

The DFO shall designate an independent facilitator for advisory committee meetings. The Committee sponsor is FMCSA's Director for the Office of Policy Plans and Regulation, or his or her designee.

6. *Cost:* The annual operating costs associated with the Committee's functions are estimated to be \$40,000, including all direct and indirect expenses. We estimate that .25 full-time equivalent positions will be required to support the Committee.

7. *Membership:* The Committee shall be comprised of up to 20 members (special government employees and/or representatives) appointed by the Administrator for up to 2-year terms. Members serve at the pleasure of the Administrator, subject to their stated terms. Members may be reappointed to one or more consecutive terms. Members will be selected from among individuals who are not employees of FMCSA and who are specially qualified to serve on the Committee based on their education, training, or experience. The members shall include representatives of the motor carrier industry, safety advocates, and safety enforcement officials. Representatives of a single enumerated interest group may not constitute a majority of the Committee. Members may continue to serve until appointment of their replacements.

8. *Officers:* The Administrator shall designate a chairman among members of the Committee.

9. *Organization:* The chairman may recommend subcommittees subject to approval of the Agency. Subcommittees will be established for limited purposes within the scope and objectives of the full Committee. The chairman of any subcommittee shall be a member of the full Committee and shall be appointed by the full Committee chairman with the approval of the DFO. Members of a subcommittee may be appointed from any source by the full Committee chairman with the approval of the DFO. Members of a subcommittee do not become members of the full Committee and are not eligible for expenses under item 10 of this charter. Subcommittees will submit all recommendations only to the full Committee. Subcommittees may be terminated by the full Committee chairman, subject to approval by the DFO.

10. *Compensation for Members:* Committee members are not officers or employees of the Federal Government and shall serve without pay; except that the Administrator may allow a member, when attending meetings of the Committee or a subcommittee, reimbursement of expenses authorized

under Section 5703 of Title 5, United States Code and the Federal Travel Regulation, 41 CFR part 301, relating to per diem, travel, and transportation. All travel by individual members when engaged in official Committee business shall be approved in advance by the DFO, and arranged and funded by the sponsor.

11. *Meetings:* The DFO anticipates calling Committee meetings at least four times each year (excluding the initial year). The agenda for all meetings shall be set by the DFO. Meetings shall be open to the general public, except as provided under FACA. Notice of each meeting shall be published in the **Federal Register** at least 15 calendar days prior to the date of the meeting. Notice shall include the meeting agenda. The DFO or his or her designee shall attend and preside at each meeting. The DFO or his or her designee shall adjourn any meeting when determined to be in the public interest. Detailed minutes of each meeting shall be certified by the DFO or his or her designee and maintained by the sponsor. The minutes, as certified, shall be available for public inspection and copying in the office of the sponsor.

12. *Reports:* All Committee and subcommittee reports and recommendations shall be submitted by the chairman to FMCSA's Administrator through the DFO or his or her designee. The DFO or his or her designee shall direct the Committee to prepare such documents and any other reports. Within 60 days following the last meeting of each calendar year, the DFO or his or her designee shall submit to FMCSA's Administrator an annual report describing the Committee's membership, activities, and accomplishments for the year. Committee and subcommittee reports and other documents, which are made available to or prepared by the Committee, shall be included in FMCSA's public docket and shall be available for public inspection and copying in accordance with the Freedom of Information Act (5 U.S.C. 552).

13. *Date of Termination:* The Committee shall terminate on September 30, 2010.

14. *Charter Filing Date:* The filing date of this charter, which is also the charter's effective date, is September 8, 2006.

### III. Request for Nominations

FMCSA seeks nominations for membership to the Motor Carrier Safety Advisory Committee from representatives of the motor carrier industry, safety advocates, and safety

enforcement officials with specialized experience, education, or training in commercial motor vehicle issues. The Agency is committed to appointing members to the Committee with diverse professional backgrounds, as well as a broad array of gender, ethnicity, demographic, and socioeconomic factors. All Committee members must be able to attend three to four meetings each year in Washington, DC or by teleconference, and spend approximately five to six hours each month providing additional consultation. Interested persons should have a commitment to transportation safety, knowledge of transportation issues, experience on panels that deal with transportation safety, and a record of collaboration and professional experience in commercial motor vehicle issues. For further information, please contact Scott Poyer at 202-493-0432, or by e-mail at [Scott.Poyer@dot.gov](mailto:Scott.Poyer@dot.gov). For nomination information, please contact Karen Lynch at 202-366-8997, or by e-mail at [Karen.Lynch@dot.gov](mailto:Karen.Lynch@dot.gov). Nominations must be received on or before January 4, 2007.

Issued on: November 13, 2006.

**John H. Hill,**  
Administrator.

[FR Doc. E6-19560 Filed 11-17-06; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2005-25751]

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt forty-five 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 November 20, 2006. The exemptions expire on November 20, 2008.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366-4001, [maggi.gunnels@dot.gov](mailto:maggi.gunnels@dot.gov), FMCSA, Department of Transportation, 400 Seventh Street, SW., 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 Document Management System (DMS) at: <http://dmses.dot.gov>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> and/or Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., 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 complete Privacy Act Statement in the **Federal Register** (65 FR 19477, Apr. 11, 2000). This statement is also available at <http://dms.dot.gov>.

##### Background

On October 3, 2006, FMCSA published a Notice of receipt of Federal diabetes exemption applications from forty-five individuals, and requested comments from the public (71 FR 58464). The public comment period closed on Nov 2, 2006. Four comments were received, and fully considered by FMCSA in reaching the final decision to grant the exemptions.

FMCSA has evaluated the eligibility of the forty-five 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 standard for diabetes in 1970 because several risk studies indicated that diabetic drivers 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 Insulin-Treated Diabetes Mellitus (ITDM) to operate CMVs is feasible. The 2003 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 forty-five applicants have had ITDM over a range of 1 to 43 years. These applicants report no hypoglycemic reaction that resulted in loss of consciousness or seizure, that required the assistance of another person, or resulted in impaired cognitive function without warning symptoms in the past 5 years (with one year of stability following any such episode). In each case, an endocrinologist has verified that the driver has demonstrated willingness to properly monitor and manage their diabetes, 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 standard at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the October 3, 2006, **Federal Register** Notice (71 FR 58464). Because there were no docket comments on the specific merits or qualifications of any applicant, we have not repeated the individual profiles here.

##### Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard 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 endocrinologist's medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that exempting these applicants from the diabetes standard 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 they are 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.

##### Discussion of Comments

FMCSA received four comments in this proceeding. All four comments were recommendations in favor of granting the Federal diabetes exemption to Mr. Campbell, Mr. Martin, and Mr. Carroll.

##### Conclusion

After considering the comments to the docket and based upon its evaluation of the forty-five exemption applications, FMCSA exempts John N. Anderson, Federico G. Barajas, Carl E. Bassinger, Allan C. Boyum, Terry L. Brantley, Steven E. Brechting, Matthew T. Brown, James P. Campbell, Scott A. Carlson, James F. Carroll, Joseph L. Coggins, Edward V. Coppinger, Walter C. Evans, Michael H. Foley, Lawrence S. Forcier, Stephanie D. Fry, Robert W. Gaultney, Jr., Marlin R. Hein, Paul T. Kubish, Carolyn J. Lane, Randall L. Lay, David M. Levy, Shelton R. Lynch, Sterling C. Madsen, Sterlon E. Martin, Bradley Monson, David F. Morin, Jeffrey J. Morinelli, Ronald D. Murphy, Michael S. Mundy, Charles B. Page, John A. ReMaklus, Howard D. Rood, Michael D. Schooler, Arthur L. Stapleton, Jr., Joseph R. Suits, Cory L. Swanson, Jeffrey M. Thew, Mark A. Thompson, Glenn R. Tyrrell, Barney J. Wade, Dennis D. Wade, Donald L. Winslow,

Eugene R. Whitaker, Richard A. Zellweger, from the ITDM standard 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: (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: November 9, 2006.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[NHTSA Docket No. NHTSA-2006-xxxx]

#### Meeting Notice; Forum on Human Factors Research Necessary To Support Advanced Vehicle Safety Technologies

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

**ACTION:** Meeting notice.

**SUMMARY:** NHTSA announces a Forum on Human Factors Research Necessary to Support Advanced Vehicle Safety Technologies to be held in Falls Church, Virginia. This notice announces the date, time and location of the forum, which will be open to the public with advanced registration on a space-available basis.

**DATES:** The forum will be held on January 25, 2007, from 8:30 a.m. to 5 p.m. and continue on January 26, 2007 from 8:30 a.m. to noon.

**ADDRESSES:** The forum will be held at the Mitretek Systems Corporate Headquarters at 3150 Fairview Park Drive, Falls Church, VA 22042, telephone (202) 551-1112.

**FOR FURTHER INFORMATION CONTACT:** Michael Perel, Office of Human Vehicle Performance Research, National Highway Traffic Safety Administration, 400 Seventh Street, SW. Telephone

number (202) 366-5675; e-mail [Mike.Perel@dot.gov](mailto:Mike.Perel@dot.gov).

**SUPPLEMENTARY INFORMATION:** Advanced vehicle safety technologies (AVST), such as collision warning systems (CWS), can assist drivers in preventing crashes and minimizing harm. The controls, displays, and operation of AVST are fundamental elements that influence the safety effectiveness of these technologies. The ability of drivers to recognize, understand, and properly respond to the visual, auditory, and other feedback from these technologies is influenced by the degree to which their designs are compatible with drivers' capabilities. Proper designs will allow drivers to achieve the optimum safety benefit, whereas poor designs can limit or extinguish any advantage.

The purpose of this forum is to identify human factors research to help guide the development and deployment of AVST that can improve safety and minimize potential adverse effects. A diverse group of human factors and vehicle safety experts are expected to participate. The forum participants will discuss the impact of current and future AVST on safety and driving performance, outline high priority areas for research, and identify organizations to sponsor the research.

The primary focus of the forum will include current and emerging AVST systems such as those that provide only safety alerts (e.g., forward collision warning systems (FCW), road departure warning (RDCW), lane departure warning (LDW), intersection collision warning), systems that provide crash warning(s) and automated control (e.g., FCW combined with automatic braking), and other driver assistance systems that can impact safety (e.g., adaptive cruise control (ACC), brake assist, backover safety systems, and automatic lane keeping). This forum will not address driver workload or driver distraction issues associated with information and entertainment systems.

Through a combination of presentations by invited speakers and group discussions among attendees, the forum participants will focus on:

- Identifying potential human factors safety problems.
- Determining safety-relevant metrics to quantify the problem.
- Determining research needs and identifying best practices and guidelines for system design and operation.
- Identifying stakeholders to sponsor and conduct research.

Examples of potential human factors safety concerns that may be discussed at the forum include:

*Unintended Consequences:* Drivers may react to the presence of AVST with

behaviors that can undermine the potential effectiveness of the technologies. For example, drivers may not respond quickly enough to collision warnings if the system has false alarms or too many warnings. Even if the system is perfect, drivers may over-rely on the technology, increase their risk taking behaviors, and negate any potential safety benefits. Drivers may not understand the system's limitations and trust the system to a point where the system cannot perform to their expectations. For example, some systems only work within specified speed ranges or other limits, but drivers may expect the systems to perform at all speeds and in all conditions. Thus, unintended consequences could result from incorrect driver assumptions and perceptions about system operation.

*Design Characteristics:* Another human factors concern is the variability in the design of these technologies within and across different vehicle manufacturers. As drivers change between vehicles with new or unfamiliar AVST characteristics or CWS interfaces, there is a potential for negative transfer of learning. That is, drivers may miss or not comprehend an auditory warning from System A because they are accustomed to the warning sound provided by System B.

*Driver-centered Design:* The forum will also address the issue of how variations in driver performance should be accommodated by system design. Driver performance can vary from person to person, from situation to situation, and from time to time. For example, as a group, older drivers have poorer eyesight, slower reaction times, and a decreased ability to perform multiple tasks simultaneously. Drivers may respond differently in heavy traffic versus light traffic. Tired drivers may behave differently than alert drivers. The intended benefits of AVST may not be achieved unless the systems are designed to accommodate a broad range of the variability in the characteristics of the driving population. The safety concern is that some drivers may not detect warnings, respond appropriately, or turn off systems that are perceived as annoying or useless.

*Integrating Multiple Systems:* Another forum topic will be the issue of integrated warnings from multiple systems. While integrated systems have the potential to prevent a large portion of crashes, they pose unique design issues (e.g., with what priority should the alarms be presented). The Department of Transportation (DOT) is conducting a large-scale field operational test called Integrated Vehicle-Based Safety Systems (IVBSS)