

San Francisco Road NE., Albuquerque, New Mexico 87109, U.S.A., Telephone: +1-505-821-3333.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 214/Working Group 78: Standards for Air Traffic Data Communication Services meeting. The agenda will include:

Meeting Objectives

- Acceptance of the Criteria for Release of Mature Draft #2.
- Acceptance of Release of Mature Draft #2.
- Acceptance of the Plan for Release of Mature Draft #2.
- Acceptance of TOR Revisions to be Proposed to RTCA & Eurocae:
- Harmonization of Continental and Oceanic Data Link Standards.
- Revision of VDL mode 2 MOPS and MASPS.
- Development of Data Link Security Requirements.

Agenda

Monday Morning (14 DEC): Review of Status and Needs

- Welcome/Introductions/ Administrative Remarks.
- Approval of the Agenda.
- Approval of the Summary of Plenary # 8.
- Summary of Review Status:
- WP1.
- WP2.

Monday Afternoon: SC-214/WG78 Plenary Session

- Acceptance of the Criteria for Release of Mature Draft #2.
- Debate of Unresolved Major Comments, Recommendations for Resolution, and Items for Further Subgroup Consideration.

Tuesday Morning (15 DEC): SC-214/WG78 Plenary Session

- Debate of Unresolved Major Comments, Recommendations for Resolution, and Items for Further Subgroup Consideration.

Tuesday Afternoon: Subgroup Working Sessions

- Incorporation of Plenary Guidance for Major Comments and Consideration of Items Referred from Plenary.

Wednesday (16 DEC): Subgroup Working Sessions

- Incorporation of Plenary Guidance for Major Comments and Consideration of Items Referred from Plenary.

Thursday (17 DEC): SC-214/WG78 Plenary Session

- Tabling of Issues Remaining to be Resolved Prior to Release of Mature Draft #2.
- Debate of Recommendations for Resolution of Remaining Items.
- Agreement of Prelease Changes to be Incorporated by Editorial Subgroup.
- Agreement to Release Mature Draft #2 Subject to Incorporation of Prerelease changes.
- Acceptance of Plan for Release of Mature Draft #2.

Friday Morning (18 DEC): SC-214/WG78 Plenary Session

- Acceptance of TOR Revisions to be Proposed to RTCA & EUROCAE.
- Review Dates and Locations Upcoming Meetings.
- Any Other Business.
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 23, 2009.

Francisco Estrada C.,
RTCA Advisory Committee.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-26367]

Motor Carrier Safety Advisory Committee Public Meeting

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

ACTION: Notice of Motor Carrier Safety Advisory Committee meeting.

SUMMARY: FMCSA announces that the Agency's Motor Carrier Safety Advisory Committee (MCSAC) will hold a committee meeting via conference call on December 7, 2009. The conference call is open to the public.

DATES: The meeting will be held by conference call on December 7, 2009, from 8:30 a.m. to 9:30 a.m. Eastern Standard Time.

Matters To Be Considered: The MCSAC will be requested to begin work

on a new task: as part of FMCSA's broad efforts to gather information and recommendations on hours-of-service requirements for drivers of property-carrying vehicles, FMCSA is asking MCSAC to provide advice and recommendations on the hours of service requirements.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Kostelnik, Acting Chief, Strategic Planning and Program Evaluation Division, Office of Policy Plans and Regulation, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-5730, mcsac@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

MCSAC

Section 4144 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144, August 10, 2005) required the Secretary of Transportation to establish a Motor Carrier Safety Advisory Committee. The committee provides advice and recommendations to the FMCSA Administrator on motor carrier safety programs and regulations, and operates in accordance with the Federal Advisory Committee Act (5 U.S.C. App 2).

Hours-of-Service Task

On October 26, 2009, Public Citizen, *et al.* (Petitioners) and FMCSA entered into a settlement agreement under which Petitioners' petition for judicial review of the November 19, 2008 Final Rule on drivers' hours of service will be held in abeyance pending the publication of a Notice of Proposed Rulemaking (NPRM). The settlement agreement states that FMCSA will submit the draft NPRM to the Office of Management and Budget (OMB) within nine months of the date of the settlement agreement and that FMCSA will publish a Final Rule within 21 months of the date of the settlement agreement. The current rule will remain in effect during the rulemaking proceedings.

Assigning MCSAC this task is one of several steps that FMCSA will be undertaking in its process of proposing hours-of-service requirements for drivers of property-carrying vehicles. Other steps will include public listening sessions across the country and the opportunity for public comment on the forthcoming NPRM.

II. Meeting Participation

The meeting is open to the public and FMCSA seeks participation by all interested parties, including safety advocacy groups, State safety agencies, motor carriers, motor carrier associations, owner-operators, drivers, and labor unions. For information on the agenda, bridge line and web link for the conference call, please send an e-mail to mcsac@dot.gov. For information on services for individuals with disabilities or to request special assistance, please e-mail your request to mcsac@dot.gov by December 4, 2009.

Please note that oral comments will not be taken during this conference call from the public due to time limitations. Members of the public may submit written comments on this topic by December 3, 2009, to Federal Docket Management System (FDMS) Docket Number FMCSA-2006-26367 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Room W12-140, Washington, DC 20590.
- **Hand Delivery:** U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Issued on: November 24, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2009-0242]

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 twenty-three 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 *December 1, 2009*. The exemptions expire on December 1, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (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 complete Privacy Act Statement in the **Federal Register** (65 FR 19477, Apr. 11, 2000). This statement is also available at <http://Docketinfo.dot.gov>.

Background

On September 22, 2009, FMCSA published a notice of receipt of Federal diabetes exemption applications from twenty-three individuals and requested comments from the public (74 FR 48338). The public comment period closed on October 22, 2009, and no comments were received.

FMCSA has evaluated the eligibility of the twenty-three 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 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 twenty-three applicants have had ITDM over a range of 1 to 39 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 his/her 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 September 22, 2009, **Federal Register** Notice, therefore, they will not be repeated in this notice.

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 endocrinologists' medical opinion related to the ability of