

person may, upon request, inspect the application, notice and other documents germane to the application in person at the city of San Jose.

Issued in Hawthorne, California, on December 14, 2001.

**Herman C. Bliss,**

*Manager, Airports Division, Western-Pacific Region.*

[FR Doc. 02-54 Filed 1-2-02; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2001-9800]

#### Qualification of Drivers; Exemption Applications; Diabetes

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice; reopening of comment period.

**SUMMARY:** The FMCSA is reopening the comment period on its notice proposing to issue exemptions to certain insulin-using diabetic drivers of commercial motor vehicles (CMVs), from the diabetes mellitus prohibitions contained in the Federal Motor Carrier Safety Regulations (FMCSRs). This action allows the public to view relevant information added to the docket after the earlier October 1, 2001, deadline for comments.

**DATES:** Comments must be received on or before February 4, 2002.

**ADDRESSES:** You can mail or deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. You can also submit comments as well as see the submissions of other commenters at <http://dms.dot.gov>. Please include the docket number that appears in the heading of this document. You can examine and copy this document and all comments received at the same Internet address or at the Dockets Management Facility from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you want to know that we received your comments, please include a self-addressed, stamped postcard or include a copy of the acknowledgement page that appears after you submit comments electronically.

**FOR FURTHER INFORMATION CONTACT:** For further information about the proposed diabetes exemption program in this notice, Ms. Sandra Zywockarte, Office of Bus and Truck Standards and

Operations, (202) 366-2987; for information about legal issues related to this notice, Mr. Joseph Solomey, Office of the Chief Counsel, (202) 366-1374, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 31, 2001, FMCSA published a notice requesting comments on its proposal to issue exemptions to certain insulin-treated diabetic drivers of commercial vehicles from the diabetes requirement at 49 CFR 391.41(b)(3) (66 FR 39548). The comment period closed on October 1, 2001. That notice referenced analytical results of crash risks for CMV operators with insulin-treated diabetes mellitus from an agency sponsored study ("A Preliminary Study of the Risk Associated with the Operation of Commercial Motor Vehicles by Drivers with Insulin-Treated Diabetes Mellitus," 1999). Although the final results of this study were available and presented at the time of the July 31st notice, the report presenting the study methodology and findings had not been finalized and approved by FMCSA, and was not available to the public.

Therefore, we are placing a copy of this final report entitled, "A Study of the Risk Associated with the Operation of Commercial Motor Vehicles by Drivers with Insulin-Treated Diabetes Mellitus," 2001, in the docket and reopening the comment period.

Issued on: December 21, 2001.

**Joseph M. Clapp,**

*Administrator.*

[FR Doc. 02-57 Filed 1-2-02; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petitions for Waivers of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) § 211.41, and 49 U.S.C. 20103, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for waiver of compliance with certain requirements of the Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being sought.

### New York State Department of Transportation

[Docket Number FRA-2001-11233]

The New York State Department of Transportation (NYSDOT), with the cooperation and input of CSX Transportation, Inc. (CSX) and the National Railroad Passenger Corp. (Amtrak) seeks a permanent waiver of compliance from CFR Title 49 § 213.347—Automotive or railroad crossings at grade.

NYSDOT seeks approval to operate passenger trains at Class 7 speeds through highway rail grade crossings on the Empire State High Speed Corridor between New York City, New York and Schenectady, New York by implementing a Grade Crossing Risk Mitigation Plan. Specifically, CFR Title 49 § 213.347(b)(1) requires railroads to submit to FRA for approval a warning/barrier system. NYSDOT believes that present systems for prevent vehicles from entering the right of way are not yet reliable enough to prevent vehicles from entering the right of way to protect motorist and rail passenger safety. Accordingly, NYSDOT desires to address safety concerns at highway rail grade crossings by implementing a Five Year Hazard Mitigation Action Plan with highway railroad grade crossing improvement, elimination, and closing projects that will substantially reduce estimated risks.

Since FRA has not yet concluded its investigation of the "Empire State High Speed Corridor Grade Crossing Mitigation Plan and Request for Waiver to Operate in Revenue Service at Speeds Over 100 MPH," the agency takes no position at this time on the merits of the stated justifications of the NYSDOT.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2001-11233) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza level) 400 Seventh Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is