

from 9 a.m.–12 p.m. on July 26, 2006. (Registration begins at 8 a.m.).

**ADDRESSES:** The first meeting will take place at the Hilton San Diego Airport/ Harbor Island, 1960 Harbor Island Drive, San Diego, CA 92101. The second meeting will take place at the Renaissance Grand Hotel, 800 Washington Avenue, St. Louis, MO 63101.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, 202–366–4001, 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.

*Information on Services for Individuals with Disabilities:* For information on facilities or services for individuals with disabilities or to request special assistance at the June and July meetings, contact Ms. Margo Weeks, Axiom Resource Management, Inc., 703–575–8192, ext 266.

**SUPPLEMENTARY INFORMATION:** Section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU, Pub. L. 109–59) requires the Secretary of Transportation “to establish and maintain a current national registry of medical examiners who are qualified to perform examinations and issue medical certificates.” To implement this requirement, the Federal Motor Carrier Safety Administration is developing the National Registry of Certified Medical Examiners (NCRME) program that was announced at a June 22, 2005, public meeting in Arlington, Virginia (70 FR 28596; May 18, 2005). The NRCME program would be comprised, in part, of a training and testing program that would result in a public registry of certified medical examiners who are authorized to conduct medical examinations of interstate commercial motor vehicle drivers and determine their physical qualifications to operate in interstate commerce as defined in 49 CFR 391.41. Once the program is implemented, FMCSA would accept only medical examinations conducted by medical examiners listed on the Registry. The NRCME program would require training using a standardized curriculum, a certification test, and procedures to maintain the quality of the program in accordance with national accreditation standards.

#### Participation in Public Listening Sessions

We encourage all interested persons to attend, including medical examiners, motor carriers, and drivers. We also

encourage other interested parties to attend such as representatives of medical associations, certification and accreditation organizations, medical training organizations, state motor carrier enforcement agencies and safety organizations. View the following Web site for more information: <http://www.nrcme.fmcsa.dot.gov>.

Issued on: May 12, 2006.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

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**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2006–24016]

#### Qualification of Drivers; Exemption Application From Thomas Deke; Diabetes

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt Mr. Thomas Deke from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemption will enable Mr. Deke to operate CMVs in interstate commerce.

**DATES:** The exemption is effective May 18, 2006. The exemption expires on May 18, 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., Room 8301, 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, April 11, 2000). This statement is also available at <http://dms.dot.gov>.

#### Background

Current applicant has had ITDM since 2002. This applicant reports 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). 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. This driver reports no other disqualifying conditions, including diabetes-related complications. He meets the vision standard at 49 CFR 391.41(b)(10).

The qualifications and medical condition of this applicant were stated and discussed in detail in the April 06, 2006, **Federal Register** Notice (70 FR 75236). Because there were no docket comments on the specific merits or qualifications of any applicant, we have not repeated the individual’s profile here. The Agency would like to publish a correction to Mr. Deke’s Profile. Mr. Deke was published as having a Class A Commercial Driver’s License (CDL) from the State of Montana when he actually holds a Class A CDL from the State of Missouri.

#### 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 applicant to operate CMVs in interstate commerce.

To evaluate the effect of this exemption on safety, FMCSA considered medical reports about the applicant’s 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 this applicant 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. The Agency is granting the exemption for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to Thomas G. Deke.

### Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicant in the exemption document.

### Discussion of Comments

FMCSA received four comments in this proceeding. The comments are considered and discussed below.

Three letters of recommendation were received in favor of granting the Federal diabetes exemption to Mr. Thomas Deke. They suggested that this applicant be granted the Federal diabetes exemption due to his high level of professionalism and safety while driving.

One individual commented that the application process is burdensome and discriminatory. She also stated that she feels that many diabetic drivers are not forthcoming with medical information during their physical examinations because they fear they will lose their commercial license.

FMCSA has initiated numerous improvements in the application process for exemption program applicants, including developing Web-based solutions to streamline the application process and redrafting the application to incorporate SAFETEA-LU changes and to make it user friendly. FMCSA notes that SAFETEA-LU provides specific changes to the driving requirement for interstate operators with ITDM. These changes eliminate the three-year CMV driving requirement and significantly reduce the required time for management of the diabetic condition with insulin treatment.

FMCSA's exemption process supports drivers with ITDM who seek to operate in interstate commerce. In addition, the Federal Motor Carrier Safety Regulations (FMCSRs) are not contrary to the Americans with Disabilities Act (ADA) of 1990. The mandates of the ADA do not require that FMCSA alter the driver qualification requirements contained in 49 CFR part 391. The Senate report on the ADA, submitted by its Committee on Labor and Human Resources, included the following explanation:

With respect to covered entities subject to rules promulgated by the Department of Transportation regarding physical qualifications for drivers of certain classifications of motor vehicles, it is the Committee's intent that a person with a disability applying for or currently holding a

job subject to these standards must be able to satisfy these physical qualification standards in order to be considered a qualified individual with a disability under Title I of this legislation. S. Rep. 101-116, at 27 (1989).

FMCSA relies on the expert medical opinion of the endocrinologist and the medical examiner, who are required to analyze individual ability to control and manage the diabetic condition, including the individual ability and willingness of the driver to monitor blood glucose level on an ongoing basis. Until the Agency issues a Final Rule, however, insulin-treated diabetic drivers must continue to apply for exemptions from FMCSA, and request renewals of such exemptions in a timely manner. FMCSA will grant exemptions only to those applicants who meet the specific conditions and comply with all the requirements of the exemption.

### Conclusion

After considering the comments to the docket and based upon its evaluation of the exemption application, FMCSA exempts Thomas G. Deke 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, the 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. 31315 and 31136. 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: May 12, 2006.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Agency Information Collection Activities

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice of OMB approvals.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44

U.S.C. 3501 *et seq.*) and 5 CFR 1320.5(b), this notice announces that new information collections requirements (ICRs) listed below have been approved by the Office of Management and Budget (OMB). These new ICRs pertain to 49 CFR parts 213, 216, 229, and 238. Additionally, FRA hereby announces that other ICRs listed below have been re-approved by the Office of Management and Budget (OMB). These ICRs pertain to parts 230, 241, and 260. The OMB approval numbers, titles, and expiration dates are included herein under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493-6292), or Victor Angelo, Office of Support Systems, RAD-43, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6470). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, § 2,109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to display OMB control numbers and inform respondents of their legal significance once OMB approval is obtained. The following new FRA information collections were approved in the past four months: (1) OMB No. 2130-0010, Track Safety Standards (Continuous Welded Rail) (49 CFR 213) (Interim Final Rule). The expiration date for this collection of information is January 31, 2009. (2) OMB No. 2130-0544, Passenger Equipment Safety Standards (49 CFR 216, 229, and 238) (NPRM). The expiration date for this collection of information is March 31, 2009. (3) OMB No. 2130-0568, Emergency Order No. 24. The expiration date for this collection of information is June 30, 2006. (4) OMB No. 2130-0570, Work Schedules and Sleep Patterns of Railroad Dispatchers (Forms FRA F 6180.122 and FRA F 6180.123). The expiration date for this collection of information is February 28, 2009.

The following information collections were re-approved: (1) OMB No. 2130-0505, Inspection and Maintenance Standards for Steam Locomotives (49 CFR 230) (Forms FRA-1, FRA-2, FRA-3, FRA-4, FRA-5, FRA-19). The new expiration date for this information collection is February 28, 2009. (2) OMB