

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 26 applicants have had ITDM over a range of 1 to 37 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a 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 requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the October 28, 2013, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comments

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

Ted Whitish is in favor of granting an exemption to Sean T. McMahon.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement 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 requirement 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.

Conclusion

Based upon its evaluation of the 26 exemption applications, FMCSA exempts Daniel L. Alcaraz (IL), John Baltich (PA), Rodney G. Bell (IA), John D. Clark, 4th (NJ), Theeir L. Coleman (VA), Michael W. Denney (KY), Charles G. Garabedian (NH), William I. Harbolt (MT), Ryan L. Harrier (MI), John D. Heffington (KS), Matthew L. Herscowitz (CA), Larry W. Hines (NM), Mark G. Kahler (TX), Roger B. Larson (MN), Michael W. McCrary (GA), Sean T. McMahon (MN), David S. Monroe (KS), Steven M. Oliver (AZ), John E. Parker (KS), Thomas B. Quirk (CT), Michael R. Shields (ND), David G. Shultz (PA), Donald A. Spivey (TN), James S. Tracy (ID), James S. Wolfe (IA), and Jerry D. Zimmerman (ND) from the ITDM requirement 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 the following occurs: (1) The person fails to comply with the terms and conditions of the 1/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: December 16, 2013.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2013-0125]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

In accordance with Part 235 of Title 49 Code of Federal Regulations and 49 U.S.C. 20502(a), this document provides the public notice that by a document dated September 3, 2013, Union Pacific Railroad (UP) and BNSF Railway (BNSF) jointly petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA-2013-0125.

Applicants:

Union Pacific Railroad, Mr. Phillip A. Danner, AVP Engineering—Signal, 1400 Douglas Street, MS 0910, Omaha, NE 68179

BNSF Railway, Mr. James G. Levere, AVP Signal, 2600 Lou Menk Drive, OOB-3, Fort Worth, TX 76131

UP and BNSF jointly seek approval of the proposed temporary discontinuance of the signal system at Tower 55 in Fort Worth, TX. The limits of the temporary discontinuance are as follows:

- Fort Worth Subdivision from Milepost (MP) 249.5 to MP 251.0
- Fort Worth Subdivision Ney Bypass from MP 248.84 to MP 250.50
- Dallas Subdivision from MP 247.8 to MP 244.20
- Choctaw Subdivision #1 Track and Gauntlet Track from MP 754.20 to MP 755.50
- Choctaw Subdivision #2 Track and North Yard Siding from MP 752.20 to MP 754.40

- Duncan Subdivision from MP 611.90 to MP 612.90

The purpose of the temporary discontinuance is to support the installation of new track and a revised signal system. UP and BNSF estimate the discontinuance to be no more than 120 consecutive days, within a time period starting after July 1, 2014, and ending before April 1, 2015. During the discontinuance, trains will operate through the area via Form "C" rules, under the direction of the Employee-In-Charge.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received by February 7, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov>

www.regulations.gov/#!/privacyNotice for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

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terminal. The discontinuance will include automatic signals: M 408–1, M 408–2, M 409–1, M 424–1, M 424–2, M 423–1, M 438–1, M 438–2, and M 439–1.

The reasons given for the proposed changes are to improve reliability and safety, expedite train movements, and retire facilities no longer required for present train operations.

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