

**DATES:** Comments must be received on or before September 30, 2015.

**ADDRESSES:** Send comments on this document to Ms. Cayla Morgan at the Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington, 98057-3356, Telephone 425-227-2653.

**FOR FURTHER INFORMATION CONTACT:** Documents are available for review by appointment by contacting Ms. Cayla Morgan, Telephone 425-227-2653, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington on August 11, 2015.

**Joelle Briggs,**

*Assistant, Manager, Seattle Airports District Office.*

[FR Doc. 2015-20289 Filed 8-14-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Buy America Waiver Notification

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic steel products contained in (1) Helical Bevel gearbox Rebuild kits for trail lock machinery, (2) Trail lock brake motors, (3) R1 and R2 Reducer Subcomponents, (4) Spherical Roller Bearings for bridge operating machinery, (5) Diesel Engine for Hydraulic Power Unit for emergency drive system, and (6) Hydraulic Vane Motor for emergency Hydraulic drive system in the State of New York.

**DATES:** The effective date of the waiver is August 18, 2015.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via email at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, (202) 366-1373, or via email at [Jomar.Maldonado@dot.gov](mailto:Jomar.Maldonado@dot.gov). Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded from the Federal Register's home page at: <http://www.archives.gov> and the Government

Printing Office's database at: <http://www.access.gpo.gov/nara>.

#### Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for use of non-domestic steel product contained in (1) Helical Bevel gearbox Rebuild kits for trail lock machinery, (2) Trail lock brake motors, (3) R1 and R2 Reducer Subcomponents, (4) Spherical Roller Bearings for bridge operating machinery, (5) Diesel Engine for Hydraulic Power Unit for emergency drive system, and (6) Hydraulic Vane Motor for emergency Hydraulic drive system in the State of New York.

In accordance with Division K, section 122 of the "Consolidated and Further Continuing Appropriations Act, 2015" (Pub. L. 113-235), FHWA published a notice of intent to issue a waiver on its Web site for non-domestic steel cable nets (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=109>) on June 18. The FHWA received no comments in response to the publication. During the 15-day comment period, FHWA conducted additional review to locate potential domestic manufacturers of (1) Helical Bevel gearbox Rebuild kits for trail lock machinery, (2) Trail lock brake motors, (3) R1 and R2 Reducer Subcomponents, (4) Spherical Roller Bearings for bridge operating machinery, (5) Diesel Engine for Hydraulic Power Unit for emergency drive system, and (6) Hydraulic Vane Motor for emergency Hydraulic drive system. Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers of (1) Helical Bevel gearbox Rebuild kits for trail lock machinery, (2) Trail lock brake motors, (3) R1 and R2 Reducer Subcomponents, (4) Spherical Roller Bearings for bridge operating machinery, (5) Diesel Engine for Hydraulic Power Unit for emergency drive system, and (6) Hydraulic Vane Motor for emergency Hydraulic drive system.

In accordance with the provisions of section 117 of the SAFETEA-LU

Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the New York waiver page noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110-161, 23 CFR 635.410)

Issued on: August 10, 2015.

**Gregory G. Nadeau,**

*Acting Administrator, Federal Highway Administration.*

[FR Doc. 2015-20183 Filed 8-14-15; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2015-0060]

#### Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA confirms its decision to exempt 49 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

**DATES:** The exemptions were effective on July 7, 2015. The exemptions expire on July 7, 2017.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@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:

##### I. 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:* 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

On June 4, 2015, FMCSA published a notice of receipt of Federal diabetes exemption applications from 49 individuals and requested comments from the public (80 FR 31949). The public comment period closed on July 6, 2015, and no comments were received.

FMCSA has evaluated the eligibility of the 49 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).

### *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 49 applicants have had ITDM over a range of one to 43 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 June 4, 2015, **Federal Register** notice and they will not be repeated in this notice.

## III. Discussion of Comments

FMCSA received no comments in this proceeding.

## IV. 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 applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

## V. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in

a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) 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 (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

## VI. Conclusion

Based upon its evaluation of the 49 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above 949 CFR 391.64(b):

Craig S. Barton (UT)  
 Kevin H. Bennerson (NY)  
 Eugene Butler (AR)  
 Dominick M. Ciuffreda (MA)  
 Allen D. Clise (MD)  
 John W. Dillard (TX)  
 Derek P. Elkins (AZ)  
 Joshua J. Ellett (IN)  
 Raymond C. Erschen (PA)  
 Dominic C. Frisina (PA)  
 David D. Gambill (NC)  
 Dennis T. Gannon (NJ)  
 Arnold W. Geske (MN)  
 Alan G. Gladhill (MD)  
 Richard A. Hall (IL)  
 Dwight L. Hawkins (NC)  
 Craig L. Jackson (WY)  
 Wayne A. Jadezuk (NY)  
 Lee L. Kropp (WI)  
 Douglas B. Lampela (MI)  
 David E. Lawton (MA)  
 Babe A. Lisai (NY)  
 Adrian Martinez-Alba (TX)  
 Robert S. Medberry (OH)  
 Daniel Mendolia (NY)  
 Gary L. Mjones (ND)  
 Marty G. Niles (MT)  
 Timothy W. Olden (NJ)  
 John Palermo (NJ)  
 Dennis P. Pantone (NY)  
 John N. Peterson (WI)  
 Robert L. Potter, Jr. (NH)  
 Todd M. Raether (NE)  
 Michael A. Ramsey (CT)  
 Gene P. Rhodes Sr. (PA)  
 Peter B. Rzadzowski, Jr. (IL)  
 Jeffrey J. Salvador (MI)  
 Michael A. Scavotto (MA)  
 Michael Schmidt (PA)  
 Steven J. Schmidt (MN)  
 Carl J. Schneider (PA)  
 John R. Sherbondy (PA)  
 Douglas J. Smith (NY)

