

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 numbers FMCSA-2011-0365 and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2011-0365 and click "Search." Next, click "Open Docket Folder" and you will find all documents and

comments related to the proposed rulemaking.

Issued on: February 12, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014-04849 Filed 3-4-14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2013-0193]

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 65 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 March 5, 2014. The exemptions expire on March 7, 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 December 27, 2013, FMCSA published a notice of receipt of Federal diabetes exemption applications from 65 individuals and requested comments from the public (78 FR 79062). The public comment period closed on January 27, 2014, and twenty-two comments were received.

FMCSA has evaluated the eligibility of the 65 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 65 applicants have had ITDM over a range of 1 to 46 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 December 27, 2013, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comments

FMCSA received twenty-two comments in this proceeding. The comments are discussed and considered below.

Eleven of the comments received were in favor of granting Scott A. Stout an exemption from the diabetes standard.

Seven of the comments received were in favor of granting Anthony D. Chrisley an exemption from the diabetes standard.

Larry Dewald is in favor of granting Delayne B. Irwin an exemption from the diabetes standard.

Jami Pierce is in favor of granting Randall D. Pierce an exemption from the diabetes standard.

John Riley is in favor of granting Michael M. Canup an exemption from the diabetes standard.

An anonymous commenter believes that if a driver has over 5 years of experience with no traffic violations that they should be grandfathered into the Diabetes Exemption Program.

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 65 exemption applications, FMCSA exempts Bruce S. Allen (ME), David E. Ames (IL), Michael R. Boland (IL), Taylor D. Bruce (MO), Christopher D. Burks (MA), Larry D. Burton (IL), James B. Cameron (PA), Michael M. Canup (AL), John M. Catron (MO), Anthony D. Chrisley (CA), Henry Collins (MO), John B. Conway, Jr. (NC), James V. Davidson, Jr. (UT), Michael A. De La Torre (CA), Corrado DePalma (NJ), Eugene J. Dillely (WI), Scott T. Early (NY), Carl Ermentrout (PA), Douglas E. Erney (IN), William C. Flom (IA), Seth E. Frost (OR), Donald R. Fuller, Jr. (MN), Brian A. Griep (IA), George E. Hagey (IL), Ronnie L. Harrington (MS), Andrew P. Hines (OH), Arlyn D. Holtrop (IA), Stephan P. Hyre (OH), Delayne B. Irwin (SD), Aaron C. Kaplan (CA), Sigmund E. Keller (NY), Derl T. Martin (MO), Waymond E. Mayfield, Jr. (MO), Senad Mehmedovic (KY), Ronald E. Mullard (AL), Francis L. Novotny (MN), Justin C. Orr (CA), Kevin L. Otto (OH), Larry H. Painter (PA), Robert K. Patterson (IA), Alan A. Phillips (WI), Randall D. Pierce (FL), Clyde R. Pitt (NY), Reynier Prieto (FL), Albert R. Purdy (PA), Adam Razny (MO), Thomas F. Scanlon (NJ), Christopher J. Schmidt (PA), Harrison G. Simmons (MO), Cleo W. Snyder (IL),

Daniel E. Staack (NE), Scott A. Stout (FL), Walter D. Strang, IV (CT), Mark A. Torres (MA), Gerald L. Ulmer, Sr. (PA), Eric A. Vernon (IA), Paul M. Vinacco (RI), Marvin L. Vonk (IA), Kelly J. Walstad (MN), John R. Wappes (OH), James W. Watson (MO), Gordon E. Williams, Jr. (PA), Ray C. Williams (CT), Ricky A. Wulf (IA), and Brandon S. Yarbrough (NC) 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: February 25, 2014.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 558 (Sub-No. 17)]

Railroad Cost of Capital—2013

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of decision instituting a proceeding to determine the railroad industry's 2013 cost of capital.

SUMMARY: The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2013. The decision solicits comments on the following issues: (1) The railroads' 2013 current cost of debt capital; (2) the railroads' 2013 current cost of preferred equity capital (if any); (3) the railroads' 2013 cost of common equity capital; and (4) the 2013 capital structure mix of the railroad industry on a market value basis. Comments should focus on the various cost of capital components listed above using the same methodology followed in *Railroad Cost of Capital—2012*, EP 558 (Sub-No. 16) (STB served Aug. 30, 2013).