

the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 22 individuals who have requested renewal of their exemptions in a timely manner. FMCSA has evaluated these 22 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Terry J. Aldridge  
 Jerry D. Bridges  
 Roosevelt Bryant, Jr.  
 Thomas P. Cummings  
 Ralph E. Eckels  
 Marion R. Fox, Jr.  
 Gary R. Gutschow  
 Richard J. Hanna  
 James J. Hewitt  
 Carl M. Hill  
 John K. Love  
 Albert E. Malley  
 Roger J. Mason  
 David L. Menken  
 Richard L. Messinger  
 Eldon Miles  
 Rodney M. Mimbs  
 Walter F. Moniowczak  
 Ronald L. Roy  
 Thomas E. Walsh  
 Kevin P. Weinhold  
 Thomas A. Wise

These exemptions are renewed subject to the following conditions: (1) That each individual have a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) 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 (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has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(e).

#### Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 22 applicants has satisfied the eligibility requirements for obtaining an exemption from the vision standard (64 FR 27027; 64 FR 51568; 66 FR 48504; 68 FR 54775; 64 FR 68195; 65 FR 20251; 67 FR 17102; 65 FR 45817; 65 FR 77066; 68 FR 1654; 66 FR 17743; 66 FR 33990; 66 FR 30502; 66 FR 41654; 67 FR 68719; 68 FR 2629; 68 FR 10301; 68 FR 19596; 68 FR 52811; 68 FR 61860). Each of these 22 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

#### Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by December 8, 2005.

In the past FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary

statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 69 FR 51346 (August 18, 2004). FMCSA continues to find its exemption process consistent with the statutory and regulatory requirements.

Issued on: November 3, 2005.

**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

[Docket No. FMCSA-2001-9800]

#### Qualification of Drivers; Eligibility Criteria and Applications; Diabetes Exemption

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

**ACTION:** Notice of revised final disposition.

**SUMMARY:** This notice announces FMCSA's decision to revise the terms and conditions of its previous decision to issue exemptions to certain insulin-treated diabetic drivers of commercial motor vehicles (CMVs) from the diabetes mellitus prohibitions contained in the Federal Motor Carrier Safety Regulations (FMCSRs). This action is in response to section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) which requires FMCSA within 90 days of enactment to modify its exemption program to allow individuals who use insulin to treat diabetes mellitus to operate CMVs in interstate commerce, without having to demonstrate safe driving experience operating a CMV while using insulin, while at the same time implementing certain other requirements contained in section 4129. These changes will remain in effect until FMCSA completes a rulemaking to revise the FMCSRs to allow drivers with insulin-treated diabetes mellitus (ITDM) to operate CMVs in interstate commerce in accordance with the applicable statutory standards.

**DATES:** This notice is effective on November 8, 2005. FMCSA will begin accepting applications for exemptions under the new criteria on November 8, 2005.

**ADDRESSES:** Drivers with insulin-treated diabetes mellitus (ITDM) who meet the modified criteria contained in this notice may now request an exemption from 49 CFR 391.41(b)(3) by sending an exemption application request to: Federal Diabetes Exemption Program (MC-PSP), Office of Bus and Truck Standards and Operations, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, calling 703-448-3094, or faxing a request to 703-448-3077.

You may submit comments on the limited issue of the *information collection burden* in this notice. FMCSA must receive your *information collection burden* comments by January 9, 2006. You may submit *information collection burden* comments identified by any of the following methods. Please identify your comments by the DOT DMS Docket Number FMCSA-2001-9800. Please also note the paragraph under the subheading Privacy Act later in this notice about how your comments will be available to the public.

- Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Hand Delivery: 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.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to 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.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street,

SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

FMCSA established the current physical qualification standard for drivers with ITDM in 1970 because several risk studies indicated that such drivers had a higher rate of accident involvement than the general population. The standard states 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).

Since 1970, the agency has considered the diabetes requirement and undertaken studies to determine if its diabetes standard for commercial drivers in interstate commerce should be amended. It is FMCSA's view that its physical qualification standards should be based on sound medical, scientific and technological grounds, and that individual determinations should be made to the maximum extent possible consistent with FMCSA's responsibility to ensure safety on the Nation's highways. FMCSA discussed the regulatory history and research activity addressing the issue of diabetes and CMV operation in a prior notice in this proceeding. 66 FR 39548, 39549 (July 31, 2001)

