

and place of public meetings and hearings.

The Tier One EIS will conclude with a Record of Decision selecting either a no-build or a preferred corridor, or corridors. Following completion of the Tier One Record of Decision, projects with independent utility may be advanced to Tier Two NEPA documents that focus on detailed environmental analyses.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: May 14, 2014.

**Catherine A. Batey,**

*Division Administrator, Federal Highway Administration, Springfield, Illinois.*

[FR Doc. 2014-11699 Filed 5-20-14; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on the Interstate 64 Peninsula Study in Virginia

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

**SUMMARY:** This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the construction of one additional highway lane in each direction on Interstate 64 from approximately Exit 255 in the east to approximately Exit 247 in the west in the City of Newport News, Virginia. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the project will be barred unless the claim is filed on or before October 20, 2014. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Mr. John Simkins, Planning and Environment Team Leader, Federal Highway Administration, 400 North 8th Street, Richmond, Virginia 23219; telephone: (804) 775-3347; email:

*John.Simkins@dot.gov*. The FHWA Virginia Division Office's normal business hours are 7:00 a.m. to 5:00 p.m. (Eastern Time). For the Virginia Department of Transportation (VDOT): Mr. Scott Smizik, 1401 East Broad Street, Richmond, Virginia 23219; email: *Scott.Smizik@vdot.virginia.gov*; telephone: (804) 371-4082.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following project in the State of Virginia: Constructing one additional highway lane in each direction in the median of Interstate 64 from approximately Exit 255 in the east to approximately Exit 247 in the west in the City of Newport News, Virginia. This project is the first operationally independent section to be advanced from the Interstate 64 Peninsula Study Final Environmental Impact Statement (FEIS). The actions taken by FHWA, and the laws under which such actions were taken, are described in the FEIS, the Virginia Department of Transportation's Request for the Record of Decision (ROD), and FHWA's ROD. The FEIS was signed on November 26, 2013. The ROD was issued on April 21, 2014. The FEIS, Request for the ROD, and ROD can be viewed on the project's internet site at [http://www.virginiadot.org/projects/hamptonroads/i-64\\_peninsula\\_study.asp](http://www.virginiadot.org/projects/hamptonroads/i-64_peninsula_study.asp). These documents and other project records are also available by contacting FHWA or VDOT at the phone numbers and addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128].
2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)].
3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536].
5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological and Historic Preservation Act of 1977 [16 U.S.C. 469-469(c)].
6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act [7 U.S.C. 4201-4209].

7. *Executive Orders:* E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1).

Issued on: May 15, 2014.

**John Simkins,**

*Planning and Environment Team Leader, Richmond, Virginia.*

[FR Doc. 2014-11761 Filed 5-20-14; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2014-0014]

#### 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 59 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 May 21, 2014. The exemptions expire on May 23, 2016.

**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 April 1, 2014, FMCSA published a notice of receipt of Federal diabetes exemption applications from 59 individuals and requested comments from the public (79 FR 18400). The public comment period closed on April 30, 2014, and no comments were received.

FMCSA has evaluated the eligibility of the 59 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 59 applicants have had ITDM over a range of 1 to 41 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 April 1, 2014, **Federal Register** notice and they will not be repeated in this notice.

### Discussion of Comments

FMCSA received no comments in this proceeding.

### 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 59 exemption applications, FMCSA exempts Carl T. Adams (OH), Douglas L. Atkins (GA), Bradley E. Bradshaw (NC), Phillip W. Bulen (ID), Robert L. Boul (IA), Albert B. Burns (NC), Suellen M. Civiello (ME), David C. Clarke (NE), Michael T. Clements (WI), Daniel G. Conery (NJ), John A. Conness (MO), John Crosby (PA), David P. Dengate (PA), Ethan M. Dykstra (ID), Alan D. Ekberg (NE), Richard A. Flieth (ND), Sean P. Flynn (CA), Neil G. Ford (PA), Alden J. Haskins, Sr. (MD), James Herrada (NE), Gary W. Hochstein (MN), Harold D. Hoggard, II (PA), Terry L. Horn (NC), Wayne L. Hurley, Jr. (MD), Gerald A. Johnson (WI), Frank T. Katzele (WI), John D. Keller (NY), Cory M. Kobernick (KY), Thomas G. Lamberton (WA), Morris H. Lancaster, Jr. (IL), James M. Lencowski (MN), Lee H. Lewis (PA), Gordon E. Lindley (WY), Tracy L. Loudermilk (IN), Edwin J. Ludwig (OH), Edwin H. Maranville (OR), Bruce McDaniel (NJ), Douglas J. Murray (NY), David R. Norton (OH), Jerome Oliver (NC), Eugene P. OQuendo (MA), Lester E. Payne (OR), Curtis J. Pitt (OR), Rodney L. Porter (OR), Larry J. Reese (PA), James P. Rushing, Jr. (VA), Nicholas T. Sapounakes (VA), Scott W. Shindledecker (IN), Ryan D. Simmons (WA), Shirliann F. Skroch (NV), Ross L. Smith, Sr. (NJ), Allen G. Smuda (IL), Thomas G. Sosnoski (FL), Richard L. Stark (OH), Philip E. Stegeman (ID), Toby R. Tillett (KY), Kolby L. Van Newkirk (NE), Brandon L. Weaver (PA), and Michael B. Wilson (OH) 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 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 13, 2014.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2014-11768 Filed 5-20-14; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2014-0053]

