in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Vigil understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vigil meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Logan T. Wiersema

Mr. Wiersema, 21, has had ITDM since 1998. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wiersema understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wiersema meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Clarence S. Waldner

Mr. Waldner, 62, has had ITDM since 1969. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Waldner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Waldner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to http://www.regulations.gov and in the search box insert the docket number FMCSA–2018–0204 and click the search button. When the new screen appears, click on the blue “Comment Now!” button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to http://www.regulations.gov and in the search box insert the docket number FMCSA–2018–0204 and click “Search.” Next, click “Open Docket Folder” and you will find all documents and comments related to this notice.

Issued on: August 30, 2018.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2018–19630 Filed 9–7–18; 8:45 am]
see the Privacy Act heading below for further information.

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., et., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day et., 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 online.

Privacy Act: In accordance with 5 U.S.C. 552(a), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to http://www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at http://www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, fnacsamedical@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., et., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years 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 statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV. In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: §391.41(b)(8), paragraphs 3, 4, and 5.]

The 16 individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the 16 applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 16 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver’s License (CDL) holders, the Commercial Driver’s License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver’s Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver’s ability to continue to safely operate a CMV 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.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of June and are discussed below:

As of June 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: Henry Counts, Jr. (MD) David P. Crowe (VA) Michael D. Davis (ME) Dennis R. Gilles (IN) Larry G. Hediger (IL) Eric J. McVetty (NH) Donald J. Richmond (SC) Kevin L. Sprinkle (NC) Patrick J. Trimbo (MN) Alan K. Washbaugh (PA)

The drivers were included in docket numbers FMCSA–2013–0109 and FMCSA–2015–0322. Their exemptions are applicable as of June 9, 2018, and will expire on June 9, 2020.

As of June 24, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: Heather A. Crowe (LA) Peter Della-Rocco, Jr. (PA) Domenick R. Panfile (NJ) Milton N. Tatham (NV) Thomas H. Tinchcr (NC) Duane A. Troff (MN)

The drivers were included in docket number FMCSA–2013–0444. Their exemptions are applicable as of June 24, 2018, and will expire on June 24, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file, or keep a copy of his/her driver’s qualification file if he/she is self-employed. The driver must also have a copy of the exemption
when driving, for presentation to a duly authorized Federal, State, or local enforcement official. 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. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 16 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: August 30, 2018.
Larry W. Minor,
Associate Administrator for Policy.

FR Doc. 2018–19645 Filed 9–7–18; 8:45 am
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION
Federal Motor Carrier Safety
Administration
[Docket No. FMCSA–2018–0203]

Qualification of Drivers; Exemption
Applications; Diabetes Mellitus

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

ACTION: Notice of applications for
exemption; request for comments.

SUMMARY: FMCSA announces receipt of
applications from 46 individuals for an
exemption from the prohibition in the
Federal Motor Carrier Safety
Regulations (FMCSRs) against persons
with insulin-treated diabetes mellitus
(ITDM) operating a commercial motor
vehicle (CMV) in interstate commerce. If
granted, the exemptions would enable
these individuals with ITDM to operate
CMVs in interstate commerce.

DATES: Comments must be received on
or before October 10, 2018.

ADDRESSES: You may submit comments
bearing the Federal Docket Management
System (FDMS) Docket No. FMCSA–
2018–0203 using any of the following
methods:

• Federal eRulemaking Portal: Go to
http://www.regulations.gov. Follow the
online 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., E.T.,
Monday through Friday, except Federal
Holidays.
• Fax: 1–202–493–2251.

Instructions: Each submission must
include the Agency name and the
docket number(s) for this notice. Note
that all comments received will be
posted without change to http://
www.regulations.gov, including any
personal information provided. Please
see the Privacy Act heading below for
further information.

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., E.T., Monday through
Friday, except Federal holidays. The
FDMS is available 24 hours each day
E.T., 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 online.

Privacy Act: In accordance with 5
U.S.C. 553(c), DOT solicits comments
from the public to better inform its
rulemaking process. DOT posts these
comments, without edit, including any
personal information the commenter
provides, to http://www.regulations.gov,
as described in the system of records
notice (DOT/ALL–14 FDMS), which can
be reviewed at http://www.dot.gov/
privacy.

FOR FURTHER INFORMATION CONTACT: Ms.
Christine A. Hydock, Chief, Medical
Programs Division. (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 8:30 a.m. to 5 p.m., E.T.,
Monday through Friday, except Federal
holidays. If you have questions
regarding viewing or submitting
material to the docket, contact Docket
Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315,
FMCSA may grant an exemption from
the FMCSRs for a five-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 statute also allows the
Agency to renew exemptions at the end
of the five-year period. FMCSA grants
exemptions from the FMCSRs for a two-
year period to align with the maximum
duration of a driver’s medical
-certification.

The 46 individuals listed in this
notice have requested an exemption
from the diabetes prohibition in 49 CFR
391.41(b)(3). Accordingly, the Agency
will evaluate the qualifications of each
applicant to determine whether granting
the exemption will achieve the required
level of safety mandated by statute.

The physical qualification standard
for drivers regarding diabetes found in
49 CFR 391.41(b)(3) states that a person
is physically qualified to drive a CMV
if that person has no established
medical history or clinical diagnosis of
diabetes mellitus currently requiring
insulin for control. 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.

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.

FMCSA notes that section 4129 of the
Safe, Accountable, Flexible and
Efficient Transportation Equity Act: A
Legacy for Users requires the Secretary
to revise its diabetes exemption program
established on September 3, 2003 (68 FR
52441). The revision must provide for
individual assessment of drivers with
diabetes mellitus, and be consistent
with the criteria described in section
4018 of the Transportation Equity Act