

received, to include both pre-CDL and post-CDL training.

*FMCSA Response:* FMCSA agrees that this information should be requested, and has updated data collection forms to reflect these items. However, FMCSA will not preclude a carrier from participation for not providing these details if other requirements are met.

13. Consider a formal review process for motor carriers who temporarily fall out of compliance with the pilot program requirements and want to re-enter the program.

*FMCSA Response:* Carriers who fall out of compliance with the pilot program requirements will be dealt with on an individual basis depending on several factors, including evaluating the severity of their lapse of compliance.

14. Allow for carriers to report driver infractions (e.g., failure of a drug test, crashes, violations, etc.) in one business day as opposed to one 24-hour period.

*FMCSA Response:* FMCSA does not agree that one business day is the correct time frame for reporting these infractions; however, FMCSA has clarified that they should be reported within one day of the carrier being informed of any of these infractions.

*Commenters Opposed to the Pilot Program:* Of the 14 commenters who were against the pilot program, 13 comments were submitted by individuals, while one comment was submitted by the Advocates for Highway and Auto Safety (Advocates). Several commenters mentioned general knowledge that younger drivers tend to be less safe than older drivers. One commenter mentioned concern over the potential for younger drivers to be treated harshly by the industry, and several mentioned a lack of experience that would be concerning. Advocates additionally recommended requiring both the use of an Electronic Logging Device (ELD) and the use of an On-Board Monitoring System (OBMS).

*FMCSA Response:* For those commenters who expressed concern due to immaturity and lack of experience of younger drivers, FMCSA reiterates that the pilot program will have stringent participation criteria which includes military training that exceeds most entry-level driver training programs as well as military experience operating a heavy vehicle that is comparable to a CMV. Participants must be trained in a specific MOS which have been selected as those most closely mirroring experience with CMVs. Drivers will be required to comply with current regulations regarding ELDs, and while most CMVs are equipped with OBMS systems, FMCSA's position is that requiring use of an OBMS would limit

the ability of smaller carriers to apply for the program. In an effort to not bias the sample, OBMS data will be collected from participating drivers if the vehicle they operate is already equipped with that system; however, it is not a requirement for participation.

*Comments Neutral towards the Pilot Program:* There were three commenters who did not voice whether they supported or opposed the pilot program. These comments included one voicing concern over the industry turning away these young drivers due to the difficult nature of the industry and its lifestyle (e.g., long periods away from home), a commenter raising the need for a lot of hands on training for anyone entering the industry, and one commenter who had questions and commentary regarding expanding the pilot program, current regulations, and the practices their carrier follows. This commenter also felt the current study design was too onerous for small carriers and geared more towards large carriers.

*FMCSA Response:* These comments were not actionable with regard to this pilot program. The FAST Act specifies who should be included in the pilot program, and the military training offers extensive classroom and behind-the-wheel training prior to being certified in one of the relevant MOSs. Regarding the burden on small carriers, FMCSA has designed a study that is open to having all carriers (small, medium, and large) apply to the program, while still being able to meet the safety needs of this pilot program and collect enough data to conduct a statistically meaningful analysis. FMCSA has made several efforts to assist with reducing the burden on small carriers, such as not making OBMS data a requirement, and not requiring carriers to provide a driver for each group on a one-for-one basis.

Issued under the authority delegated in 49 CFR 1.87 on: November 20, 2018.

#### G. Kelly Regal,

*Associate Administrator for Office of Research and Information Technology.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2018-0320]

#### Qualification of Drivers; Exemption Application; Narcolepsy

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

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA announces receipt of an application from Mr. Terry L. Curtner for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against operation of a commercial motor vehicle (CMV) in interstate commerce by persons with either a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a CMV, or a mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a CMV safely. If granted, the exemption would enable Mr. Curtner who has been diagnosed with narcolepsy and is receiving medical treatment to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before December 27, 2018.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket ID FMCSA-2018-0320 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., ET, Monday through Friday, except Federal Holidays.

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

To avoid duplication, please use only one of these four methods. See the "Public-Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto: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., 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. Public Participation

### A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2018–0320), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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>, put the docket number, FMCSA–2018–0320, in the keyword box, and click “Search.” When the new screen appears, click on the “Comment Now!” button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

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.

FMCSA will consider all comments and material received during the comment period.

### B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA–2018–0320, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

### C. 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 [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

## II. 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 individual listed in this notice has requested an exemption from 49 CFR 391.41(b)(8) and (9). Accordingly, the Agency will evaluate the qualifications of the applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers 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 loss of consciousness or any loss of ability to control a commercial motor vehicle.

The physical qualification standard for drivers found in 49 CFR 391.41(b)(9) states that a person is physically qualified to drive a CMV if that person has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a commercial motor vehicle safely.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> 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 advisory criteria states that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication,

the decision whether that person’s condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. The advisory criteria also states that a variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition, has no existing residual complications, and is not taking anti-seizure medication.

## III. Qualifications of Applicants

### Terry L. Curtner

Mr. Curtner, is a commercial driver in Illinois. A letter dated August 10, 2018, from Mr. Curtner’s neurologist reports that at his last July 31, 2018, follow-up evaluation, he was stable on a moderate daily dose of Nuvigil, and has not had any narcoleptic attacks or cataplexy in over 20 years.

## IV. 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.

Issued on: November 20, 2018.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2018–25848 Filed 11–26–18; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0208]

### Qualification of Drivers; Exemption Applications; Vision

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

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

<sup>1</sup> See [http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391\\_171.a](http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a) and <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.