Johnathan C. Steffes (CA)  
 Carmen M. Stellitano (PA)  
 Andy L. Strommenger (CO)  
 Jared Villa (ND)  
 Robert T. Warriner (NJ)  
 Ellis E. Wilkins (MA)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (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. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: August 7, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015-20188 Filed 8-14-15; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0373]

#### Qualification of Drivers; Exemption Applications; Narcolepsy

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

**ACTION:** Notice of denial of exemption applications.

**SUMMARY:** FMCSA announces its decision to deny applications from three individuals seeking exemptions from the prohibitions against operating a commercial motor vehicle (CMV) in interstate commerce by persons with: (1) 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 operate a CMV safely, or (2) a mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a commercial motor vehicle safely. FMCSA has statutory authority to exempt individuals from certain parts of the Federal Motor Carrier Safety Regulations, if the exemptions granted will not compromise safety. The Agency must conclude that granting these exemptions provides a level of safety that will be equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

Based on a review of the applications and following an opportunity for public comment, FMCSA has concluded that the individuals did not demonstrate that they could achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation.

**DATES:** This decision is effective July 24, 2015.

#### FOR FURTHER INFORMATION CONTACT:

Charles A. Horan III, Director, Office of Carrier, Driver and Vehicle Safety Standards, (202) 366-4001, or via email at [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), or by letter 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:

##### Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-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.” FMCSA can renew exemptions at the end of each 2-year period. The three individuals listed in this notice have each requested such an exemption from the physical qualification requirements in 49 CFR 391.41(b)(8) and (b)(9), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency evaluates the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

Narcolepsy is a chronic neurological disorder caused by autoimmune destruction of hypocretin-producing neurons inhibiting the brain’s ability to regulate sleep-wake cycles normally. Persons with narcolepsy experience frequent excessive daytime sleepiness, comparable to how non-narcoleptics feel after 24 to 48 hours of sleep deprivation, as well as disturbed nocturnal sleep, which often is confused with insomnia. See NIH Narcolepsy Fact Sheet at [www.ninds.nih.gov/disorders/narcolepsy/detail\\_narcolepsy.htm](http://www.ninds.nih.gov/disorders/narcolepsy/detail_narcolepsy.htm).

The Agency considered the topic of narcolepsy and the potential impact on commercial drivers in a 2009 Evidence Report. The Evidence Report “Narcolepsy (with and without cataplexy) and Commercial Motor

Vehicle Driver Safety” addressed several key questions.<sup>1</sup>

Key Question 1: Are individuals with narcolepsy (with and without cataplexy) at an increased risk for a motor vehicle crash when compared to comparable individuals without the disorder?

Key Question 2: Do currently recommended treatments for narcolepsy reduce the risk for a motor vehicle crash?

Key question 2 was further divided into several questions concerning the impact of various medication therapies for narcolepsy on driver safety. The complete report is included in the docket FMCSA 2014-0373.

The evidence report reviewed studies from the available literature and evaluated outcomes on measures of Excessive Daytime Sleepiness (EDS), cataplexy, event rate, measures of cognitive and psychomotor function, and driving performance. For key question 1, the currently available evidence (both direct and indirect) supports the contention that drivers with narcolepsy are at an increased risk for a motor vehicle crash when compared to otherwise similar individuals who do not have the disorder. The strength of the evidence was rated as strong. The direct evidence (from three crash studies) (study quality rating of “Low”) conducted with non-CMV drivers showed that individuals with narcolepsy are at an increased risk for a crash compared to individuals who do not have narcolepsy. The indirect evidence (studies of driving tests and driving simulation, quality rating “moderate”), examined factors associated with simulated driving outcomes, (driving performance, tracking error, fewer correct responses and more instances of going out of bounds compared to healthy controls). In summary, while there are limitations in the quality of the studies that examined direct crash risk in the evidence base, all study results showed a strong effect size and statistical significance. Indirect evidence of crash provides strong support for the direct crash study findings. Based upon available information, there is strong evidence that non-commercial drivers with narcolepsy are at an increased risk of crash.

Concerning key question 2 and its sub-questions, the American Academy of Sleep Medicine (AASM) and the European Federation of Neurological Societies recommend modafinil as the first-line of treatment and

<sup>1</sup> Evidence Report: Narcolepsy (with and without cataplexy) and Commercial Motor Vehicle Driver Safety; October 6, 2009.