

straight trucks for 41 years, accumulating 2.0 million miles, and tractor-trailer combinations for 20 years, accumulating 100,000 miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

17. Carl V. Murphy, Jr.

Mr. Murphy, 51, has amblyopia in his right eye. The visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2005, his ophthalmologist noted, "In my medical opinion, you have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Murphy submitted that he has driven straight trucks for 31 years, accumulating 775,000 miles, and tractor-trailer combinations for 15 years, accumulating 375,000 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.

18. Donald L. Murphy

Mr. Murphy, 53, lost his left eye due to an accident 21 years ago. The visual acuity in his right eye is 20/20. Following an examination in 2005, his optometrist noted, "I certify that in my medical opinion, Mr. Murphy has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Murphy reported that he has driven straight trucks for 25 years, accumulating 750,000 miles, and tractor-trailer combinations for 5 years, accumulating 25,000 miles. He holds a Class DA CDL from Kentucky. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

19. Mark D. Page

Mr. Page, 36, has amblyopia in his left eye. The best-corrected visual acuity in his right eye is 20/15 and in the left, 20/200. Following an examination in 2004, his ophthalmologist stated, "It is in my medical opinion that Mark Page has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Page reported that he has driven straight trucks for 4 years, accumulating 200,000 miles, and tractor-trailer combinations for 11 years, accumulating 1.2 million miles. He holds a Class A CDL from Mississippi. 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 12 mph.

20. Larry D. Reynolds

Mr. Reynolds, 55, lost his left eye due to a childhood accident. The best-corrected visual acuity in his right eye is 20/20. His optometrist examined him in 2004 and certified, "In my medical opinion, Mr. Reynolds has sufficient vision to perform the tasks required to operate a commercial vehicle." Mr. Reynolds reported that he has driven straight trucks for 2 years, accumulating 75,000 miles, and tractor-trailer combinations for 15 years, accumulating 1.8 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows one crash and no convictions for moving violations in a CMV. According to the police report, Mr. Reynolds' vehicle was struck by another vehicle that entered his traffic lane in a multi-vehicle crash. Neither Mr. Reynolds nor the driver of the other vehicle was cited in connection with the crash.

21. Thomas D. Reynolds

Mr. Reynolds, 39, has amblyopia in his left eye. 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. Reynolds has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Reynolds reported that he has driven straight trucks for 3 years, accumulating 15,000 miles, and tractor-trailer combinations for 5 years, accumulating 450,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

22. Walter J. Savage, Jr.

Mr. Savage, 46, has amblyopia in his right eye. The visual acuity in his right eye is hand motions only and in the left, 20/20. His optometrist examined him in 2004 and noted, "Based on our evaluation, it appears that Mr. Savage has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Savage submitted that he has driven straight trucks for 17 years, accumulating 204,000 miles. He holds a Class D driver's license from Kentucky. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

23. Thomas J. Sweeny, Jr.

Mr. Sweeny, 45, has a congenital anomalous optic nerve in his right eye. His best-corrected visual acuity in the right eye is 20/400 and in the left, 20/20. Following an examination in 2004, his ophthalmologist certified, "In my

opinion Mr. Sweeny should have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Sweeny submitted that he has driven straight trucks for 14 years, accumulating 630,000 miles. He holds a Class BM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

24. Louis E. Villa, Jr.

Mr. Villa, 28, has amblyopia in his left eye. His best-corrected visual acuity in the right eye is 20/25 and in the left, light perception. Following an examination in 2005, his ophthalmologist certified, "It is my opinion that this patient's visual deficiency is stable and this patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Villa submitted that he has driven tractor-trailer combinations for 3 years, accumulating 60,000 miles. He holds a Class A CDL from California. 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 on: May 23, 2005.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with 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 favour of relief.

Association of American Railroads

[Docket Number FRA-2004-19402]

On behalf of the members of both companies, the Association of American Railroads (AAR) and the Railway Supply Institute (RSI), hereafter referred to as petitioners, seek to amend the original waiver that was granted by the FRA regarding minimum piston travel as prescribed by 49 CFR 232.205(b)(5) Class I Brake Test—Initial Terminal Inspection.

