

determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The Agency may grant an exemption subject to specified terms and conditions. The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

FMCSA provides medical advisory criteria in the Medical Examination Report at 49 CFR 391.43 for use by medical examiners in determining whether drivers with certain medical conditions should be certified to operate commercial motor vehicles in interstate commerce. The advisory criteria for 49 CFR 391.41(b)(8), indicates that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition, has no existing residual complications, and is not taking anti-seizure medication.

The advisory criteria for 49 CFR 391.41 (b)(9), indicates that a variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving.

## Summary of Applications

### *Thomas Skagen*

Mr. Skagen is a 53-year-non-CDL holder from Washington. He is route sales representative for a bakery. He was diagnosed with Narcolepsy without cataplexy<sup>1</sup> in 2008. His physician has treated him for 3 years and is supportive of Mr. Skagen's exemption request. He states that Mr. Skagen is treated with Adderall and has a known 3-year history of being very compliant with medical treatment, his Epworth Sleepiness Scale scores remain within normal limits, and he does not fall asleep at any inappropriate times. He has driven a step van (a walk-in or multi-stop truck) since 2005 and says that sleepiness has never been an issue and in 37 years of driving he has never caused an accident. He would like to be granted an exemption in order to obtain a medical certificate to operate in interstate commerce.

### *Charles "Larry" Peterson*

Mr. Charles Larry Peterson is a 56-year old Class A CDL holder in Washington. He is tractor-trailer driver. He was diagnosed with Narcolepsy in 1987 and has been continually treated for this condition since his diagnosis. A November 2014 letter from Mr. Peterson's physician states he is successfully treated with Provigil. He has never known of any traffic incidents, accidents or problems related to his narcolepsy or treatment. In his opinion his narcolepsy is well controlled and he is safe to drive. A November 6 letter from his employer supports Mr. Peterson's request for an exemption. The employer reports that Mr. Peterson has been employed since 2012 and has been an exemplary driver since he was hired. The employer reports there have been no accidents, communication problems, and no questionable performance issues during his employment. Mr. Peterson would like to be granted an exemption to continue to operate in interstate commerce.

### *Stanley Jandreau*

Mr. Jandreau is a 43 year old Class A CDL holder in Maine. A February 2015 letter from his sleep medicine specialists states that Mr. Jandreau has been a patient since 2002 when he was found to have obstructive sleep apnea and narcolepsy with cataplexy. Mr. Jandreau's specialists report that he is

<sup>1</sup> According to National Institutes of Health, National Institute of Neurological Disorders and Stroke, cataplexy is a sudden loss of muscle tone while the person is awake that leads to feelings of weakness and a loss of voluntary muscle control.

stable on therapies for both conditions and his CPAP compliance is acceptable to excellent. He is maintained on Provigil and Zoloft and by all accounts his sleep disorders are stable and well-treated on his current therapeutic regimen. Medication or dosing changes have not been required since [the specialist] took over his care in 2012. His specialists support Mr. Jandreau's petition for exemption based on his condition being stable for quite some time and is not likely to worsen so long as he continues his current therapeutic regimen. Mr. Jandreau would like to be granted an exemption in interstate commerce.

## Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the applications for exemption described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Dated: April 13, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015-08857 Filed 4-16-15; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2006-24812]

### Petition for Waiver of Compliance and Notice of Public Hearing; Correction

**AGENCY:** Federal Railroad Administration, Department of Transportation.

**ACTION:** Notice; correction.

**SUMMARY:** On April 3, 2015 (80 FR 18292), the Federal Railroad Administration (FRA) provided notice of a public hearing to receive views, data, and comments regarding BNSF Railway's (BNSF) petition for modification and extension of its waiver of compliance from certain provisions of the Federal railroad safety regulations contained in title 49 Code of Federal Regulations part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment, in Docket Number FRA-2006-24812. The notice contained an incorrect date of the public hearing.

**FOR FURTHER INFORMATION CONTACT:** Steve Zuiderveen, Railroad Safety Specialist, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 493-6337, [Steven.Zuiderveen@dot.gov](mailto:Steven.Zuiderveen@dot.gov).

**Correction**

In the **Federal Register** of April 3, 2015, in FR Doc. 2015-07656, on page 18292, in the second column, correct the paragraph to read:

In addition, FRA is extending the comment period for this waiver petition to June 21, 2015, to allow adequate time for any additional comments to be submitted following the public hearing on May 21, 2015.

Issued in Washington, DC, on April 11, 2015.