In 1998, section 4018 of the Transportation Equity Act for the 21st Century, Public Law 105-178, 112 Stat. 413-4 (TEA-21) (set out as a note to 49 U.S.C. 31305) directed the Secretary of Transportation (the Secretary) to determine if it is feasible to develop "a practicable and cost-effective screening, operating and monitoring protocol" for allowing drivers with ITDM to operate CMVs in interstate commerce "that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles." As directed by section 4018, the agency compiled and evaluated the available research and information. It assembled a panel of medical experts in the treatment of diabetes to investigate and report on the issues concerned with the treatment, medical screening and monitoring of ITDM individuals in the context of operating CMVs. FMCSA then submitted to Congress in July 2000 a report entitled "A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin Treated Diabetes Mellitus to Operate

Commercial Motor Vehicles in Interstate Commerce as Directed by the Transportation Equity Act for the 21st Century," (TEA-21 Report to Congress). It concluded that it is feasible to establish a safe and practicable protocol with three components that would allow some drivers with ITDM to operate CMVs. The three components included screening of qualified drivers, operational requirements to ensure proper disease management by such drivers, and monitoring of safe driving behavior and proper disease management (refer to pages 64-65). For a detailed discussion of the report's findings and conclusions, refer to the prior notice in this proceeding. 66 FR 39548, 39549-51 (July 31, 2001). The TEA-21 Report to Congress can be accessed in docket FMCSA-2001-9800, item 87, in the DOT Docket Management System at: <http://dmses.dot.gov/docimages/p64/139973.tif>; [http://dmses.dot.gov/docimages/pdf71/139973\\_web.pdf](http://dmses.dot.gov/docimages/pdf71/139973_web.pdf); or on FMCSA's Web site at: <http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreports.htm>.

As a result of the conclusions found in the TEA-21 Report to Congress, in 2001, FMCSA proposed to implement those conclusions and recommendations by issuing exemptions from the FMCSRs to allow operations of CMVs by drivers treating their diabetes mellitus with insulin. After receiving and considering comments on the proposed use of exemptions to implement the TEA-21 Report to Congress, in 2003, FMCSA issued a Notice of Final Disposition establishing the procedures and protocols for implementing the exemptions. 68 FR 52441 (September 3, 2003) ("2003 Notice"). In order to obtain an exemption, a CMV driver with ITDM must follow the basic requirements for obtaining an exemption set out in 49 CFR part 381, subpart C. FMCSA may not grant an exemption unless it would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption. 49 U.S.C. 31315 and 49 CFR 381.305(a). This is the same basic standard applicable to the determination under TEA-21 section 4018(a) of a protocol for CMV drivers with ITDM. Relying on the legislative history of this section,<sup>1</sup> FMCSA previously stated that the level of safety would be equivalent if there is a reasonable expectation that safety will not be compromised if an exemption is

<sup>1</sup> Added by section 4007 of Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, 112 Stat. 401 (June 9, 1998).

granted. Federal Motor Carrier Safety Regulations; Waivers, Exemptions and Pilot Programs, 69 FR 51589, 51592 (Aug. 20, 2004). *See also* House Conf. Report 105-550 (May 22, 1998) at 489.

In conformity with the conclusions of the TEA-21 Report to Congress, the 2003 Notice implemented, with a few modifications, the three components of the protocol recommended in the report, to allow drivers with ITDM to be qualified with an exemption from the FMCSRs to operate CMVs (refer to pages 65-69). Notice of the grant of the first such exemptions to four drivers who use insulin to treat their diabetes was published on September 2, 2005. 70 FR 52465.

### Safe, Accountable, Flexible, Efficient Transportation Equity Act

Section 4129 of SAFETEA-LU, Public Law 109-59, 119 Stat. 1144, 1742-43 (Aug. 10, 2005) requires the Secretary to begin, within 90 days of enactment, to revise the 2003 Notice to allow drivers who use insulin to treat diabetes to operate CMVs in interstate commerce.<sup>2</sup> The revision must provide for individual assessment of diabetic mellitus drivers, and be consistent with the criteria described in section 4018 of TEA-21, discussed above.

Section 4129 requires two substantive changes to be made in the current exemption process set out in the 2003 Notice. As required by section 4129(b)-(c), the changes are: (1) Elimination of the requirement for three 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 order to accomplish these changes within the 90-day time frame established by section 4129, FMCSA will make immediate revisions to the current diabetes exemption program established by the 2003 Notice. These revisions are those that are necessary to respond to the specific changes mandated by section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the necessary level of safety as also required by section 4129(a). The revisions will include: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) definition of stable control, using the TEA-21 Report to Congress. Both of those

changes are discussed in more detail below.

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. FMCSA concludes that all of the operating, monitoring and medical requirements set out in the 2003 Notice, except as modified here, are in compliance with section 4129(d). All of the requirements set out in the 2003 Notice, except as modified here, will remain in effect.

These changes to the exemption program will be effective upon publication of this Notice in the **Federal Register**. FMCSA is also commencing the process for considering revisions to the current physical qualification standards for drivers with ITDM, and will be issuing an Advance Notice of Proposed Rulemaking (ANPRM) in the near future. Interested parties are urged to submit comments on this Notice and its implementation of the statutory directives in their comments in response to FMCSA's upcoming ANPRM.

### Revisions to the Exemption Eligibility Criteria

#### *Driving Experience While Using Insulin*

The TEA-21 Report to Congress states that a necessary component of the feasible program should be screening of qualified drivers. It is recommended that criteria for screening a driver with ITDM should include a review of driving experience and driving record to ensure that there was a level of safety present that did not compromise public safety.

Section 4129(b) of SAFETEA-LU requires the removal of using driving experience as screening criteria for approving or disapproving an exemption from the physical qualifications standards for drivers with ITDM operating a CMV while using insulin. Therefore, FMCSA will immediately discontinue use of the 3-year criterion for drivers with ITDM. Applications from drivers with ITDM will no longer be denied because the drivers do not have 3 years of experience operating CMVs, while using insulin. FMCSA will also no longer require submission of a driving record in order to determine exemption eligibility. The requirement for drivers with ITDM to provide proof of valid operator's license will remain in effect.

#### *Definition of Stable Control and Minimum Period of Insulin Use*

Section 4129(c) of SAFETEA-LU requires drivers with ITDM to have a minimum period of insulin use to demonstrate stable control of diabetes before operating a CMV in interstate commerce, consistent with the findings of the expert medical panel reported in the TEA-21 Report to Congress. For individuals who have been newly diagnosed with Type 1 diabetes, the minimum period of insulin use may not exceed 2 months, unless directed by the treating physician. For individuals who have Type 2 diabetes and are converting to insulin use, the minimum period of insulin use may not exceed 1 month, unless directed by the treating physician.

The TEA-21 Report to Congress states that insulin treatment seems to pose a dilemma with respect to resolving the issue of allowing individuals with ITDM to operate CMVs in interstate commerce. From a positive standpoint, insulin therapy clearly improves the health of individuals who have diabetes mellitus, which should contribute to the safe operation of CMVs. Conversely, the use of insulin can cause the onset of hypoglycemia. Hypoglycemia, as some of the literature tends to argue, is seen as a serious risk factor in crash causation. If individuals with ITDM are to be allowed to operate CMVs in interstate commerce, the risk for hypoglycemia and procedures for controlling that risk cannot be ignored. Any process focused on allowing ITDM individuals to operate commercial vehicles must clearly have procedures for controlling that potential for risk and its influence on the level of safety (refer to pages 27-28).

The TEA-21 Report to Congress found that the primary means for determining whether a driver of a CMV with ITDM has stable control or proper disease management is to consider information on any recurrent hypoglycemic reactions experienced by the driver (refer to page 52). In addition to the evaluation of hypoglycemic reactions, the TEA-21 Report to Congress also found that the extreme values of glycosylated hemoglobin (HbA1C) may be evidence of unstable control and poor disease management. For drivers who exhibit proper disease management, HbA1C results can be combined with the results of blood glucose monitoring to obtain a better insight into individual diabetes management (refer to pages 52-53).

The 2003 Notice recognized the importance of using the HbA1C measurements as part of the evidence to

<sup>2</sup> 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.

be submitted to demonstrate stable control of the driver's diabetes. In accordance with the standard clinical protocol, two measurements taken 90 days apart were required. No particular level for the measurement was specified. 68 FR 52443.

The American Diabetes Association (ADA) recommends the use of <7% as a normal HgA1C and recognizes that a more stringent level of <6% may be used at the discretion of the physician to reduce microvascular and neuropathic complications of diabetes. However, as discussed above, the TEA-21 Report to Congress suggests that this lower level may not be in the best interest of safety when related to a driver with ITDM operating a CMV, as it may cause hypoglycemic reactions in some individuals. Therefore, the Report to Congress suggests that the normal range as defined by the ADA is not the goal and that there is the assumption that a level exists above this normal range in which the driver with ITDM would not be at risk for hypoglycemia (refer to page 56). Several members of the expert medical panel involved in the TEA-21 Report to Congress thought that the HgA1C was only relevant at extreme values at the high end of the range at 10 or 11% (refer to page 57). In light of all these considerations, FMCSA has determined that the appropriate measure of HgA1C to demonstrate stable control of diabetes while using insulin is in the range of 7% and 10%.

Acceptable blood glucose ranges were also discussed in the TEA-21 Report to Congress, indicating that the acceptable range for blood glucose falls between 100 to 400 mg/dl (refer to page 58). The panel endorsed a protocol for monitoring glucose before and during the operation of a CMV. This protocol, including those elements relating to documentation of stable control of diabetes, such as a minimum period of insulin use, were incorporated into screening and monitoring components and are currently required by the 2003 Notice as part of the Federal diabetes exemption process (68 FR 52443-45).

The TEA-21 Report to Congress states that defining a period of insulin use depended on circumstances surrounding the history of diabetes that a driver include in the application process. It was also noted that drivers with Type 1 diabetes, with intrastate driving experience while using insulin, probably have a well established history of his/her diabetes and its treatment. Setting a period for insulin use, then, would be necessary mainly for drivers that have Type 2 diabetes or are newly diagnosed with either type. If the driver had Type 2 diabetes requiring insulin

use, the panel thought that a one-month period would be sufficient to provide adequate individual disease management skills. If the driver were a newly diagnosed patient with Type 1 diabetes, the panel was satisfied with a two month period. However, if the treating physician concluded that the patient needed adjustment in the insulin dose or had not adequately learned about diabetes and its management, the period could be extended to a third month or longer, depending on individual circumstances (refer to page 53). This is the specific criterion referred to in SAFETEA-LU section 4129(c).

Based on the TEA-21 Report to Congress under TEA-21 section 4018, and to ensure that exemptions from the diabetes program continue to achieve the requisite level of safety, FMCSA therefore continues to define stable control as specified in the 2003 Notice, with the exception that, FMCSA will no longer require the submission of two HgA1C results 90 days apart from driver with ITDM. FMCSA will now require submission with the application of only one HgA1C result within the range of  $\geq 7\%$  and  $\leq 10\%$  to meet the minimum period of insulin use requirements, as modified by section 4129(c). All other requirements related to hypoglycemic episodes, blood glucose levels, patient education, and definition of treating physician currently specified in the 2003 Notice, 68 FR 52443, will remain in effect.

#### *Changes in Application Information*

Interested applicants with ITDM seeking an exemption are no longer required to provide documentation to support driving experience, and will be required to submit only one instead of two HgA1C results as part of the Federal diabetes application.

#### **Conclusion**

FMCSA reviewed the monitoring protocol specified in the 2003 Notice and determined it to be adequate under section 4129 of SAFETEA-LU. Therefore, monitoring requirements will remain in effect as specified.

The agency has begun review of all previously denied applications for Federal diabetes exemptions. The agency has notified these individuals by letter that the 3-year criterion and driving record criterion were eliminated, and provided instructions for updating medical information previously submitted to the agency.

In addition to initiating the rulemaking referred to above to revise the FMCSRs to allow certain insulin-treated diabetic drivers to operate CMVs

in interstate commerce, FMCSA is currently evaluating the Federal medical exemption and certificate programs to identify areas for improvement. The agency is currently developing new web-based public education pages, as well as an on-line application system. Refer to the new FMCSA medical program page for additional information, <http://www.fmcsa.dot.gov/rules-regulations/topics/medical/medical.htm>.

#### **Paperwork Reduction Act**

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations.

In the 2003 Notice, FMCSA estimated that approximately 700 applications for exemption would be filed annually, and that it would take an average of 90 minutes to complete an application, for a total burden of 1,050 hours. The number of applications actually filed has been substantially less. However, with the changes made in the exemption program by this revised Notice, the number of applications could increase substantially, and may approximate, at least initially, the level estimated in 2003. The amount of information to be collected for this exemption program has decreased because applicants with insulin treated diabetes mellitus would not have to provide information regarding their history of operating commercial motor vehicles while undergoing such treatment and the associated three-year driving record.

FMCSA determined there will be no change in the burden in the currently-approved information collection (OMB Control No. 2126-0006), titled "Medical Qualifications Requirements," which includes the diabetes exemption program as a result of the action in this notice. OMB approved the information collection on December 18, 2003. The approval will expire on December 31, 2006.

Interested parties are invited to send comments regarding any aspect of this information collection requirement, including, but not limited to: (1) Whether the collection of information is necessary for the performance of the functions of the FMCSA, including whether the information has practical utility, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the collected information, and (4) ways to minimize the collection burden without reducing the quality of the information collected.

**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 the Department of Transportation's (DOT) complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit <http://dms.dot.gov>.

Issued on: November 2, 2005.

**Annette M. Sandberg,**

*Administrator.*

[FR Doc. 05-22264 Filed 11-7-05; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on May 9, 2005 (70 FR 24462).