On October 4, 2004, a waiver petition was submitted for the piston travel requirements contained in

§ 232.205(b)(5), to reduce the minimum length of piston travel for cars equipped with 8½-inch or 10-inch diameter brake cylinders from seven inches to six inches. *See* 69 FR 64625. On February 23, 2005, FRA granted conditional approval of this request with respect to light-weight cars with empty/load valves rated below 50 percent. FRA granted this limited approval because the data and analysis submitted addressed only the cars for which the relief was granted. The petitioner contends that FRA's decision to limit the waiver to only light-weight cars with empty/load valves rated at below 50 percent will adversely affect safety because braking performance will be impaired. Therefore, the petitioner is submitting this request to modify the original waiver to include the entire fleet of cars equipped with 8½-inch or 10-inch diameter brake cylinders that are subject to the minimum piston travel requirements contained in § 232.205(b)(5).

The current minimum piston travel requirement of seven-inches dates from a time when automatic slack adjusters and empty/load devices were not widely used. Advances in empty/load valve technology have enabled AAR to upgrade its original brake ratio specifications for new cars. Effective January 1, 2004, AAR's minimum loaded brake ratio was increased and the maximum empty brake ratio decreased. This results in higher minimum braking forces for loaded cars and lower maximum braking forces for empty cars, which results in a reduction in adverse effects from excessive brake forces being applied to wheels on empty cars. However, these improvements result in less than a nominal seven-inches of piston travel on many empty cars. The problem is not limited to cars of a particular type, such as light-weight cars or cars with empty/load valves rated at less than 50 percent. Some cars of concern include, but are not limited to: 89' flat cars weighing 82,000 pounds (lbs) equipped with 60 percent empty/

load valves, covered hopper cars (including grain, cement, pressure differential, and pellet cars), mill gondolas weighing 48,000 lbs with 50 percent empty/load valves, and cars that have empty/load valves rated below the original waiver's threshold of 50 percent but weigh more than the 45,000 lbs, such as rapid discharge-type coal hoppers weighing 48,500 lbs and small-cube covered hoppers weighing 53,000 lbs.

The petitioner contends that even if the seven-inch minimum piston travel provision could be complied with, it would be counterproductive because a seven-inch piston travel minimum forces car builders to set loaded piston travel as close as possible to the maximum piston travel allowed under AAR rules (7¾ inches) in an attempt to meet the seven-inch minimum piston travel for empty cars. This results in reduced braking forces because of the larger brake-cylinder volume and correspondingly lower brake-cylinder pressure. Stopping distance is thereby increased. Concomitantly, if empty cars are found with piston travel of less than seven-inches and are adjusted to 7½ inches while still empty, their piston travel could exceed the maximum nine-inch piston travel requirement when loaded. This might not be discovered until the next required testing. Moreover, the petitioner contends that Transport Canada has long permitted a minimum piston travel of six-inches for cars equipped with 8½-inch or 10-inch diameter brake cylinders. The petitioner states that the six-inch minimum piston travel requirement has been in effect in Canada since 1986, and there have been no adverse consequences from permitting piston travel under seven-inches.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2004-19402) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room Pl-401, Washington, DC 20590-0001. Communications received within 30 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 DOT Central Docket Management Facility, Room Pl-401 (Plaza Level), 400 Seventh Street, SW., Washington. 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://dms.dot.gov>.

Anyone is able to search the electronic form of all 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 19377–78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on May 20, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

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BNSF Railway

[Docket Number FRA-2003-15339]

In 2003, BNSF Railway (BNSF) petitioned FRA requesting a waiver of compliance from certain provisions of 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment. Specifically, § 232.103(n)(3)(i), that requires "all hand brakes shall be fully applied on all locomotives in the lead consist of an unattended train." *See* 68 FR 38740. FRA denied the petition without prejudice on December 3, 2003. It was stated in the denial letter that,