

“Highways for LIFE” Pilot Program. The purpose of the Highways for LIFE pilot program is to advance longer-lasting highways using innovative technologies and practices to accomplish the fast construction of efficient and safe highways and bridges. “Highways for LIFE” is focused on accelerating the rate of adoption of proven technologies. The program will provide funding to States to accelerate technology adoption to construct, reconstruct, or rehabilitate Federal-aid highway projects that incorporate innovative technologies that will improve safety, reduce congestion due to construction, and improve quality. Those States interested in participating in the “Highways for LIFE” program will submit an application for project funding. The information to be provided on the application includes a description of the project, the innovative technologies to be used and a description of how these technologies will improve safety, reduce construction congestion, and improve quality. The collected information will be used by FHWA to evaluate and select projects for “Highways for LIFE” funding.

**Respondents:** The fifty State Departments of Transportation, the District of Columbia, and Puerto Rico.

**Frequency:** The information will be collected annually beginning in fiscal year 2009 and ending in fiscal year 2015.

**Estimated Average Burden per Response:** 8 hours per respondent per application.

**Estimated Total Annual Burden Hours:** It is expected that the respondents will complete approximately 30 applications for an estimated 240 total annual burden hours.

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA’s performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB’s clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: January 6, 2009.

**James R. Kabel,**

*Chief, Management Programs and Analysis.*

[FR Doc. E9-173 Filed 1-8-09; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2003-15818]

#### Exemption To Allow Werner Enterprises, Inc. To Use Global Positioning System (GPS) Technology To Monitor and Record Drivers’ Hours of Service

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

**ACTION:** Notice.

**SUMMARY:** FMCSA announces that Werner Enterprises, Inc.’s (Werner’s) exemption from the Agency’s regulatory requirements regarding Automatic On-Board Recording Devices is no longer required for the Werner Paperless Log System (WPLS). Based on information provided by Werner, the Agency has determined that the exemption is no longer required due to recent technological changes in the WPLS.

**DATES:** This notice is effective January 9, 2009.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations; Telephone: 202-366-4325. E-mail: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Prior Werner Exemption

Following public notice and comment, on September 21, 2004, FMCSA granted Werner a 2-year exemption from the requirement that its commercial motor vehicle (CMV) drivers prepare handwritten records of duty status (49 CFR 395.8) or use an Automatic On-Board Recording Device (AOBRD) (49 CFR 395.15). A determination was made that the Global Positioning System (GPS) technology and complementary safety management computer systems in the Werner Paperless Log System (WPLS) would achieve the requisite level of safety. At that time, the primary reason for the exemption was that the Werner system was not integrally synchronized with the CMV as required by the definition of an AOBRD in 49 CFR 395.2. Certain information regarding miles driven and road speed was obtained from the GPS. The exemption was effective on

September 21, 2004 and expired on September 21, 2006 (69 FR 56474).

In 2006, Werner applied for renewal of this exemption. Under 49 U.S.C. 31315 and 31136(e), FMCSA may renew an exemption for a period of up to 2 years 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.\* \* \*” FMCSA evaluated Werner’s application, and in a September 7, 2006 notice, announced its decision to renew Werner’s exemption for 2 years (71 FR 52846).

#### Request for Determination

In July 2008, Werner requested that FMCSA review the modified WPLS to determine whether an exemption is still necessary. Werner advised that changes made in the WPLS have brought it into compliance with 49 CFR 395.15, and provided detailed information to FMCSA in support of its request.

A subsequent analysis of technical compliance with 49 CFR 395.15 was undertaken by FMCSA based on Werner’s documentation. Regarding the primary issue of integral synchronization with the CMV to record engine use, road speed, miles driven, and date and time of day, Werner responded that except for date and time of day, all of this data is now obtained directly from the engine control module of the CMV. The date and time of day are obtained from the computer-satellite link. The GPS capability is only used to establish vehicle location, as permitted by 49 CFR 395.15.

#### FMCSA Determination

Based on the information provided by Werner, FMCSA has determined that the WPLS is in compliance with 49 CFR 395.15, and Werner no longer requires an exemption for use of the WPLS.

Issued on: December 29, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E9-192 Filed 1-8-09; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-98-3637; FMCSA-00-8203; FMCSA-02-12844; FMCSA-04-17984; FMCSA-06-24015; FMCSA-06-26066]

#### 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 9 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 February 7, 2009. Comments must be received on or before February 9, 2009.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-98-3637; FMCSA-00-8203; FMCSA-02-12844; FMCSA-04-17984; FMCSA-06-24015; FMCSA-06-26066, 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 acknowledgement

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, [fmcamedical@dot.gov](mailto:fmcamedical@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 9 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 9 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Jose C. Azuara, Timothy A. DeFrange, Casey R. Johnson, Thomas J. Boss, Scott D. Goalder, Myriam Rodriguez, Fabian L. Burnett, Robert J. Johnson, James E. Savage.