**Ron Hynes,**

*Director, Office of Technical Oversight.*

[FR Doc. 2015-08938 Filed 4-16-15; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration**

[Docket No. FRA-2012-0033]

**Notice of Intent To Grant a Buy America Waiver to the New York Metropolitan Transportation Authority for the Use of Transponders and Temporary Speed Restriction Safety Servers**

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

**ACTION:** Notice of intent to grant Buy America waiver.

**SUMMARY:** FRA is issuing this notice to advise the public that it intends to grant the New York Metropolitan Transportation Authority (MTA) on behalf of its commuter railroad subsidiaries, Long Island Rail Road (LIRR) and Metro-North Commuter Railroad Company (Metro-North), a waiver from FRA's Buy America requirement for the use of (a) transponders and (b) Temporary Speed Restriction (TSR) safety servers, which are made in Sweden. Transponders and TSR safety servers are two components of LIRR's and Metro-North's Positive Train Control system (PTC). The two non-domestic components represent approximately 1% of the \$428 million total value of the contracts Metro-North and LIRR entered into with a system integrator to design and furnish PTC (PTC Contracts). The TSR safety servers cost less than \$1 million and the transponders approximately \$4 million. FRA anticipates funding the PTC Contracts, and other PTC-related projects, under a \$967.1 million FRA Railroad Rehabilitation & Improvement Financing loan.

**DATES:** Written comments on FRA's determination to grant MTA's Buy

America waiver request should be provided to the FRA on or before April 22, 2015.

**ADDRESSES:** Please submit your comments by one of the following means, identifying your submissions by docket number FRA-2012-0033. All electronic submissions must be made to the U.S. Government electronic site at <http://www.regulations.gov>. Commenters should follow the instructions below for mailed and hand-delivered comments.

(1) *Web site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site;

(2) *Fax:* (202) 493-2251;

(3) *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, Room W12-140, Washington, DC 20590-0001; or

(4) *Hand Delivery:* Room W12-140 on the first floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must make reference to the "Federal Railroad Administration" and include docket number FRA-2012-0033. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to <http://www.regulations.gov>. For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Johnson, Attorney-Advisor, FRA Office of Chief Counsel, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590, (202) 493-0078, [John.Johnson@dot.gov](mailto:John.Johnson@dot.gov).

**SUPPLEMENTARY INFORMATION:**

The letter granting MTA's request is quoted below:

Mr. Richard L. Gans  
Vice President—General Counsel & Secretary  
Long Island Rail Road  
Jamaica Station  
Jamaica, NY 11435-4380

Re: Request for Waiver of Buy America Requirement

Dear Mr. Gans:

As you are aware, on February 19, 2015, the New York Metropolitan Transportation Authority (MTA) on behalf of its commuter railroad subsidiaries, Long Island Rail Road (LIRR) and Metro-North Commuter Railroad Company (Metro-North), requested a waiver from the Federal Railroad Administration's (FRA) Buy America requirement to purchase (a) transponders and (b) Temporary Speed Restriction (TSR) safety servers for use in LIRR's and Metro-North's Positive Train Control system (PTC). The Rail Safety Improvement Act of 2008 requires certain railroads, including LIRR and Metro-North, to implement a PTC system on all nonexempt commuter main-line tracks by December 31, 2015. Facilitating PTC implementation is one of FRA's top priorities.

MTA requested the waiver, stating that the components were not produced in the U.S. in sufficient and reasonably available amounts or are not of a satisfactory quality. The transponders and TSR safety servers are manufactured in Sweden. The two non-domestic components represent approximately 1% of the total value of the PTC system integrator contracts (PTC Contracts). MTA values the TSR safety servers at less than \$1 million and the transponders at approximately \$4 million. Total contract costs are approximately \$428 million. For the reasons set forth below, FRA is granting a waiver for the purchase of the transponders and TSR safety servers.

A waiver is appropriate because domestically-produced transponders and TSR safety servers meeting MTA's technical and schedule requirements are not currently "produced in sufficient and reasonably available amount or are not of a satisfactory quality." Coordinating with FRA, MTA engaged the U.S. Department of Commerce's National Institute of Standards and Technology's Hollings Manufacturing Extension Partnership (NIST-MEP) to conduct market research for the transponders and TSR safety servers. In conducting that research, MTA contacted several potential manufacturers identified by NIST-MEP. None produced the transponders or TSR safety servers.

On February 20, 2015, FRA provided public notice of this waiver request and a 15-day opportunity for comment on its Web site. FRA also emailed notice to over 6,000 persons who have signed up for Buy America notices through "GovDelivery." See <http://www.fra.dot.gov/Page/P0784>. FRA received one comment, which was not responsive to this waiver request. FRA will publish this letter granting MTA's request in the **Federal Register** and provide notice of such finding and an opportunity for public comment after which this waiver will become effective.

Question about this letter can be directed to, John Johnson, Attorney-Advisor, at [John.Johnson@dot.gov](mailto:John.Johnson@dot.gov) or (202) 493-0078.

Sincerely,

Sarah Feinberg  
Acting Administrator