#### Technical Report Evaluating Fatality Reduction by Electronic Stability Control

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Request for comments on technical report.

**SUMMARY:** This notice announces NHTSA's publication of a technical report evaluating the fatality-reducing effectiveness of electronic stability control for passenger cars and LTVs. The report's title is: *Updated Estimates of Fatality Reduction by Electronic Stability Control*.

**DATES:** Comments must be received no later than September 18, 2014.

**ADDRESSES:**

*Report:* The technical report is available on the Internet for viewing in PDF format at <http://www-nrd.nhtsa.dot.gov/Pubs/812020.pdf>. You may obtain a copy of the report free of charge by sending a self-addressed mailing label to Nathan K. Greenwell (NVS-431), National Highway Traffic Safety Administration, Room W53-312, 1200 New Jersey Avenue SE., Washington, DC 20590.

*Comments:* You may submit comments [identified by Docket Number NHTSA-2014-0053] by any of the following methods:

- Internet: To submit comments electronically, go to the U.S. Government regulations Web site at <http://www.regulations.gov>. Follow the

online instructions for submitting comments.

- Fax: Written comments may be faxed to 202-493-2251.
- Mail: Send comments to Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.
- Hand Delivery: If you plan to submit written comments by hand or courier, please do so at 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except federal holidays.
- You may call Docket Management at 1-800-647-5527.

*Instructions:* For detailed instructions on submitting comments and additional information see the Comments heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:**

Nathan K. Greenwell, Mathematical Statistician, Evaluation Division, NVS-431, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, Room W53-312, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202-366-3860. Email: [nathan.greenwell@dot.gov](mailto:nathan.greenwell@dot.gov).

**SUPPLEMENTARY INFORMATION:** Electronic stability control (ESC) systems use automatic computer-controlled braking of individual wheels to assist the driver in maintaining control in critical driving situations. Federal Motor Vehicle Safety Standard No. 126 has required ESC on all new passenger cars, multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less: 100 Percent of new vehicles since September 1, 2011 (72 FR 17236). NHTSA issued statistical evaluations of ESC in 2004, 2007, and 2011, based on the most recent crash data available at the time (72 FR 41582, 76 FR 49532), which showed statistically significant reductions of fatal rollovers and impacts with fixed objects. The technical report updates the analyses with Fatal Accident Reporting System data through calendar year 2011. The analyses show the following statistically significant reductions of fatal crash involvements. Fatal first-event rollovers are reduced by 60 percent in cars and by 74 percent in LTVs. Other fatal single-vehicle crashes

(excluding collisions with pedestrians or bicyclists) are reduced by 31 percent in cars and 45 percent in LTVs. Involvements as the culpable vehicle in fatal multi-vehicle crashes are reduced by 16 percent in cars and LTVs.

**Comments**

*How can I influence NHTSA's thinking on this subject?*

NHTSA welcomes public review of the technical report. NHTSA will submit to the Docket a response to the comments and, if appropriate, will supplement or revise the report.

*How do I prepare and submit comments?*

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA-2014-0053) in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary comments. There is no limit on the length of the attachments.

Please submit one copy of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at [http://www.whitehouse.gov/omb/fedreg\\_reproducible](http://www.whitehouse.gov/omb/fedreg_reproducible). DOT's guidelines may be accessed at [http://www.rita.dot.gov/bts/sites/rita.dot.gov/bts/files/subject\\_areas/statistical\\_policy\\_and\\_research/data\\_quality\\_guidelines/index.html](http://www.rita.dot.gov/bts/sites/rita.dot.gov/bts/files/subject_areas/statistical_policy_and_research/data_quality_guidelines/index.html).

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://www.regulations.gov>.

*How can I be sure that my comments were received?*

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed,