

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 26, 2010. No comments were received.

**DATES:** Comments must be submitted on or before June 16, 2010.

**FOR FURTHER INFORMATION CONTACT:** Thomas M.P. Christensen, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202-366-5909; or e-mail: [tom.christensen@dot.gov](mailto:tom.christensen@dot.gov). Copies of this collection also can be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration (MARAD).

*Title:* Voluntary Tanker Agreement.

*OMB Control Number:* 2133-0505.

*Type of Request:* Extension of currently approved collection.

*Affected Public:* U.S.-flag and U.S. citizen-owned vessels that are required to respond under current statute and regulation.

*Form(s):* None.

*Abstract:* This collection of information is used to gather information regarding the location of U.S.-flag vessels and certain other U.S. citizen-owned vessels for the purpose of search and rescue in the saving of lives at sea and for the marshalling of ships for national defense and safety purposes. This collection consists of vessels that transmit their positions through various electronic means.

*Annual Estimated Burden Hours:* 15 hours.

*Addresses:* Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: MARAD Desk Officer.

*Comments Are Invited On:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity

of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

**Authority:** 49 CFR 1.66.

Issued in Washington, DC on May 11, 2010.

**Murray Bloom,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 2010-11703 Filed 5-14-10; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2009-0322]

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt fifty-three 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:** *Effective date:* The exemptions are effective May 17, 2010. *Expiration date:* The exemptions expire on Thursday, May 17, 2012.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@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://www.regulations.gov>.

#### Background

On March 22, 2010, FMCSA published a Notice of receipt of Federal diabetes exemption applications from fifty-three individuals and requested comments from the public (75 FR 13647). The public comment period closed on April 21, 2010, and one comment was received.

FMCSA has evaluated the eligibility of the fifty-three 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 fifty-three applicants have had ITDM over a range of 1 to 53 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 mellitus, 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 March 22, 2010 **Federal Register** Notice, and 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 applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) 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 (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

#### **Discussion of Comments**

FMCSA received one comment in this proceeding. The comment was considered and discussed below.

The Pennsylvania Department of Transportation stated that it had reviewed the driving records for Dale J. Cleaver, Edgar R. Pole and Wayne F. Richards and was in favor of granting a Federal diabetes exemption to each of these individuals.

#### **Conclusion**

Based upon its evaluation of the fifty-three exemption applications, FMCSA exempts Deanna R. Alvarado, Howard H. Armstrong, Samuel D. Bentle, Mark S. Boettcher, Steven C. Boudreau, Charles Boulware, Jr., Roy L. Brokaw, Chris D. Chambers, Charles A. Cinert, Sr., John D. Clark, IV, Dale J. Cleaver, James H. Collins, William A. Donais, Lance L. Fuller, Johnny Gardner, Jr., Gregory S. Ghent, Mark D. Golden, Nathaniel W. Gorham, Younge W. Hooper, Eugene H. Johannes, Reginald K. Johnson, Sheldon R. Koehn, David L. Kreitzer, Jason R. Kropp, Joseph A. Laperle, David W. Letto, Robert D. Marquart, Francis E. Martinez, Stephen A. Miles, Raymond A. Montoya, Adolfo Moreno, Jr., Chad D. Morrison, Kevin R. Murphy, Kenneth S. Napieralski, Lowell G. Neumann, John T. Oliver, Jr., Steven G. Petersen, Edgar R. Polk, Damian J. Porter, Robert W. Prabucki, Edward R. Ramm, Wayne F. Richards, George H. Rollins, Jo Ellen Roshak, Gary G. Sironen, Rodney L. Stoltenberg, David Switala, Stanley C. Tarvidas, Jim D. Thomas, Florence E. Thompson, Joshua C. Thompson, Phillip M. Vinson and Camella C. Wilkins from the ITDM standard in 49 CFR 391.41(b)(3), subject to the conditions listed under "Conditions and Requirements" above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked 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. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: May 5, 2010.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. 2010-11706 Filed 5-14-10; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Notice of Intent To Release Certain Properties From Certain Terms, Conditions, Reservations and Restrictions of a Quitclaim Deed Agreement Between the Hillsborough County Aviation Authority and the Federal Aviation Administration for the Tampa International Airport, Tampa, FL**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Request for public comment.

**SUMMARY:** The FAA hereby provides notice of intent to release certain airport properties 5.88 acres at the Tampa International Airport, Tampa, FL from certain conditions, reservations, and restrictions as contained in a Quitclaim Deed agreement between the FAA and the Hillsborough County Aviation Authority, dated November 5, 1947. The release of property will allow the Hillsborough County Aviation Authority to use property for other than aeronautical purposes. The property is located in the southeast quadrant of Tampa International Airport property, Hillsborough County, Florida. The parcel is currently designated as aeronautical use. The property will be used for nonaeronautical use/revenue generation. The fair market value of the property has been determined by appraisal to be \$2,690,000. The airport will receive at least fair market rental value for the property. Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Tampa International Airport and the FAA Airports District Office.

**SUPPLEMENTARY INFORMATION:** Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21) requires the FAA to provide an opportunity for public notice and comment prior to the "waiver" or "modification" of a sponsor's Federal