

passengers. Their passenger-carrying CMVs include school buses, transit buses, and shuttle buses which are all driven without any passengers.

The Federal hours-of-service (HOS) regulations for CMV drivers in 49 CFR 395.5 apply to motor carriers and drivers operating passenger-carrying vehicles. According to FMCSA's regulatory guidance, a driver of a CMV "designed or used to transport * * * passengers * * *" (49 CFR 390.5 definition of CMV) would be considered to be passenger-carrying regardless of whether there were actually any passengers in the vehicle. This prevents a requirement for drivers to switch to the HOS rules for property-carrying vehicles each time the bus becomes empty. However, this also means that drivers of the empty buses Cummins test drives are always subject to the HOS rules for passenger vehicles.

Cummins' request for an exemption from the HOS provisions of 49 CFR 395.5 is to allow its drivers operating the various types of buses, without any passengers in a driveaway operation, to be governed by the HOS rules in 49 CFR 395.3, Maximum Driving Time for Property-Carrying Vehicles. When operating tractors, trucks, pick-up trucks, motor homes and other motor vehicles except passenger-carrying vehicles, in a driveaway operation, Cummins' drivers are adhering to the HOS regulations applicable to property-carrying CMVs. A Cummins driver who is operating a property-carrying CMV for the purpose of testing could also be assigned to operate a passenger-carrying CMV the same or next day for testing purposes.

Cummins submits that depending upon the type of CMV being operated, its drivers are required to be familiar with and comply with both sets of HOS regulations applicable to property-as well as passenger-carrying CMVs. Not only is compliance with these two sets of regulations difficult for their drivers, it is also extremely complex for Cummins to audit the drivers' records of duty status to ensure compliance with the HOS regulations depending upon the type of CMV being operated by the driver on a day-to-day basis.

Cummins submits that it does not make any "regulatory common sense" to require a driver to be considered "passenger-carrying" regardless of whether there are actually any passengers in the vehicle when the various types of buses are being utilized for testing. Furthermore, unless their request for an exemption is granted, Cummins will continue to be confronted with having to administer two different sets of HOS regulations for a significant

class of its drivers who are moving CMVs in a driveaway operation.

Cummins therefore requests that the "described class" of drivers be granted an exemption from 49 CFR 395.5 governing the maximum driving time for passenger-carrying vehicles when these drivers are operating various types of buses, without passengers, in a driveaway operation primarily for the purpose of testing engines and related components. Cummins states that it would ensure that the level of safety will be equivalent or greater than the level of safety that would be obtained by complying with the regulations in Part 395.5. Specifically, Cummins has safety systems in place to monitor compliance with the HOS rules applicable to property-carrying CMVs, which is a substantial portion of its operations. A copy of Cummins' exemption application is in the docket identified at the beginning of this notice.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on Cummins' application for an exemption from 49 CFR 395.5. The Agency will consider all comments received by close of business on April 14, 2008. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: March 10, 2008.

Charles A. Horan III,

Acting Associate Administrator for Policy and Program Development.

[FR Doc. E8-5176 Filed 3-13-08; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0037]

Medical Review Board Public Meeting

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

ACTION: Notice of Medical Review Board (MRB) Public Meeting.

SUMMARY: FMCSA announces a public meeting of the Agency's MRB. The MRB

public meeting will provide the public an opportunity to observe and participate in MRB deliberations about the revision and development of Federal Motor Carrier Safety Regulation (FMCSR) medical standards, in accordance with the Federal Advisory Committee Act (FACA).

DATES: The MRB meeting will be held from 8 a.m.-3:45 p.m. on April 7, 2008. Please note the preliminary agenda for this meeting in the **SUPPLEMENTARY INFORMATION** section of this notice for specific information.

ADDRESSES: The meeting will take place at the Westin Gateway, 801 N. Glebe Road, Arlington, VA 22203. You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2008-0037 using any of the following methods:

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

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time 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. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our 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, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78; Apr. 11, 2000). This information is also available at <http://Docketinfo.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, 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 meeting, contact Jennifer Musick at 703-998-0189 ext. 237.

