

in 2010 and certified that he has had no severe 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 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Velasco meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL license from Maryland.

#### Joshua R. Wiery

Mr. Wiery, 39, has had ITDM since 1978. His endocrinologist examined him in 2010 and certified that he has had no severe 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 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Wiery meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he has stable proliferative diabetic retinopathy. He holds a Class D operator's license from Ohio.

#### Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, 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 in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).<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 the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

<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.

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

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. The 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). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: August 20, 2010.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. 2010-21428 Filed 8-26-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35386]

#### **R.J. Corman Railroad Company/ Central Kentucky Lines, LLC— Trackage Rights Exemption—CSX Transportation, Inc.**

Pursuant to a written supplemental agreement dated July 28, 2010, CSX Transportation, Inc. (CSXT) has agreed to grant additional limited overhead trackage rights<sup>1</sup> to R.J. Corman Railroad

<sup>1</sup> The original rights were obtained by R.J. Corman Railroad Property, LLC (RJCP) as incidental trackage rights to a lease of another line exempted under 49 CFR § 1150.41 in *R.J. Corman Railroad Property, LLC—Lease Exemption—Line of CSX Transportation, Inc.*, FD 34625 (STB served Mar. 4, 2005). RJCP assigned the trackage rights to RJCC, its corporate affiliate. The assignment was exempted under 49 CFR § 1150.41 in *R.J. Corman Railroad/*

Company/Central Kentucky Lines, LLC (RJCC) over a CSXT line of railroad extending between (1) milepost 00T 12.5 at HK Tower and milepost 00T 2.6 at Frankfort Avenue; and (2) milepost 00T 2.6 at Frankfort Avenue and milepost 000 6.4 at Osborne Yard in the vicinity of Big Ditch, all in the vicinity of Louisville, Ky., a distance of approximately 17 miles.<sup>2</sup>

The transaction may be consummated on or after September 10, 2010, the effective date of the exemption (30 days after the exemption is filed). The purpose of the amended trackage rights agreement is to allow RJCC to move ties, ballast and other track material efficiently in coordination with the movement of its aluminum unit trains.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease and Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice 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 effectiveness of the exemption. Stay petitions must be filed by September 3, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35386, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

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

Decided: August 23, 2010.

*Central Kentucky Lines, LLC—Acquisition and Operation Exemption—Line of R.J. Corman Railroad Property, LLC*, FD 34624 (STB served Feb. 23, 2005). In 2008, the parties' limited overhead trackage rights agreement was modified to allow RJCC to move carloads of cement and general merchandise between specified points in Kentucky. See *R.J. Corman R.R./Cent. Ky. Lines, LLC—Trackage Rights Exemption—CSX Transp., Inc.*, FD 35124, (STB served Apr. 10, 2008).

<sup>2</sup> Applicant states that the earlier notices of exemption (FD 34624, FD 34625, and FD 35124) referred to the HK Tower being located at milepost 12.49. In this notice, it is referred to as being located at milepost 12.5, but applicant explains that it is in the same location as before.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Kulunie L. Cannon,**  
Clearance Clerk.

[FR Doc. 2010-21330 Filed 8-26-10; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice for Waiver of Aeronautical Land-Use Assurance; Rickenbacker International Airport, Columbus, OH

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

**ACTION:** Notice of release of waiver with  
respect to land.

**SUMMARY:** The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to non-aeronautical use and to authorize the release of 13.105 acres of airport property for the proposed development of bulk warehouse/distribution facilities as a component of the Rickenbacker Global Logistics Park. The land was acquired by the Rickenbacker Port Authority through two Quitclaim Deeds dated March 30, 1984 from the Administrator of General Services for the United States of America and May 11, 1999 from the United States of America, acting by and through the Secretary of the Air Force. The property is no longer needed for aeronautical use. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before September 27, 2010.

**FOR FURTHER INFORMATION CONTACT:** Diane Morse, Program Manager, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number: (734)-229-2929/FAX Number: (734)-229-2950. Documents reflecting this FAA action may be reviewed at this

same location or at Rickenbacker International Airport, Columbus, Ohio.

**SUPPLEMENTARY INFORMATION:** Following is a legal description of the property situated in the State of Ohio, County of Pickaway, Townships of Harrison and Madison, lying in Section 18, Township 10, Range 21, Congress Lands, being part of the remainder of the original 2995.065 acre tract conveyed as Tract 1 to Columbus Municipal Airport Authority by deed of record in Official Record 514, Page 2561, (all references are to the records of the Recorder's Office, Pickaway County, Ohio) and being more particularly described as follows:

#### Legal Description of Property

Beginning at an angle point in the southerly line said 2995.065 acre (Tract 1) at the northwesterly corner of a 201.7757 acre tract conveyed to The Landings at Rickenbacker, LLC;

Thence the following six (6) courses and distances on, over and across the said 2995.065 acre (Tract 1):

North 39°42'45" West, a distance of 666.60 feet, to a point;

North 53°46'55" West, a distance of 821.06 feet, to a point;

North 86°24'00" West, a distance of 151.16 feet, to a point;

North 03°24'05" East, a distance of 607.19 feet, to a point;

South 44°30'28" East, a distance of 2298.53 feet, to a point on the northerly line of said 201.7757 acre tract;

North 86°24'01" West, a distance of 408.93 feet, along said northerly line to the Point of Beginning, containing 13.105 acres, more or less, in Pickaway County.

The bearings in the above description are based on the bearing of North 86°24'01" West, for the southerly line of the 2995.065 Acre (Tract 1) conveyed to Columbus Regional Airport Authority.

This description was prepared from record information from Recorder's Office, Franklin and Pickaway Counties and is not for the use of the transfer of real property.

**Stephanie R. Swann,**

Acting Manager, Detroit Airports District  
Office FAA, Great Lakes Region.

[FR Doc. 2010-21210 Filed 8-26-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

August 24, 2010.

The Department of the Treasury will submit the following public information

collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. A copy of the submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury PRA Clearance Officer, Department of the Treasury, 1750 Pennsylvania Avenue, NW., Suite 11010, Washington, DC 20220.

**DATES:** Written comments should be received on or before September 27, 2010 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-0823.

*Type of Review:* Extension without change to a currently approved collection.

*Title:* FI-221-83 (NPRM) FI-100-83 (Temporary Regulations) Indian Tribal Governments Treated as States For Certain Purposes.

*Abstract:* These regulations relate to the treatment of Indian tribal governments as States for certain Federal tax purposes. The regulations provide that if the governing body of a tribe, or its subdivision, is not designated as an Indian tribal government or subdivision thereof for purpose of sections 7701(a)(40) and 7871, it may apply for a ruling from the IRS.

*Respondents:* State, Local, and Tribal Governments.

*Estimated Total Burden Hours:* 25 hours.

*OMB Number:* 1545-1013.

*Type of Review:* Extension without change to a currently approved collection.

*Title:* Return of Excise Tax on Undistributed Income of Real Estate Investment Trusts.

*Form:* 8612.

*Abstract:* Form 8612 is used by real estate investment trusts to compute and pay the excise tax on undistributed income imposed under section 4981. IRS uses the information to verify that the correct amount of tax has been reported.

*Respondents:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 196 hours.

*OMB Number:* 1545-1710.

*Type of Review:* Revision of a currently approved collection.

*Title:* Revenue Procedure 2005-60, Form 940 e-file Program.

*Abstract:* Revenue Procedure 2005-60 (supersedes 2001-9) provides guidance