

assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stark understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stark meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Minnesota.

Chad E. Vanscoy

Mr. Vanscoy, 41, has had ITDM since 2000. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Vanscoy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vanscoy meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Gregory C. Watson

Mr. Watson, 52, has had ITDM since 2008. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Watson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Watson meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Bailey G. Zickefoose, Jr.

Mr. Zickefoose, 59 has had ITDM since 2012. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of

consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Zickefoose understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Zickefoose meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from West Virginia.

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) ¹. 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 USC. 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.

Issued on: October 9, 2012.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2012-25681 Filed 10-17-12; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Availability of a Final General Conformity Determination for the California High-Speed Train System Merced to Fresno Section

AGENCY: Federal Railroad Administration (FRA), United States Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: FRA is issuing this notice to advise the public that it issued a Final General Conformity Determination for the Merced to Fresno Section of the California High-Speed Train (HST) System on September 18, 2012. FRA is the lead Federal agency for compliance with federal environmental review requirements including the National Environmental Policy Act (NEPA) and is also the Federal agency with responsibility for complying with the Clean Air Act General Conformity requirements. The California High Speed Rail Authority (Authority), as the Project-proponent, is the lead state agency for the environmental review process for the Project. This environmental review includes completing an Environmental Impact Statement (EIS) required under NEPA and an Environmental Impact Report (EIR) in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines.

FOR FURTHER INFORMATION CONTACT: Mr. David Valenstein, Chief, Environment and Systems Planning Division, Office of Railroad Policy and Development, Federal Railroad Administration, U.S., Department of Transportation, 1200 New Jersey Avenue SE., MS-20, Washington, DC 20590 (telephone: 202-493-6368).

SUPPLEMENTARY INFORMATION: FRA prepared a Draft General Conformity

¹ 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.

Determination pursuant to 40 CFR part 93, subpart B, which establishes the process for complying with the general conformity requirements of the Clean Air Act. Consistent with those regulations, FRA published a notice in the **Federal Register** on April 20, 2012 advising the public of the availability of the Draft Conformity Determination for a 30-day review and comment period. Copies of the Draft Conformity Determination were made available with the Final EIR/EIS at various locations in the Project area and were also posted to the Authority and FRA's Web sites. The comment period on the Draft Conformity Determination closed on May 29, 2012. FRA received one comment from the U.S. Environmental Protection Agency (USEPA), a response to which was included in the Final General Conformity Determination published on September 18, 2012.

The Final General Conformity Determination was developed after extensive consultation with the San Joaquin Valley Air Pollution Control District (SJVAPCD), the Authority, and the U.S. Environmental Protection Agency. The analysis found that the Project's potential emissions during the Project construction period would exceed the General Conformity *de minimis* threshold for two precursor criteria pollutants, nitrogen oxides (NO_x) and volatile organic compounds (VOC), a precursor for ozone. However, operation of the Project (*i.e.*, operation of the high-speed train, once the infrastructure was constructed) would result in an overall reduction of regional emissions of all applicable air pollutants and would not cause a localized exceedence of an air quality standard. Since the Project will result in the exceedence of the *de minimis* thresholds for the precursor criteria pollutants listed above during the construction phase, Project conformity with the applicable emission standards will be accomplished through a combination of efforts to use cleaner-than-average construction equipment and a Voluntary Emissions Reduction Agreement (VERA) between the Authority and the SJVAPCD. The VERA will offset the NO_x and VOC emissions, consistent with applicable regulatory requirements, by funding (by the Project) local emissions reductions projects such as replacement and/or retrofit of existing diesel agricultural pumps, farm tractors, heavy trucks, etc. The Final General Conformity Determination is available for public review on FRA's Web site at http://www.fra.dot.gov/rpd/freight/fp_

[California_HST_%20Merced_to_Fresno.shtml](http://www.fra.dot.gov/rpd/freight/fp_California_HST_%20Merced_to_Fresno.shtml).

Issued in Washington, DC, on October 15, 2012.

Karen J. Hedlund,
Deputy Administrator.

[FR Doc. 2012-25763 Filed 10-17-12; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2012 0096]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel FINALLY ENOUGH; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 19, 2012.

ADDRESSES: Comments should refer to docket number MARAD-2012 0096. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-0903, Email Linda.Williams@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended

service of the vessel FINALLY ENOUGH is:

Intended Commercial Use of Vessel: Charter operations for sightseeing, wildlife viewing, entertainment and sport fishing.

Geographic Region: "California, Oregon and Washington." The complete application is given in DOT docket MARAD-2012-0096 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

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 (Volume 65, Number 70; Pages 19477-78).

By Order of the Maritime Administrator.

Dated: October 9, 2012.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2012-25626 Filed 10-17-12; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2012 0097]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel FIRE BELLE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime