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Topics considered by the Advisory Committee have included, for example: jurisdiction and enforcement of foreign judgments; party choice of forum; arbitration rules; enforcement of foreign arbitral awards; the protection of minors; inter-country adoption; child abduction; cross-border insolvency; electronic commerce; secured finance; carriage of goods by sea and by other modes of transportation; cross-border securities transactions; online dispute resolution; international leasing and franchising; and other topics of current interest in private law as they arise.

Advisory Committee meetings are open to the public, and participation by the public is encouraged. Interested persons, organizations, academic centers and others can participate in all aspects of the Committee's work. Notices of meetings are published in the **Federal Register** at least 15 calendar days prior to the meeting date, unless circumstances require that the meeting be held with a shorter notice period. Interested parties can obtain additional information from the Office of the Assistant Legal Adviser for Private International Law (L/PIL), Department of State, at (202) 776-8420, fax 776-8482, or by email to [Tricia Smeltzer at SmeltzerTK@State.gov](mailto:Tricia.Smeltzer@State.gov).

Dated: December 23, 2011.

Harold S. Burman,

Executive Director, Department of State Advisory, Committee on Private International Law.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Federal Transit Administration

Notice of Limitation on Claims Against a Proposed Transportation Project

AGENCY: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA, FTA and other agencies.

SUMMARY: This notice announces final environmental actions taken by FHWA, FTA, and other agencies that are final within the meaning of Federal transportation law. The actions relate to the Interstate 5 Columbia River Crossing Project in Clark County, Washington and Multnomah County, Oregon.

DATES: By this notice, FHWA and FTA are advising the public of final agency actions subject to 23 U.S.C. 139(l). A claim seeking judicial review of the Federal agency actions announced herein for the listed transportation project will be barred unless the claim is filed on or before July 3, 2012.

FOR FURTHER INFORMATION CONTACT: John McAvoy, Major Project Manager, Federal Highway Administration, Western Federal Lands Highway Division, 610 E. Fifth Street, Vancouver, WA 98661; telephone: (360) 619-7591; and email: john.mcavoy@dot.gov, or Terence Plaskon, Environmental Protection Specialist, Office of Planning and the Environment, FTA; telephone: (202) 366-0442; and email: terence.plaskon@dot.gov. FHWA and FTA headquarters are located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., EST, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA, FTA and other agencies have taken final agency actions by issuing licenses, permits, and approvals for the transportation project in the States of Oregon and Washington. **Federal Lead Agencies:** Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). **Project Sponsors:** Oregon and Washington Departments of Transportation (ODOT, WSDOT), Southwest Washington Regional Transportation Council (RTC), Metro, Clark County Public Transportation Benefit Area (C-TRAN), and Tri-County Metropolitan Transportation District (TriMet). **Project Description:** The project is a bridge, transit, highway, and bicycle and pedestrian improvement project, consisting of a new river crossing over the Columbia River, improvements to highway interchanges and the local street network, bicycle and pedestrian improvements, and an extension of light rail from the Expo Center in Portland (OR) to Clark College in Vancouver (WA). The actions by the Federal and other agencies on this project, as well as the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project published in the **Federal Register** on September 23, 2011, and in the Record

of Decision issued on December 7, 2011. The FEIS and ROD are available by contacting FHWA at the address above or can be downloaded from the project Web site at

www.columbiarivercrossing.org.

This notice applies to all FHWA, FTA, and other agency decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to those arising under the following laws, as amended:

1. *General:* National Environmental Policy Act [42 U.S.C. 4321-4347]; Federal-Aid Highway Act [23 U.S.C. 109]; the Federal transit statutes [49 U.S.C. Chapter 53].

2. *Air:* Clean Air Act, as amended [42 U.S.C. 7401-7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)-757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(e)]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*]; Migratory Bird Treaty Act [16 U.S.C. 703-712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470f]; Archaeological Resources Protection Act of 1977 [16 U.S.C. 470aa-470mm]; Archaeological and Historic Preservation Act [16 U.S.C. 469-469c-2]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001-3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act [7 U.S.C. 4201-4209]; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended [42 U.S.C. 61].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251-1377 [Section 404, Section 401, Section 319]; Coastal Zone Management Act [16 U.S.C. 1451-1465]; Land and Water Conservation Fund [16 U.S.C. 4601-4-4601-11]; Safe Drinking Water Act [42 U.S.C. 300f *et seq.*]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; TEA-21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001-4129].

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898,

Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.) Nothing in this notice creates a cause of action under these executive orders.

Issued on: December 29, 2011.

John McAvoy,

FHWA Major Project Manager, Vancouver, WA.

Lucy Garliauskas,

Associate Administrator for Planning and Environment, Washington, DC.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2011-0300]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt twenty-two 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 January 5, 2012. The exemptions expire on January 5, 2014.

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs Division, (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 Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

Background

On November 16, 2011, FMCSA published a notice of receipt of Federal diabetes exemption applications from twenty individuals and requested comments from the public (76 FR 71112). The public comment period closed on December 16, 2011, and no comments were received.

FMCSA has evaluated the eligibility of the twenty 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).

Two individuals, Mr. Matthew J. Cipolloni (NJ) and Mr. Michael K. Schulist (MI) were both published in a notice of comments published on October 17, 2011 (76 FR 64165). They were both granted exemptions on December 19, 2011 but their names were inadvertently omitted from the Notice of Final Disposition published on that date (76 FR 78718) and they are now included in this notice.

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes 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-two applicants have had ITDM over a range of 1 to 23 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, 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 requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the November 16, 2011, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comment

FMCSA did not receive any comments in this proceeding.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement 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