

vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

#### 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).

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.

<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.

Issued on: October 8, 2010.

**Larry W. Minor,**

*Associate Administrator, Office of Policy and Program Development.*

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**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Request for Public Comment, Morgantown Municipal Airport, Morgantown, WV

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

**ACTION:** Request for public comment.

**SUMMARY:** The Federal Aviation Administration is requesting public comment on the proposed release of 46.53 acres of land currently owned by the City of Morgantown, Sponsor for the Morgantown Municipal Airport, Morgantown, West Virginia. The parcel is located within the Sixth Ward District of the City of Morgantown, Morgantown, West Virginia. The site is a 47.00 acre portion of the larger Morgantown Municipal Airport property. The land is currently being used as a cross wind runway. It has been determined that this runway is no longer needed for safety or capacity. The property is not a vital part of, or necessary for the Sponsor's operation and development of the Morgantown Airport. Once released, the land will change to a non-aeronautical use and will be transferred to the West Virginia Army National Guard ("AR-WVARNG"). Thereafter, AR-WVARNG will construct or cause the construction of and operate a West Virginia Army National Guard Readiness Center on the property. The development of this property will also bring the construction of a roadway and utilities that will be needed for subsequent development of aviation facilities on a part of the airport that is now remote and without utilities or access. The airport land being released is not needed for airport development as shown on the Airport Layout Plan. Fair Market Value has been determined based upon an appraisal of the Property.

**DATES:** Comments must be received on or before November 15, 2010.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Connie Boley-Lilly, Program Specialist, Federal Aviation Administration, Beckley Airports Field Office, 176 Airport Circle, Room 101, Beaver, West Virginia 25813.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Dan Boroff, City Manager of the City of Morgantown, Sponsor of Morgantown Municipal Airport at the following address: Dan Boroff, City Manager, City of Morgantown, Sponsor for Morgantown Municipal Airport, 389 Spruce Street, Morgantown, West Virginia 26505.

#### FOR FURTHER INFORMATION CONTACT:

Connie Boley-Lilly, Program Specialist, Beckley Airport Field Office, (304) 252-6216 ext. 125, FAX (304) 253-8028.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the request to release property at the Morgantown Municipal Airport, Morgantown, WV. Under the provisions of AIR 21 (49 U.S.C. 47108 (h)(2)).

The Morgantown Municipal Airport is proposing the release of approximately 46.53 acres of fee simple release to accommodate the construction of a West Virginia Army National Guard Readiness Center on the property. The crosswind runway, currently occupying the property, has been determined to be no longer need for safety and capacity at the airport. The release and sale of this property will allow the Sponsor to develop the roadway and utilities which will benefit this property, the hangar site, and the landside development site. This release will enhance the development of private aviation and commercial development of the east side of the airport.

Issued in Beckley, West Virginia, on October 1, 2010.

**Matthew P. DiGiulian,**

*Manager, Beckley Airport Field Office, Eastern Region.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35395]

#### Norfolk Southern Railway Company— Trackage Rights Exemption—Illinois Central Railroad Company

Pursuant to a written trackage rights agreement dated August 17, 2010, Illinois Central Railroad Company (IC) has agreed to grant overhead trackage rights to Norfolk Southern Railroad Company (NSR) over approximately 199.1 miles of rail line controlled by IC,<sup>1</sup> between: (1) Milepost 6.2 at Church,

<sup>1</sup> In a supplemental pleading filed October 6, 2010, NSR states that the portion of the involved