically call for applications as deemed necessary.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, 202-366-4001, FMCSA, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

FMCSA has current statutory authority under 49 U.S.C. 31502 and

31136 to determine the physical qualifications of interstate CMV drivers. The physical qualifications regulations for commercial motor vehicle (CMV) drivers in interstate commerce are found in 49 CFR 391.41. Section 391.43 contains instructions to medical examiners for performing physical examinations of CMV drivers. FMCSA medical standards and guidelines are critical medical program components in accomplishing FMCSA's mission to reduce crashes, injuries, and fatalities involving large trucks and buses.

In 2005, Congress passed the Safe, Accountable, Flexible, Efficient Transportation Equity Act; A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59). Section 4116 (a) of SAFETEA-LU (codified at 49 U.S.C. 31149) required FMCSA to establish the MRB to provide scientific advice on matters related to CMV driver health and safety. The Charter for the MRB was originally approved and filed with the General Services Administration on September 20, 2005 [FR 70 57642], and renewed on November 2, 2007.

The MRB promotes CMV safety by providing science-based medical expertise on the medical qualification of CMV drivers, reviewing and revising medical standards, and interpreting medical research. These activities address the appropriateness and viability of the medical standards in the Federal Motor Carrier Safety Regulations, the framework that relates driver health to safe CMV operation. The MRB assesses and provides recommendations to FMCSA about regulations that may need to be changed or updated. FMCSA's MRB provides information, advice, and recommendations to the Secretary of Transportation and the FMCSA Administrator on the development and implementation of science-based physical qualification standards applicable to interstate CMV drivers, and implementation of a national registry of medical examiners. The MRB does not hold regulatory development responsibilities, manage programs, or make decisions affecting such programs. The MRB provides a forum for the development, consideration, and communication of information from a knowledgeable, scientific perspective. The MRB began operations in February 2006, with formal deliberations beginning in August 2006. The MRB meets 3-4 times each year and has issued many recommendations on cardiovascular diseases, seizure disorders, musculoskeletal diseases, and other topics pertinent to the certified driver medical examination.

**II. Request for Applications**

FMCSA seeks physicians from many different medical specialties to develop science-based CMV physical qualification standards, medical advisory criteria and safety policies. As members of the Agency's MRB, physicians will provide expert guidance on medical guidelines and standards. FMCSA is committed to appointing physicians with diverse professional backgrounds, and taking into account gender, ethnicity, demographic and socioeconomic factors. To be eligible for appointment, physicians must: (a) Be a U.S. citizen; (b) not be a Federal government employee; (c) have a U.S. medical license (as a Medical Doctor or Doctor of Osteopathy) and is in good standing; with a State medical licensing authority; and (d) be able to attend three to four face-to-face meetings a year, three to five 1 hour teleconferences, and spend approximately 5 hours per month providing additional consultation.

Interested physicians should have a commitment to transportation safety and health, an understanding of evidence-based medicine and research methods, knowledge of transportation medical issues, history of excellence in original medical research demonstrated through publications in peer-reviewed journals, experience on panels that develop medical standards, and a record of leadership activities in transportation

safety and medical professional organizations.

MRB members are special government employees under the Federal Advisory Committee Act of 1972, Public Law 92-463. While attending meetings or conducting business of the Committee, expenses for travel and subsistence or per diem allowances will be paid by FMCSA.

Applications should be submitted online at <http://www.mrb.fmcsa.dot.gov>. For additional information, please contact Jennifer Musick at 703-998-0189, extension 237, or via e-mail at [contactmrb@dot.gov](mailto:contactmrb@dot.gov). FMCSA will accept applications through August 17, 2009, and will periodically call for applications as the MRB work continues.

Issued on: June 29, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Federal Aviation Administration (FAA) Sponsored Technical Standard Order (TSO) National Workshop**

**AGENCY:** Federal Aviation Administration (DOT).

**ACTION:** Notice of national public workshop.

**SUMMARY:** This FAA sponsored workshop will bring together individuals from FAA Headquarters, Certification Directorates, including the Aircraft Certification Offices, Industry and other Aviation Authorities including the European Aviation Safety Agency (EASA), and Transport Canada Civil Aviation (TCCA) for a collaborative discussion about TSO/ European (E)TSO programs.

The workshop will include presentations on:

- The Technical Standard Order (TSO) and European Technical Standard Order (ETSO) programs, which will include discussions on:

- An overview of the data from the TSOA Holder evaluations;
- Survey results on the TSO program;
- Gaps in the TSO/ETSO programs;
- Future Initiatives.

Who should attend:

- Aviation Authorities who work with TSOs/ETSOs.
- Industry participants who work with TSOs/ETSOs, including:
  - Avionics manufacturers;
  - TSO/ETSO installers (*i.e.* Original Equipment Manufacturers (OEMs) and Supplemental Type Certificate (STC) holders).

**DATES:**

**2009—WORKSHOP SCHEDULE**

Tuesday .....	September 1 .....	Aviation Authorities Only (FAA, EASA, TCCA) 8:30 a.m.—4 p.m.
Wednesday .....	September 2 .....	Open to all 8:30 a.m.—4 p.m.
Thursday .....	September 3 .....	Aviation Authorities Only (FAA, EASA, TCCA) 8:30 a.m.—4 p.m.

**ADDRESSES:** The workshop will be held at the FAA Southern Regional Office, located at 1701 Columbia Ave., College Park, GA 30337.

**WORKSHOP INFORMATION:** Attendance at the conference will be limited to 350 participants. There is no charge for this workshop, however all participants must be registered in advance, no later than August 7, 2009. Agenda, Hotel, and Registration Information will be posted at: [http://www.faa.gov/aircraft/air\\_cert/design\\_approvals/tso/](http://www.faa.gov/aircraft/air_cert/design_approvals/tso/). You may e-mail us at: 9-AWA-AVS-TSO-Workshop@faa.gov if you have questions.

Issued in Washington, DC, July 9, 2009.

**Susan J. M. Cabler,**

*Assistant Manager, Aircraft Engineering Division, Aircraft Certification Service.*

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**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 of the 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.

**Norfolk Southern Corporation**

[Waiver Petition Docket Number FRA-2009-0064]

Norfolk Southern Corporation (NS) has petitioned FRA for a waiver from 49

CFR 213.113(a) to permit variance from the accepted practice of stop/start rail test hand verification for a continuous rail test pilot project. The pilot project will be conducted for a period of 2 years on all main line tracks of the CNO & TP on the Central division between Cincinnati, Ohio and Chattanooga, Tennessee, milepost limits 2.4 to 338.2. NS also states that prior to beginning the pilot project, the Central division main tracks will be rail tested with a conventional stop/start rail test vehicle and any normally scheduled intervals during the pilot project will be maintained by convention stop/start rail test vehicle.

The continuous high speed rail test vehicle will be a self propelled rail-bound ultrasound Sperry car operating at speeds up to 25 miles per hour in non-stop mode making weekly runs. Upon completion of each run, data will