

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: February 5, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket Nos. **FMCSA-99-5578**, **FMCSA-99-6480**, **FMCSA-00-7363**, **FMCSA-01-10578**, **FMCSA-02-11426**, **FMCSA-05-21711**, **FMCSA-05-22194**]

### Qualification of Drivers; Exemption Renewals; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 26 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has reviewed the comments submitted in response to the previous announcement and concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**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:

### Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

### Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-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 statutes also allow the Agency to renew exemptions at the end of the 2-year period. The Notice was published on December 19, 2007. The comment period ended on January 18, 2008.

### Discussion of Comments

FMCSA received one comment in this proceeding. The comment is considered and discussed below.

Advocates for Highway and Auto Safety (Advocates) expressed opposition to FMCSA's policy to grant exemptions from the FMCSR, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3) claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31136(e) and 31315); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

### Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 26 renewal applications, FMCSA renews the Federal vision exemptions for, Bruce W. Barrett, Anthony Brandano, Stanley E. Elliott, Elmer E. Gockley, Glenn T. Hehner, Edward E. Hooker, Vladimir Kats, Alfred Keehn, Martin D. Keough, Randall B. Laminack, Norman R. Lamy, Robert W. Lantis, James A. Lenhart, Dennis L. Lockhart, Sr., Jerry J. Lord,

Raymond P. Madron, Ronald S. Mallory, Eldon Miles, Jack E. Potts, Jr., Neal A. Richard, John E. Rogstad, Rene R. Trachsel, John H. Voigts, Kendle F. Waggle, Jr., DeWayne Washington, and Daniel G. Wilson.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 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 and 31315.

Issued on: February 5, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. **FRA-2007-0023**, Notice No. 1]

### Federal Railroad Administration Review of the New Quiet Zone in Little Falls, MN

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of quiet zone review.

**SUMMARY:** In accordance with 49 CFR 222.51(c), FRA is providing notice of its intent to review the New Quiet Zone that has been established in Little Falls, MN. According to recent quiet zone risk calculations, the Quiet Zone Risk Index (QZRI) for the New Quiet Zone in Little Falls has undergone a dramatic increase and is now at a level above the Risk Index With Horns (RIWH). As it appears that safety systems and measures implemented within the quiet zone do not fully compensate for the absence of the locomotive horn due to a substantial increase in risk, FRA intends to review existing conditions within the New Quiet Zone to determine whether the quiet zone should be terminated or whether additional safety measures may be necessary to ensure motorist safety.

**DATES:** *Written Comments:* Comments must be received by March 14, 2008. Comments received after this date will be considered to the extent possible without incurring additional expense or delay.

**ADDRESSES:** All communications concerning these proceedings should