

removing the icing-related guidance from AC 25-7A because that material is addressed by the NPRM Notice No. 05-10, "Airplane Performance and Handling Qualities In Icing Conditions" and proposed AC 25.21-1X, "Performance And Handling Characteristics In The Icing Conditions Specified In part 25, Appendix C."

Since publication of that notice, the FAA has received a request that the comment period for the notice be extended past its original closing date of January 3, 2006, to allow more time in which to study the proposal and to prepare comments on this very important issue.

#### Extension of Comment Period

The FAA has reviewed the request for consideration of an additional amount of time to comment on proposed AC 25.21-1X, and has determined that extending the comment period would be in the public interest and that good cause exists for taking this action. Accordingly, the comment period of Notice of availability of proposed AC 25.21-1X, and request for comments, is extended until February 2, 2006.

Issued in Renton, Washington, on December 9, 2005.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate Aircraft Certification Service.*

[FR Doc. 05-24157 Filed 12-16-05; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Alameda and Contra Costa Counties, CA

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of withdrawal.

**SUMMARY:** The FHWA is issuing this notice to advise the public that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed project to construct a fourth bore to the Caldecott Tunnel between State Route 24/Broadway interchange in the City of Oakland in Alameda County and the State Route 24/Camino Pablo interchange in the City of Orinda in Contra Costa County, California is being withdrawn; and an Environmental Assessment (EA) in lieu of an EIS is being prepared for this proposed highway project.

**FOR FURTHER INFORMATION CONTACT:** Mr. Leland W. Dong, Project Development Engineer, Federal Highway

Administration, California Division, 650 Capitol Mall, Suite 4-100, Sacramento, California 95814, Telephone: (916) 498-5860 or to Ms. Cristina Ferraz, Regional Project Manager, California Department of Transportation, 111 Grand Avenue, Oakland CA 94623-0660, Telephone: (510) 286-3890.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the California Department of Transportation (Caltrans), conducted studies of the potential environmental impacts associated with the proposed highway project to construct a fourth bore to the Caldecott Tunnel between Alameda and Contra Costa Counties, California. A NOI was published in the Federal Register/Volume 67/No. 225/November 21, 2002. Subsequently, during the course of conducting studies and coordinating with regulatory and resource agencies for this proposed project, it was determined that the potential environmental issues that led to issuing the Notice of Intent were not significant. In addition, it was determined that changes to avoid or minimize potential impacts identified in early scoping can be incorporated into the proposed project. Changes to minimizing impacts were achieved by eliminating alternative alignments that had higher impacts, by reducing the number of lanes to either two or three lanes in lieu of four lanes thereby reducing the tunnel footprint, and by evaluating alignments that will not require the acquisition of additional right-of-way or acquisition of recreational or historic properties protected by section 4(f) of the Department of Transportation Act of 1966.

The FHWA has determined that the proposed project is not anticipated to result in significant impacts to the environment; that an EA would be an appropriate environmental document for the project; and that the Notice of Intent for this project is being withdrawn.

The EA will be available for public inspection prior to the public meeting for the proposed project. Comments or questions concerning this proposed project and the determination that an EA is the appropriate environmental document should be directed to the FHWA or Caltrans at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities apply to this program.)

Issued on: December 13, 2005.

**Leland W. Dong,**

*Project Development Engineer, Federal Highway Administration, Sacramento, California.*

[FR Doc. 05-24193 Filed 12-16-05; 8:45am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2005-22905]

#### Qualification of Drivers; Exemption Applications; Diabetes

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

**ACTION:** Notice of applications for exemption from the diabetes standard; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from six individuals for exemptions from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate as drivers of commercial motor vehicles in interstate commerce.

**DATES:** Comments must be received on or before January 18, 2006.

**ADDRESSES:** You may submit comments by any of the following methods. Please label your comments with DOT DMS Docket Number FMCSA-2005-22905.

- *Web Site:* <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- *Fax:* 1-202-493-2251.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

• *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

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

All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Regulatory Notices. To read background documents

or comments received, go to <http://dms.dot.gov> or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Public Comments:* The DMS is generally available 24 hours each day, except when announced system maintenance requires a brief interruption in service. You can get electronic submission and retrieval help guidelines under the "help" section of the DMS Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard. An acknowledgement page appears after submitting comments online and can be printed to document submission of comments.

*Privacy Act:* 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 the Department of Transportation's complete Privacy Act statement in the **Federal Register** published April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

**Background**

Under 49 U.S.C. 31315 and 31136(e), the 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 statute also allows the agency to renew exemptions at the end of the 2-year period. The six individuals listed in this notice have recently requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statute.

**Qualifications of Applicants**

*Daryle W. Belcher*

Mr. Belcher, 63, has had ITDM since 2000. He has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years. His endocrinologist examined him in 2005 and stated, "He has been extremely willing to properly monitor and manage his diabetes." Mr. Belcher meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2005 and certified that he does not have diabetic retinopathy. He holds a Class B Commercial Driver's License (CDL) from Texas.

*William H. Gardner*

Mr. Gardner, 34, has had ITDM since 1981. He has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years. His endocrinologist examined him in 2005 and stated, "He is stable on the current insulin regimen, understands diabetes management and monitoring, and is able to drive a commercial motor vehicle safely." He holds a Class A CDL from California.

*Roy G. Hill*

Mr. Hill, 43, has had ITDM since 1975. He has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years. His endocrinologist examined him in 2005 and stated, "Mr. Hill has demonstrated the ability to monitor and manage his diabetes." Mr. Hill meets the requirements of the vision standard at 49 CFR 391.41 (b)(10). His ophthalmologist examined him in 2005 and certified that there is no evidence of diabetic retinopathy. He holds a Class A CDL from Kentucky.

*Anthony D. Izzi*

Mr. Izzi, 45, has had ITDM since 2000. He has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years. His endocrinologist examined him in 2005 and stated, "He demonstrates willingness to properly monitor and manage his diabetes

without difficulty and with success." Mr. Izzi meets the requirements of the vision standard at 49 CFR 391.41 (b)(10). His ophthalmologist examined him in 2005 and certified that he does not have diabetic retinopathy. He holds an operator's license from Rhode Island.

*Ronald D. Paul*

Mr. Paul, 58, has had ITDM since 1980. He has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years. His endocrinologist examined him in 2005 and stated, "Mr. Paul has demonstrated willingness to properly monitor and manage his diabetes." Mr. Paul meets the requirements of the vision standard at 49 CFR 391.41 (b)(10). His ophthalmologist examined him in 2005 and certified that he does have stable mild background diabetic retinopathy. He holds a Class B CDL from New Hampshire.

*Kenneth L. Pogue*

Mr. Pogue, 46, has had ITDM since 1997. He has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years. His endocrinologist examined him in 2005 and stated, "Mr. Pogue is well educated regarding his diabetes and its management. Mr. Pogue has demonstrated willingness to properly monitor and manage his diabetes." Mr. Pogue meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2005 and stated, "There was no evidence of diabetic retinopathy present." He holds a Class A CDL from Missouri.

**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.

FMCSA notes that Section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires the Secretary to begin within 90 days of enactment to revise the September 3, 2003 (68 FR 52441), notice of final disposition, to allow drivers who use insulin to treat diabetes to

operate CMVs in interstate commerce.<sup>1</sup> The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of TEA-21.

Section 4129 requires two substantive changes to be made in the current exemption process set out in the September 3, 2003 Notice. As required by section 4129(b) and (c), the changes are: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin dose to demonstrate stable control of diabetes before being allowed to operate a CMV.

In order to accomplish these changes within the 90-day time frame established by section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 Notice. These revisions were those necessary to respond to the specific changes mandated by section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the necessary level of safety as also required by section 4129(a).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 Notice, except as modified, were in compliance with section 4129(d). All of the requirements set out in the September 3, 2003 Notice, except as modified in the Notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: December 13, 2005.

**Annette M. Sandberg,**

*Administrator.*

[FR Doc. E5-7494 Filed 12-16-05; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34790]

#### **Dakota, Minnesota & Eastern Railroad Corporation and Iowa, Chicago & Eastern Railroad Corporation—Temporary Trackage Rights Exemption—BNSF Railway Company**

BNSF Railway Company (BNSF) has agreed to grant temporary trackage rights to the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) and the Iowa, Chicago & Eastern Railroad Corporation (IC&E) (DM&E and IC&E are referred to collectively as "User") between milepost (MP) 146.0 on BNSF's Corson Subdivision at Sioux Falls, SD, and MP 705.5 on BNSF's Aberdeen Subdivision at Wolsey, SD, a distance of 149.8 miles, solely for the overhead movement of User's business cars (and engines and end-of-train devices required to operate those business cars). The trackage rights run: between Sioux Falls, SD, and Canton, SD; between Canton, SD, and Mitchell, SD; and between Mitchell, SD, and Wolsey, SD. These trackage rights were scheduled to be effective on or after December 6, 2005, and the authorization for these trackage rights will expire one year after the effective date. However, although the term of the temporary trackage rights agreement is for no more than one year, BNSF has also agreed that, for a period of 10 years from the effective date of that agreement, BNSF shall agree to DM&E's requests to establish new annual temporary trackage rights arrangements on the same terms, provided that the temporary trackage rights agreement shall not have terminated early as a result of material default of DM&E, and further provided that DM&E shall not otherwise be in material default of the terms of the agreement.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605, 610-15 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653, 664 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91, 98-103 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d)

may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34790, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on User's representative: Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2875.

Board decisions and notices are available on its Web site at <http://www.stb.dot.gov>.

Decided: December 9, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 05-24141 Filed 12-16-05; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34125 (Sub-No. 1)]

#### **South Dakota Railroad Authority—Acquisition and Operation Modification Exemption—BNSF Railway Company**

BNSF Railway Company (BNSF) has agreed to amend existing operating rights of the South Dakota Department of Transportation, successor in interest to the South Dakota Railroad Authority (User), at Aberdeen, SD, pursuant to an amendment (Amendment) to an existing agreement. Pursuant to the Amendment, BNSF has agreed to grant User and its designee the right to interchange traffic on and/or via BNSF-owned trackage at Aberdeen in connection with the movement of the traffic to, from, or via User's tracks between Kidder, SD, and Aberdeen, SD (the "Rail Line") pursuant to the terms outlined below.

(1) Subject to all other applicable terms and conditions set forth in the Amendment, BNSF shall permit the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) and User or its designee to interchange with one another at Aberdeen Yard via the Interchange Access Line (as that is defined in an agreement between the parties) without restrictions for traffic which either originates or terminates on the Rail Line.

(2) Subject to all other applicable terms and conditions set forth in the Amendment, BNSF shall permit DM&E and User or its designee to interchange

<sup>1</sup> Section 4129(a) refers to the 2003 Notice as a "final rule." However, the 2003 Notice did not issue a "final rule," but did establish the procedures and standards for issuing exemptions for drivers with ITDM.