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.

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 was issued for public review and comment on February 2, 2009. SEA then prepared a Final EIS that was issued on September 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.

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.


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 operate 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 as 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.

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.

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.
fmcsmedical@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

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 safe and practicable protocol to
allow some drivers with ITDM 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