

incorporate health IT and the market for health IT records exchanges develops, we anticipate that we will develop more detailed information about the reasonable costs for obtaining medical records through health IT.

Consequently, we will periodically review the uniform national rate for reimbursing all non-federal medical providers for the reasonable costs of supplying health IT medical records.

When we revise the uniform national rate, we will publish another notice in the **Federal Register**.

Dated: January 4, 2010.

**Michael J. Astrue,**

*Commissioner of Social Security.*

[FR Doc. 2010-225 Filed 1-8-10; 8:45 am]

**BILLING CODE 4191-02-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34658]

#### **Alaska Railroad Corporation— Construction and Operation Exemption—Rail Line Between North Pole and Delta Junction, AK**

By petition filed on July 6, 2007, Alaska Railroad Corporation (ARRC), a Class III rail carrier incorporated in, and owned by, the State of Alaska, seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for authority to construct and operate approximately 80 miles of new main line track, referred to as the Northern Rail Extension (NRE), in the State of Alaska. The proposed NRE would extend southeasterly from Mile 20 on ARRC's existing Eielson Branch near the community of North Pole (located just south of Fairbanks) to the southern side of the community of Delta Junction.

In a decision served on October 4, 2007, the Board instituted a proceeding under 49 U.S.C. 10502(b). The Board's Section of Environmental Analysis (SEA) has conducted an environmental review of the proposed construction and alternatives. A detailed Draft Environmental Impact Statement (EIS) prepared by SEA together with eight cooperating agencies<sup>1</sup> was issued for public review and comment on February 2, 2009. SEA then prepared a Final EIS that was issued on September

<sup>1</sup> U.S. Department of Defense Alaskan Command, Bureau of Land Management, Federal Transit Administration, Federal Railroad Administration, U.S. Air Force 354th Fighter Wing Command from Eielson Air Force Base, U.S. Army Corps of Engineers, U.S. Coast Guard, and State of Alaska Department of Natural Resources.

18, 2009. The Final EIS considered all the comments received on the Draft EIS, reflects SEA's further independent analysis, and sets forth SEA's preferred rail alignments and final recommended environmental mitigation measures.

After considering the entire record, including both the transportation aspects of the petition and the potential environmental issues, we granted the requested construction and operation exemption in a decision served on January 6, 2010, permitting ARRC to build any of the preferred rail alignments set out in the decision, subject to compliance with the environmental mitigation measures listed in Appendix 1 of the decision. Vice Chairman Mulvey dissented with a separate expression. Petitions to reopen must be filed by February 5, 2010.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: January 5, 2010.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham. Vice Chairman Mulvey dissented with a separate expression.

**Kulunie L. Cannon,**

*Clearance Clerk.*

[FR Doc. 2010-217 Filed 1-8-10; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Receipt of Noise Compatibility Program Update and Request for Review for Modesto City-County Airport, Modesto, CA**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice, correction.

**SUMMARY:** The Federal Aviation Administration (FAA) published a notice in the **Federal Register** on December 18, 2009. (74 FR 67305). This action corrects an error in a date in that document. The notice announced that the FAA is reviewing a proposed noise compatibility program update that was submitted for Modesto City-County Airport under the provisions of 49 U.S.C. 47501 *et seq.* (the Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 by City of Modesto.

**FOR FURTHER INFORMATION CONTACT:** Camille Garibaldi, Telephone number: (650) 876-2778, extension 613.

#### **Correction**

In Notice document (**Federal Register** Doc. E9-30186) published on December

18, 2009 (74 FR 67305) make the following correction:

On page 67305 in the second column, in the fourth line of the third paragraph under the heading **SUPPLEMENTARY INFORMATION**; the date December 6, 2009, is corrected to read, December 9, 2009.

Issued in Hawthorne, California on December 29, 2009.

**Mark A. McClardy,**

*Manager, Airports Division, AWP-600,  
Western-Pacific Region.*

[FR Doc. 2010-114 Filed 1-8-10; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### **Petition for Exemption From the Vehicle Theft Prevention Standard; Hyundai-Kia America Technical Center, Inc.**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This document grants in full the petition of Hyundai-Kia Motors Corporation (HATCI) in accordance with § 543.9(c)(2) of 49 CFR part 543, *Exemption from the Theft Prevention Standard*, for the Kia Amanti vehicle line beginning with model year (MY) 2009. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard. HATCI requested confidential treatment for its information and attachments submitted in support of its petition. In a letter dated January 30, 2008, the agency denied HATCI's request for confidential treatment. Subsequently, HATCI requested reconsideration of the determination. In a letter dated September 25, 2008, the agency granted the petitioner's request for reconsideration of confidential treatment of the indicated areas of its petition.

**DATES:** The exemption granted by this notice is effective beginning with model year (MY) 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah Mazyck, International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Mazyck's telephone number is (202) 366-0846. Her fax number is (202) 493-2290.

**SUPPLEMENTAL INFORMATION:** In a petition dated October 22, 2007, Hyundai-Kia America Technical Center, Inc., on behalf of Kia Motors Corporation (Kia) requested an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541) for the Kia Amanti vehicle line beginning with MY 2009. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one of its vehicle lines per year. HATCI's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

HATCI's petition provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the Amanti vehicle line. Although HATCI has requested confidential treatment of specific details of the system's operation, design, effectiveness and durability, NHTSA is, for the purposes of this petition, disclosing the following general information. HATCI will install its passive antitheft device as standard equipment on its Amanti vehicle line beginning with MY 2009. The antitheft device to be installed on the MY 2009 Kia is a transponder-based immobilizer system. Features of the antitheft device will include a passive immobilizer consisting of an EMS (engine control unit), SMARTRA 3 (immobilizer unit), an antenna coil and transponder. Additionally, the Kia Amanti will have a standard alarm system which will monitor all the doors and the hood of the vehicle. The audible and visual alarms are activated when an unauthorized person attempts to enter or move the vehicle by unauthorized means.