**DATES:** Comments must be submitted on or before December 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Lori Summers, the National Highway Traffic Safety Administration, Office of Rulemaking (NVS-112), (202) 366-4917, 400 Seventh Street, SW., Room 5320, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:****National Highway Traffic Safety Administration**

*Title:* Consolidated Vehicle Owner's Manual Requirements for Motor Vehicles and Motor Vehicle Equipment.

*OMB Number:* 2127-0541.

*Type of Request:* Extension of a currently approved collection.

*Abstract:* In order to ensure that manufacturers are complying with FMVSS and regulations, NHTSA

requires a number of information collections in FMVSS Nos. 108, 110, 202, 205, 208, 210, and 213, and Part 575 Sections 103 and 105.

FMVSS No. 108, "Lamps, reflective devices, and associated equipment." This standard requires that certain lamps and reflective devices with certain performance levels be installed on motor vehicles to assure that the roadway is properly illuminated, that vehicles can be readily seen, and the signals can be transmitted to other drivers sharing the road, during day, night and inclement weather. Since the specific manner in which headlamp aim is to be performed is not regulated (only the performance of the device is), aiming devices manufactured or installed by different vehicle and headlamp manufacturers may work in significantly different ways. As a consequence, to assure that headlamps can be correctly aimed, instructions for proper use must be part of the vehicle as a label, or optionally, in the vehicle owner's manual.

FMVSS No. 110, "Tire selection and rims." This standard specifies requirements for tire selection to prevent tire overloading. The vehicle's normal load and maximum load on the tire shall not be greater than applicable specified limits. The standard requires a permanently affixed vehicle placard specifying vehicle capacity weight, designated seating capacity, manufacturer recommended cold tire inflation pressure, and manufacturer's recommended tire size. The standard further specifies rim construction requirements, load limits of nonpneumatic spare tires, and labeling requirements for non-pneumatic spare tires, including a required placard. Owner's manual information is required for "Use of Spare Tire." FMVSS No. 110 will require additional owner's manual information on the revised vehicle placard and tire information label, on revised tire labeling, and on tire safety and load limits and terminology.

FMVSS No. 202, "Head restraints." This standard specifies requirements for head restraints. The standard, which seeks to reduce whiplash injuries in rear collisions, currently requires head restraints for front outboard designated seating positions in passenger cars and in light multipurpose passenger vehicles, trucks and buses. In a final rule published on December 14, 2004 (69 FR 74880), the standard requires that vehicle manufacturers include information in owner's manuals for vehicles manufactured on or after September 1, 2008. The owner's manual must clearly identify which seats are equipped with head restraints. If the

head restraints are removable, the owner's manual must provide instructions on how to remove the head restraint by a deliberate action distinct from any act necessary for adjustment, and how to reinstall head restraints. The owner's manual must warn that all head restraints must be reinstalled to properly protect vehicle occupants. Finally, the owner's manual must describe, in an easily understandable format, the adjustment of the head restraints and/or seat back to achieve appropriate head restraint position relative to the occupant's head.

FMVSS No. 205, "Glazing materials." This standard specifies requirement for all glazing material used in windshields, windows, and interior partitions of motor vehicles. Its purpose is to reduce the likelihood of lacerations and to minimize the possibility of occupants penetrating the windshield in a crash. More detailed information regarding the care and maintenance of such glazing items, as the glass-plastic windshield, is required to be placed in the vehicle owner's manual.

FMVSS No. 208, "Occupant crash protection." This standard specifies requirements for both active and passive occupant crash protection systems for passenger cars, multipurpose passenger vehicles, trucks and small buses. Certain safety features, such as air bags, or the care and maintenance of air bag systems, are required to be explained to the owner by means of the owner's manual. For example, the owner's manual must describe the vehicle's air bag system and provide precautionary information about the proper positioning of the occupants, including children. The owner's manual must also warn that no objects, such as shotguns carried in police cars, should be placed over or near the air bag covers.

FMVSS No. 210, "Seat belt assembly anchorages." This standard specifies requirements for seat belt assembly anchorages to ensure effective occupant restraint and to reduce the likelihood of failure in a crash. The standard requires that manufacturers place the following information in the vehicle owner's manual:

- a. An explanation that child restraints are designed to be secured by means of the vehicle's seat belts, and,
- b. A statement alerting vehicle owners that children are always safer in the rear seat.

FMVSS No. 213, "Child restraint systems." This standard specifies requirements for child restraint systems and requires that manufacturers provide consumers with detailed information relating to child safety in air bag-equipped vehicles. The vehicle owner's