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 9 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 30285; 63 FR 54519; 65 FR 66293; 68 FR 1654; 69 FR 71098; 72 FR 1054; 67 FR 68719; 68 FR 2629; 69 FR 71100; 72 FR 1053; 69 FR 33997; 69 FR 61292; 72 FR 184; 72 FR 5490; 71 FR 14566; 71 FR 30227; 71 FR 63379; 72 FR 1050). Each of these 9 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 February 9, 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 9 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: December 29, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E9-191 Filed 1-8-09; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[USCG-2007-28535]

#### Atlantic Sea Island Group LLC, Safe Harbor Energy Liquefied Natural Gas Deepwater Port License Application

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice of intent; notice of public meeting; request for comments.

**SUMMARY:** The Maritime Administration announces that the Coast Guard, in coordination with the Maritime Administration, will prepare an environmental impact statement (EIS) as part of the environmental review of this

license application. The application describes a project that would be located approximately 13.5 miles south of the City of Long Beach, New York, 19 miles east of Highlands, New Jersey, and 23 miles southeast of the Ports of New York and New Jersey. The proposed port would consist of a 60.5 acre island at the surface, 116 to 140 acres at its base and constructed in approximately 60 to 70 feet of water covering the area known as Cholera Bank.

The EIS will be prepared with the New York State Department of Environmental Conservation (NYSDEC) as a cooperating agency in the environmental review with the Coast Guard. The EIS will meet the requirements of both the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQRA). In addition, the Coast Guard and the Maritime Administration will be working with appropriate state agency representatives from New Jersey to ensure potential impacts and concerns of New Jersey are addressed in the EIS.

Publication of this notice begins a 30 day scoping process that will assist in the identification and determination of the environmental issues to be addressed in the EIS. This notice requests public participation in the scoping process and provides information regarding how to participate in the process. It announces a public meeting to be held in connection with the EIS; requests for public comment on the scope of the EIS; and also serves as a notice of public scoping sessions as provided for under SEQRA, 6 NYCRR § 617.8. At least one public meeting will take place in each adjacent coastal state. For purposes of the Deepwater Port Act (Act), New York and New Jersey are adjacent coastal states for this application.

**DATES:** Public meetings will be held in Eatontown, New Jersey on January 27, 2009; and in Long Beach, New York on January 29, 2009. The public meetings will be held from 6 p.m. to 8 p.m. and will be preceded by an open house from 4:30 p.m. to 6 p.m. The public meeting may end later than the stated time, depending on the number of persons wishing to speak.

Material submitted in response to the request for comments on the license application must reach the Docket Management Facility by February 9, 2009 (30 days after NOI is published in the FR).

**ADDRESSES:** The open house and public meeting on January 27, 2009 will be held at: The Sheraton of Eatontown, 6

Industrial Way East, Eatontown, NJ 07724; 732-542-6500.

The open house and public meeting on January 29, 2009 will be held at: The Jackson by the Beach Hotel, 405 East Broadway, Long Beach, NY 11561; 516-431-3700.

The license application, comments and associated documentation is available for viewing at the Federal Docket Management System (FDMS) Web site: <http://www.regulations.gov> under docket number USCG-2007-28535.

Docket submissions for USCG-2007-28535 should be addressed to: Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

The Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying at this address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The facility telephone number is 202-366-9329, the fax number is 202-493-2251, and the Web site for electronic submissions or for electronic access to docket contents is: <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Mark Prescott, U.S. Coast Guard, telephone: 202-372-1440, e-mail: [Mark.A.Prescott@uscg.mil](mailto:Mark.A.Prescott@uscg.mil); or LT Hannah Kawamoto, U.S. Coast Guard, telephone: 202-372-1438, e-mail: [Hannah.K.Kawamoto@uscg.mil](mailto:Hannah.K.Kawamoto@uscg.mil); or Yvette Fields, U.S. Maritime Administration, telephone: 202-366-0926, e-mail: [Yvette.Fields@dot.gov](mailto:Yvette.Fields@dot.gov); or John Ferguson, New York State Department of Environmental Conservation, telephone: 518-402-9167, e-mail: [jffergus@gw.dec.state.ny.us](mailto:jffergus@gw.dec.state.ny.us). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-493-0402.

#### SUPPLEMENTARY INFORMATION:

##### Public Meeting and Open House

We invite you to learn about the proposed deepwater port at an informational open house, and to comment at a public meeting on environmental issues related to the proposed deepwater port. Your comments will help us identify and refine the scope of the environmental issues to be addressed in the EIS.

In order to allow everyone a chance to speak at the public meeting, we may limit speaker time, or extend the meeting hours, or both. You must identify yourself, and any organization