HATCI stated that the device is automatically activated by removing the key from the ignition switch and locking the vehicle door. In order to arm the device, the key must be removed from the ignition switch, all of the doors and hood must be closed and the driver's door must be locked with the ignition key or all doors must be locked with the keyless entry. When the device is armed, the visual (flashing hazard lamps) and audible (horn sound) alarm system will be triggered if unauthorized entry is attempted through the doors, trunk or the hood. The device is

disarmed when the driver's door is unlocked with the transponder key or keyless entry.

HATCI stated that the antitheft device has been installed as standard equipment on the Kia Azera which was previously approved for exemption from Part 541. There is currently no available theft rate data for Kia vehicle lines that have been installed with similar devices. However, HATCI submitted data on the effectiveness of various antitheft devices to support its belief that its device will be at least effective as comparable devices installed on other vehicle lines previously granted exemptions by the agency. HATCI further stated that it believes that the General Motors, Ford and Isuzu devices contain components that are functionally and operationally similar to its device. HATCI also stated that the theft data from the National Crime Information Center (NCIC) show a clear reduction in vehicle thefts after the introduction of the GM and Ford devices. Therefore, HATCI believes that its device will be at least as effective as those devices that have been installed on lines previously granted exemptions by the agency. HATCI provided theft rate data for the Chevrolet Camaro and Pontiac Firebird vehicle lines showing a substantial reduction in theft rates comparing the lines between pre- and post-introduction of the Pass-Key device. HATCI also provided "percent reduction" data for theft rates between pre- and post-production years for the Ford Taurus and Mustang, and Oldsmobile Toronado and Riviera vehicle lines normalized to the three-year average of the Camaro and Firebird pre-introduction data. HATCI stated that the data shows a dramatic reduction of theft rates due to the introduction of devices substantially similar to the Kia immobilizer device. Specifically, the Taurus, Mustang, Riviera and Toronado vehicle lines showed a 63, 70, 80 and 58 percent theft rate reduction respectively between pre- and post-introduction of immobilizer devices as standard equipment on these vehicle lines.

In addressing the specific content requirements of 543.6, HATCI provided information on the reliability and durability of its proposed device. In support of the reliability and durability of the device, HATCI stated that the engine control unit of the device carries out a check of the ignition key by special encryption algorithm with the immobilizer unit and the transponder. The engine can only be started if the results of the ignition key check and algorithm are equal. Additionally, Kia conducted tests based on its own

specified standards for reliability and durability. HATCI provided a detailed list of the tests conducted, and believes that the device is reliable and durable since the device complied with its specified requirements for each test.

Based on the confidential material submitted by HATCI, the agency believes that the antitheft device for the Amanti vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). Based on the information HATCI provided about the device, the agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by 49 U.S.C. 33106 and 49 CFR part 543.6(a)(4) and (5), the agency finds that HATCI has provided adequate reasons for its belief that the antitheft device will reduce and deter theft.

For the foregoing reasons, the agency hereby grants in full HATCI's petition for exemption for the Amanti vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A-1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Kia decides not to use the exemption for this line, it must formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Kia wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to

vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

**Authority:** 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: January 5, 2010.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2010-236 Filed 1-8-10; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2009-0289]

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt forty-one individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

**DATES:** The exemptions are effective January 11, 2010. The exemptions expire on January 11, 2012.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Room W64-224, Department of Transportation, 1200 New Jersey Avenue, SE., 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>.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/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.

**Privacy Act:** Anyone may search the electronic form of all comments received into any of DOT's 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, or other entity). You may review DOT's complete Privacy Act Statement in the **Federal Register** (65 FR 19477, Apr. 11, 2000). This statement is also available at <http://Docketinfo.dot.gov>.

##### Background

On October 29, 2009, FMCSA published a notice of receipt of Federal diabetes exemption applications from forty-one individuals and requested comments from the public (74 FR 55890). The public comment period closed on November 30, 2009, and no comments were received.

FMCSA has evaluated the eligibility of the forty-one applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

##### Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current standard for diabetes in 1970 because several risk studies indicated that diabetic drivers had a higher rate of crash involvement than the general population. The diabetes rule provides that "A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control" (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled "A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to

Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century." The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441) **Federal Register** Notice in conjunction with the November 8, 2005 (70 FR 67777) **Federal Register** Notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These forty-one applicants have had ITDM over a range of 1 to 41 years. These applicants report no hypoglycemic reaction that resulted in loss of consciousness or seizure, that required the assistance of another person, or resulted in impaired cognitive function without warning symptoms in the past 5 years (with one year of stability following any such episode). In each case, an endocrinologist has verified that the driver has demonstrated willingness to properly monitor and manage his/her diabetes, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision standard at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the October 29, 2009, **Federal Register** Notice; therefore, they will not be repeated in this notice.

##### Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes standard in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

##### Conditions and Requirements

The terms and conditions of the exemption will be provided to the