SUPPLEMENTARY INFORMATION: The preliminary agenda for the meeting includes:

- 0800-0820 Call to Order, Introduction and Agenda Review
 - 0820-0830 Medical Review Board Administrative Discussion
 - 0830-0900 Renal Disease Evidence Report
 - 0900-0930 Renal Disease Panel Recommendations
 - 0930-1000 Public Comment to the Medical Review Board
 - 1000-1030 MRB Deliberations on Renal Disease
 - 1030-1100 Vision and Driving Evidence Report
 - 1100-1200 Lunch
 - 1200-1230 Vision Panel Recommendations
 - 1230-1300 Public Comment to the Medical Review Board
 - 1300-1330 MRB Deliberations on Vision
 - 1330-1400 Musculoskeletal Disease Evidence Report
 - 1400-1430 Musculoskeletal Disease Panel Recommendations
 - 1430-1445 Driver Perspective
 - 1445-1515 Public Comment to the Medical Review Board
 - 1515-1545 MRB Deliberations on Musculoskeletal Disease
 - 1545 Call to Adjourn
- *Breaks will be announced on meeting day and may be adjusted according to schedule changes, other meeting requirements.

Background

The U.S. Secretary of Transportation announced on March 7, 2006, the five medical experts who serve on FMCSA's Medical Review Board (MRB). 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 with the advice of the MRB to "establish, review, and revise medical standards for operators of Commercial Motor Vehicles (CMVs) that will ensure that the physical condition of operators is adequate to enable them to operate the vehicles safely." FMCSA is planning updates to the physical qualification regulations of CMV drivers, and the MRB will provide the necessary science-based guidance to establish realistic and responsible medical standards.

The MRB operates in accordance with the Federal Advisory Committee Act (FACA) as announced in the **Federal Register** (70 FR 57642, October 3, 2005). The MRB is charged initially with the review of all current FMCSA medical standards (49 CFR 391.41), as well as proposing new science-based standards and guidelines to ensure that drivers operating CMVs in interstate commerce, as defined in CFR 390.5, are physically capable of doing so.

Meeting Participation

Attendance is open to the interested public, including medical examiners, motor carriers, drivers, and representatives of medical and scientific associations. Written comments for this MRB meeting will also be accepted beginning on March 14, 2008, and continuing until April 21, 2008, and should include the docket ID that is listed in the **ADDRESSES** section.

During the MRB meeting, oral comments may be limited depending on how many persons wish to comment; and will be accepted on a first come, first serve basis as requestors register at the meeting. The comments must directly address relevant medical and scientific issues on the MRB meeting agenda. For more information, please view the following Web site: <http://www.fmcsa.dot.gov/mrb>.

Issued on: March 7, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8-5123 Filed 3-13-08; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2005-22056]

Public Meeting: North American Cargo Securement Public Forum

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

ACTION: Notice of public meeting.

SUMMARY: FMCSA announces a public meeting concerning the implementation of the North American Standard for Protection Against Shifting or Falling Cargo. FMCSA's cargo securement rules are based on the North American Cargo Securement Standard Model Regulations (Model Regulations), reflecting the results of a multi-year comprehensive research program to evaluate what were then current U.S. and Canadian cargo securement regulations; the motor carrier industry's best practices; and recommendations presented during a series of public meetings involving U.S. and Canadian industry experts, Federal, State and Provincial enforcement officials, and other interested parties. Canada's Council of Ministers Responsible for Transportation and Highway Safety approved a National Safety Code Standard for cargo securement which is also based on the Model Regulations. This meeting is to discuss the process for ensuring the consistent interpretation of the harmonized cargo securement standards by FMCSA and the Canadian Provinces, and interpretation issues raised by enforcement agencies and motor carriers in the U.S. and Canada.

DATES: The meeting will be held on Wednesday, March 26, 2008. The meeting will begin at 8 a.m. and end at 5 p.m.

ADDRESSES: The meeting will be held at the Colorado Convention Center, 700 14th Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Huntley, Chief of the Vehicle and Roadside Operations Division (MC-PSV), (202) 366-9209, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

INFORMATION ON SERVICES FOR INDIVIDUALS WITH DISABILITIES: For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact: Mr. Mike Huntley, (202) 366-9209, Michael.Huntley@dot.gov.

SUPPLEMENTARY INFORMATION: