

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.

#### Alaska Railroad Corporation

[Waiver Petition Docket Number FRA-2008-0161]

The Alaska Railroad Corporation (ARR), a Class II railroad, petitioned FRA for a waiver of compliance from certain provisions of the Passenger Equipment Safety Standards, as prescribed by 49 CFR \* 238.303(c) *Exterior Calendar day inspection* and \* 238.313 *Class I brake test*, for one set of conventional passenger equipment. Specifically, this waiver request applies to the seasonal Hurricane Turn passenger train. This service is operated from May through September, between Talkeetna, Alaska (Milepost (MP) 226), and Hurricane Gulch Bridge, Alaska (MP 284). This train provides "flag stop" service to residents as well as visitors to an area that has no road access. Until now, this service was provided using Buddy Company-built Railway Diesel Cars (RDC) that have been retired and replaced by two locomotives, one baggage car, and two passenger coach cars. The equipment makes a single round trip between Talkeetna and Hurricane, four days per week, only during the summer months. Until the retirement of RDC's, this service was covered under waiver Docket Number FRA-2002-11215.

ARR maintains mechanical facilities located at Fairbanks (MP 470) and Anchorage (MP 114), Alaska, where qualified maintenance employees are headquartered. The equipment is stored overnight at Talkeetna during the work week, and may be moved to Anchorage the other days for cleaning, supplies, and servicing. FRA requires a "qualified maintenance person" (QMP) conduct the daily exterior inspection and the Class I—initial terminal airbrake inspection each day the equipment is used. This requires ARR to assign a QMP to Talkeetna, where there is not enough work to support a position, or have an employee travel 224 miles (round trip) each day from Anchorage.

ARR requests that a QMP be authorized to complete the required daily exterior and airbrake inspections at Talkeetna at least once each week, during the months the equipment is stationed there. The equipment may be moved to Anchorage or a mechanical department road truck will travel to

Talkeetna to have a QMP conduct the required inspections. Talkeetna is the only location that this relief is sought. Train crews will conduct the required inspection on all other days. ARR has safely operated the two RDC's under the conditions set by FRA's Railroad Safety Board in a decision letter dated June 11, 2002, under Docket Number FRA-2001-11215. ARR requests that since the original RDC equipment has been retired, the replacement conventional equipment be operated under the same conditions of that waiver, and FRA-2001-11215 be withdrawn due to the retirement of the covered equipment.

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-2008-0161) 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 May 13, 2009.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-8398; FMCSA-2003-14504; FMCSA-2005-20560; FMCSA-2007-27515]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 21 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective June 13, 2009. Comments must be received on or before June 18, 2009.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2000-8398; FMCSA-2003-14504; FMCSA-2005-20560; FMCSA-2007-27515, using any of the following methods.

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

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5

p.m., Monday through Friday, except Federal holidays.

- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

**Privacy Act:** Anyone may search the electronic form of all comments received into any of our 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, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://DocketInfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.” The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

##### Exemption Decision

This notice addresses 21 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 21 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Roosevelt Bell, Jr.  
Joseph M. Blankenship  
David K. Boswell  
Melvin M. Carter  
Bernabe V. Cerda  
Michael S. Crawford  
Rex A. Dyer  
Patrick J. Goebel  
Thomas A. Gotto  
Louis W. Henderson, Jr.  
William P. Holloman  
Wilbur J. Johnson  
Joseph W. Mayes  
Larry L. Morseman  
Kenneth C. Reeves  
Charles J. Rowsey  
Dustin N. Sullivan  
Thomas E. Summers, Sr.  
Jon C. Thompson  
Daniel E. Watkins  
Tommy N. Whitworth

*These exemptions are extended subject to the following conditions:* (1) That each individual have a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded 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.

##### Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer

than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 21 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 78256; 66 FR 16311; 68 FR 13360; 70 FR 12265; 72 FR 11426; 68 FR 19598; 68 FR 33570; 70 FR 25878; 72 FR 28093; 70 FR 17504; 70 FR 30997; 72 FR 27624; 72 FR 21313; 72 FR 32703). Each of these 21 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

##### Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by June 18, 2009.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 21 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is

available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: May 11, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF THE TREASURY

### Open Meeting of the President's Economic Recovery Advisory Board (the PERAB)

**AGENCY:** Office of the Under Secretary for Domestic Finance, Treasury.

**ACTION:** Notice of meeting time change.

**SUMMARY:** The President's Economic Recovery Advisory Board will convene its first meeting on May 20, 2009, in the White House, 1600 Pennsylvania Avenue, NW., Washington, DC, beginning at 9:30 a.m. Eastern Time instead of 1 p.m. Eastern Time as originally announced in the May 5, 2009 Notice of Open Meeting. The meeting will be open to the public via live webcast at <http://www.whitehouse.gov>.

**DATES:** The meeting will be held on May 20, 2009 at 9:30 a.m. Eastern Time.

**ADDRESSES:** The PERAB will convene its first meeting in the White House, 1600 Pennsylvania Avenue, NW., Washington, DC. The public is invited to submit written statements to the

Advisory Committee by any of the following methods:

#### *Electronic Statements*

- Send written statements to the PERAB's electronic mailbox at PERAB@do.treas.gov; or

#### *Paper Statements*

- Send paper statements in triplicate to Michelle Greene, Designated Federal Officer, President's Economic Recovery Advisory Board, Office of the Under Secretary for Domestic Finance, Room 2326, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

In general, all statements will be posted on the White House Web site (<http://www.whitehouse.gov>) without change, including any business or personal information provided, such as names, addresses, e-mail addresses, or telephone numbers. The Department will also make such statements available for public inspection and copying in the Department's Library, Room 1428, Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect statements by telephoning (202) 622-0990. All statements, including attachments and other supporting materials received, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Michelle Greene, Designated Federal Officer, President's Economic Recovery Advisory Board, Office of the Under Secretary for Domestic Finance, Department of the Treasury, Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, at (202) 622-2610.

**SUPPLEMENTARY INFORMATION:** On May 5, 2009, the Department published a Federal Register Notice announcing that the first open meeting of the PERAB would be held on May 20, 2009 at 1 p.m. Eastern Time. Due to exceptional circumstances resulting from the President seeking to attend and address the PERAB, the time of the meeting has been changed to accommodate the President's schedule. The meeting will now be held at 9:30 a.m. Eastern Time. In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. II, § 10(a), and the regulations thereunder, Michelle Greene, Designated Federal Officer of the Advisory Board, has ordered publication of this notice that the PERAB will convene its first meeting on May 20, 2009, in the White House, 1600 Pennsylvania Avenue, NW., Washington, DC, beginning at 9:30 a.m. Eastern Time. The meeting will be open to the public. While the meeting room will accommodate a reasonable number of interested members of the public, space is limited. Because the meeting will be held in a secured facility, members of the public who plan to attend the meeting must contact the Office of the Under Secretary for Domestic Finance, at (202) 622-2610, to inform the Department of the desire to attend the meeting and to provide the information that will be required to facilitate entry into the White House. In addition, the meeting can be viewed via live webcast at <http://www.whitehouse.gov>. The purpose of this meeting is to discuss general organizational matters of the PERAB and begin discussing the issues impacting the strength and competitiveness of the Nation's economy.

**Andrew Mayock,**

*Executive Secretary.*

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