

information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the September 19, 2018, **Federal Register** notice (83 FR 47399) and will not be repeated in this notice.

These 57 applicants have had ITDM over a range of 1 to 51 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 (two or more) severe hypoglycemic episodes in the past five 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).

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.

#### IV. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two 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) each driver must 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) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in 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.

#### 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 57 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Joseph J. Arena, Jr. (PA)  
Daniel C. Avants (WA)  
Danny Bailey (TX)  
Ryan P. Bankert (PA)  
Jordan D. Braun (MN)  
David W. Buckley (CT)  
Travis R. Capesus (IA)  
Delqaua S. Carter (AL)  
Christopher J. Epplin (IL)  
Eugenio Ezparza, Jr. (TX)  
Brian L. Fairchild (ID)  
Stephen A. Fleming (MN)  
Luigi Forcellati (NJ)  
Daniel J. Garcia (CA)  
Derek A. Garibay (CO)  
Caleb K. George (RI)  
Dylan M. Graham (MI)  
Donald D. Gueiss (NC)  
Michael W. Hammarsten (MN)  
Robert L. Howell (IL)  
Mitchell M. Huston (CO)  
Daniel J. Hutt (NY)  
Curtis C. Jacobs (NC)  
Steven M. Johnson (IN)  
Dwyanne E. Johnson (CO)  
Christopher L. Johnston (GA)  
Gregory E. Jondle (IA)  
Steven Kinkead (MO)  
Alexander P. Laatz (VA)  
David L. Lennie (MI)  
Philip J. Linn (OH)  
Raul Martinez (TX)  
Lance E. May (PA)  
Terry A. McCoy (GA)  
Brian K. McGowan (AR)  
Michael D. Mervenne (MI)  
Kendrick D. Miller (NC)  
William D. Murphy (WV)  
Babykutty Oommen (IL)  
Miguel A. Orozco (NJ)  
Arthur W. Pahmeier (IN)  
Dale W. Paul (CA)  
Jason J. Phillips (NM)  
Robert E. Piernik (FL)  
Luc R. Poirier (MI)  
Rick M. Provo (IN)  
David W. Pywell (ID)  
Nicholas A. Quairoli (FL)  
Robert A. Raymond (IA)  
Robert A. Rock, Jr. (RI)  
Hector R. Rodriguez (WA)  
Samuel J. Shriver (WV)

Bradley A. Sundby (SD)  
Clayton A. Szydel (WI)  
Jeremy R. Tatro (OH)  
Imelda Y. Tolentino (AR)  
Birt F. Wilkerson, Jr. (TX)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date 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 prior to being 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.

Issued on: November 5, 2018.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2018-24859 Filed 11-13-18; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2018-0054]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 11 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have "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 CMV." The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on October 17, 2018. The exemptions expire on October 17, 2020.

**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. 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-2018-0054, 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.

#### B. 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 September 10, 2018, FMCSA published a notice announcing receipt of applications from 11 individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (83 FR 45724). The public comment period ended on October 10, 2018, and two comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting 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)(8).

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<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.]

### III. Discussion of Comments

FMCSA received two comments in this proceeding. These comments supported granting these exemptions.

### IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption for up to five years from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) 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. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

In reaching the decision to grant these exemption requests, FMCSA considered the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information

System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the September 10, 2018, **Federal Register** notice (83 FR 45724) change) and will not be repeated in this notice.

These 11 applicants have been seizure-free over a range of 31 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) 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 are provided to the applicants in the exemption document and includes the following: (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.

### VI. 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.

<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>.

## VII. Conclusion

Based upon its evaluation of the 11 exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, 49 CFR 391.41(b)(8), subject to the requirements cited above:

Jonthon A. Arrieta (FL)  
 Jose F.J. Cabrera Maciel (CA)  
 Pietro Capobianco (NJ)  
 Armando B. Castro Jr. (NV)  
 Joshua Cirilo (MN)  
 Barbara A. Cruz (IN)  
 Gail A. Hackathorn (IA)  
 Jose G. Lara-Ramirez (NV)  
 Bryan F. Sheehan (FL)  
 Christopher A. Steinke (WI)  
 Francis L. Stimpson (ID)

In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for two years from the effective date 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 prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: November 5, 2018.

Larry W. Minor,

Associate Administrator for Policy.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-7165; FMCSA-2002-11714; FMCSA-2004-17984; FMCSA-2004-18885; FMCSA-2005-21711; FMCSA-2006-24783; FMCSA-2007-27897; FMCSA-2008-0021; FMCSA-2008-0106; FMCSA-2008-0174; FMCSA-2008-0231; FMCSA-2008-0266; FMCSA-2009-0206; FMCSA-2009-0303; FMCSA-2010-0082; FMCSA-2010-0114; FMCSA-2010-0161; FMCSA-2010-0187; FMCSA-2010-0354; FMCSA-2010-0385; FMCSA-2011-0379; FMCSA-2011-0380; FMCSA-2012-0104; FMCSA-2012-0160; FMCSA-2012-0215; FMCSA-2012-0216; FMCSA-2013-0169; FMCSA-2013-0170; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0005; FMCSA-2014-0006; FMCSA-2014-0010; FMCSA-2014-0011; FMCSA-2014-0296; FMCSA-2016-0027; FMCSA-2016-0028; FMCSA-2016-0206]

### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 83 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before December 14, 2018.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2000-7165; FMCSA-2002-11714; FMCSA-2004-17984; FMCSA-2004-18885; FMCSA-2005-21711; FMCSA-2006-24783; FMCSA-2007-27897; FMCSA-2008-0021; FMCSA-2008-0106; FMCSA-2008-0174; FMCSA-2008-0231; FMCSA-2008-0266; FMCSA-2009-0206; FMCSA-2009-0303; FMCSA-2010-0082; FMCSA-2010-0114; FMCSA-2010-0161; FMCSA-2010-0187; FMCSA-2010-0354; FMCSA-2010-0385; FMCSA-2011-0379; FMCSA-2011-0380; FMCSA-2012-0104; FMCSA-2012-0160; FMCSA-2012-0215; FMCSA-2012-0216; FMCSA-2013-0169; FMCSA-2013-0170; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0005; FMCSA-2014-0006; FMCSA-2014-0010; FMCSA-2014-0011; FMCSA-2014-0296; FMCSA-2016-0027; FMCSA-2016-0028; FMCSA-2016-0206 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-2000-7165; FMCSA-2002-11714; FMCSA-2004-17984; FMCSA-2004-18885; FMCSA-2005-21711; FMCSA-2006-24783; FMCSA-2007-27897; FMCSA-2008-0021; FMCSA-2008-0106; FMCSA-2008-0174; FMCSA-2008-0231; FMCSA-2008-0266; FMCSA-2009-0206; FMCSA-2009-0303; FMCSA-2010-0082; FMCSA-2010-0114; FMCSA-2010-0161; FMCSA-2010-0187; FMCSA-2010-0354; FMCSA-2010-0385; FMCSA-2011-0379; FMCSA-2011-0380; FMCSA-2012-0104; FMCSA-2012-0160; FMCSA-2012-0215; FMCSA-2012-0216; FMCSA-2013-0169; FMCSA-2013-0170; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0005; FMCSA-2014-0006; FMCSA-2014-0010; FMCSA-2014-0011; FMCSA-2014-0296; FMCSA-2016-0027; FMCSA-2016-0028; FMCSA-2016-0206), 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-2000-7165; FMCSA-2002-11714; FMCSA-2004-17984; FMCSA-2004-18885; FMCSA-2005-21711; FMCSA-2006-24783; FMCSA-2007-27897; FMCSA-2008-0021; FMCSA-2008-0106; FMCSA-2008-0174; FMCSA-2008-0231; FMCSA-2008-0266; FMCSA-2009-0206; FMCSA-2009-0303; FMCSA-2010-0082; FMCSA-2010-0114;