in 49 CFR 391.41(b)(10). The final
decision to grant an exemption to each of these individuals was made on the
merits of each case and made only after
careful consideration of the comments received to its notices of applications.
The notices of applications stated in
detail the qualifications, experience,
and medical condition of each applicant
for an exemption from the vision
requirements. That information is
available by consulting the above cited
Federal Register publications.

Interested parties or organizations
possessing information that would
otherwise show that any, or all, of these
drivers are not currently achieving the
statutory level of safety should
immediately notify FMCSA. The
Agency will evaluate any adverse
evidence submitted and, if safety is
being compromised or if continuation of the exemption would not be consistent
with the goals and objectives of 49
U.S.C. 31136(e) and 31315, FMCSA will
take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and
material online or by fax, mail, or hand
delivery, but please use only one of these means. FMCSA recommends that
you include your name and a mailing
address, an email address, or a phone
number in the body of your document
so that FMCSA can contact you if there
are questions regarding your submission.

To submit your comment online, go to
http://www.regulations.gov and in the
search box insert the docket number
FMCSA–1999–5748; FMCSA–2001–
9561; FMCSA–2003–15268; FMCSA–
21711; FMCSA–2006–24783; FMCSA–
2007–26653; FMCSA–2007–27897;
FMCSA–2009–0054; FMCSA–2009–
0121; FMCSA–2009–0154; FMCSA–
2009–0206; FMCSA–2010–0354;
FMCSA–2011–0092; FMCSA–2011–
0124; FMCSA–2011–0141; FMCSA–
2011–0142; FMCSA–2011–0189 and
click “Search.” Next, click “Open
Docket Folder” and you will find all
documents and comments related to
the proposed rulemaking.

Issued on: December 17, 2013.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2013–30715 Filed 12–23–13; 8:45 am]
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION
Federal Motor Carrier Safety
Administration

[FMCSA Docket No. FMCSA–2013–0184]
[4910–EX–P]

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 26 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
December 24, 2013. The exemptions
expire on December 24, 2015.

FOR FURTHER INFORMATION CONTACT:
Elaine M. Papp, Chief, Medical
Programs Division, (202) 366–4001,
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
Privacy Act Statement for the Federal
Docket Management System (FDMS)
published in the Federal Register
on January 17, 2008 (73 FR 3316).

Background

On October 28, 2013, FMCSA
published a notice of receipt of Federal
diabetes exemption applications from
26 individuals and requested comments
from the public (78 FR 64267). The
public comment period closed on
November 27, 2013, and one comment
was received.

FMCSA has evaluated the eligibility
of the 26 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
requirement for diabetes in 1970
because several risk studies indicated
that drivers with diabetes 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 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 a level of safety equal to that existing without the exemption.

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 at 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), Theier L. Coleman (VA), Michael W. Denney (KY), Charles G. Garabedian (NH), William L. Harbolt (MT), Ryan L. Harrier (MD), John D. Heffington (KS), Matthew L. Herscovitz (CA), Larry W. Hines (NM), Mark G. Kahler (TX), Roger B. Larson (MN), Michael W. McCrady (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.
[FR Doc. 2013–30716 Filed 12–23–13; 8:45 am]
BILLING CODE 4910–EX–P

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, EVP 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 Nyp 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