

methylphenidate as the second-line of treatment. The AASM also recommends amphetamine, methamphetamine, or dextroamphetamine as alternative second-line treatments. No studies that directly examined the impact of treatment with modafinil, armodafinil, sodium oxybate (used with narcolepsy with cataplexy), or anti-depressants on crash risk or driving performance were identified during the literature searches. Evidence-based conclusions pertaining to treatment with these medications on crash risk and driving performance could not be drawn.

Currently available evidence suggests that amphetamines and/or methylphenidate are effective in improving symptoms of EDS in individuals with narcolepsy (quality of studies range from "moderate to low"). However, these improvements do not result in levels of daytime sleepiness that can be considered to be normal in the vast majority of individuals. Evidence-based conclusions pertaining to the impact of treatment with amphetamines, methylphenidate, or other related stimulant drugs on cognitive and psychomotor function among individuals with narcolepsy cannot be drawn at this time.

In January 2010, the FMCSA's Medical Review Board (MRB) recommended that individuals with narcolepsy be ineligible for a commercial driver's license, even with treatment.<sup>2</sup>

#### Discussion of Public Comments

The FMCSA published the names of three individuals seeking exemption in a **Federal Register** Notice, on April 17, 2015, and requested public comment. The public comment period closed on May 18, 2015. A total of 17 commenters responded. The majority of commenters were in favor of the applicants continuing to drive CMV's with Narcolepsy. Fourteen commenters consisting mainly of private citizens stated that the individual drivers listed in the notice were responsible drivers, were stable and compliant with their medication therapy, had safe driving histories, and believed that the individuals would continue to be safe drivers while on medication. The State of New York's medical consultants reviewed the docket and suggested that drivers with narcolepsy be allowed to operate commercially only if they have been treated medically and have been event-free for at least one year. Three commenters did not support exemption

for drivers with narcolepsy. One anonymous commenter encouraged the FMCSA not to grant exemptions to these individuals due to concerns of the high risk of the underlying medical condition in combination with operating a large CMV.

#### FMCSA Response

To evaluate the effects of these exemption requests on safety, FMCSA reviewed and considered the content of each request individually and all comments received.

FMCSA acknowledges comments received attesting that individual applicants are responsible drivers currently on a stable therapeutic regimen which includes medication therapy. The Agency considered available medical and scientific data concerning medication therapy for narcolepsy. As discussed in the background section of this notice, evidence-based conclusions pertaining to treatment with medications on crash risk and driving performance could not be drawn.

Concerning ATAs comments recommending granting fewer exemptions and revising the current medical standards, FMCSA acknowledges ATA's concerns. The FMCSA has statutory authority (49 U.S.C. 31136(e) and 31315), to consider granting exemptions 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." The FMCSA reviews its medical standards through the use of evidence reports, various medical expert panels and the Agency's Medical Review Board and proposes evidence-based revisions to the medical standards through the rulemaking process which takes a considerable length of time.

The exemption process is the Agency's most viable alternative in the short term to consider whether drivers with disqualifying medical conditions and who are found to meet an equivalent level of safety, should be permitted to operate in interstate commerce.

#### Conclusion

FMCSA evaluated the three individual exemption requests on their merits and available data from FMCSA's Evidence Reports, the Medical Review Board recommendations and public comments received. The Agency has determined that the available medical and scientific literature and research provides insufficient data to enable the Agency to conclude that granting the

exemptions would achieve a level of safety equivalent to or greater than the level of safety maintained without the exemption. Each applicant has, prior to this notice, received a letter of final disposition on his/her exemption request. Those decision letters outlined fully the basis for the denial and constitute final Agency action. The list published today summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4).

The following three applicants are denied exemptions from the physical qualification standards in [49 CFR 391.41(b)(8)] and [49 CFR 391.41(b)(9)]: Thomas Skagen, Charles Larry Peterson, and Stanley Jandreau.

Issued on: August 3, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015-20187 Filed 8-14-15; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-8398; FMCSA-2003-14504; FMCSA-2005-20560; FMCSA-2009-0154; FMCSA-2009-0303; FMCSA-2011-0124]

### 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 the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 22 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective September 22, 2015. Comments must be received on or before September 16, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA-2000-8398; FMCSA-2003-14504; FMCSA-2005-20560; FMCSA-2009-0154; FMCSA-

<sup>2</sup> Medical Review Board Meeting; January 6, 2010; [http://www.mrb.fmcsa.dot.gov/documents/Final\\_Jan\\_6\\_2010\\_MRB\\_Meeting\\_Summary.pdf](http://www.mrb.fmcsa.dot.gov/documents/Final_Jan_6_2010_MRB_Meeting_Summary.pdf).

2009–0303; FMCSA–2011–0124], using any of the following methods:

- *Federal eRulemaking Portal*: Go to <http://www.regulations.gov>. Follow the on-line 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 or Courier*: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- *Fax*: 1–202–493–2251.

*Instructions*: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

*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., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 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 on-line.

*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).

**FOR FURTHER INFORMATION CONTACT:**

Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 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. Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

**II. Exemption Decision**

This notice addresses 22 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 22 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Carl W. Adams (MN)  
 Michael K. Adams (OH)  
 Mark R. Anderson (MI)  
 Eleazar R. Balli (TX)  
 Darrell W. Bayless (TX)  
 Keith A. Bliss (NY)  
 Lloyd D. Burgess (OH)  
 Clifford D. Carpenter (MO)  
 Cecil A. Evey (ID)  
 Kamal A. Gaddah (OH)  
 Terry L. Hudgens (OH)  
 Eric M. Kousgaard (NE)  
 James F. McMahon, Jr. (NH)  
 Samuel A. Miller (IN)  
 Angelo D. Rogers (AL)  
 Larry T. Rogers (IL)  
 Ricky J. Sanderson (UT)  
 Marcial Soto-Rivas (OR)  
 Boyd D. Stamey (NC)  
 David C. Sybesma (ID)  
 Temesgn H. Teklezig (WA)  
 Matthew K. Tucker (MN)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist’s or optometrist’s report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local

enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. 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.

**III. Basis for Renewing Exemptions**

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 22 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 78256; 66 FR 16311; 68 FR 13360; 68 FR 19598; 68 FR 33570; 70 FR 12265; 70 FR 17504; 70 FR 25878; 70 FR 30997; 72 FR 11426; 72 FR 28093; 72 FR 40362; 74 FR 19270; 74 FR 20523; 74 FR 34394; 74 FR 37295; 74 FR 48343; 74 FR 60022; 75 FR 4623; 76 FR 34136; 76 FR 37173; 76 FR 53708; 76 FR 54530; 76 FR 55463; 78 FR 78477; 79 FR 53708). Each of these 22 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver’s ability to continue to drive safely 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.

**IV. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2000–8398; FMCSA–2003–14504; FMCSA–2005–20560; FMCSA–2009–0154; FMCSA–2009–0303; FMCSA–2011–0124), 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 the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and put the docket number, "FMCSA-2000-8398; FMCSA-2003-14504; FMCSA-2005-20560; FMCSA-2009-0154; FMCSA-2009-0303; FMCSA-2011-0124" in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in 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 and may change this notice based on your comments.

#### Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and in the search box insert the docket number, "FMCSA-2000-8398; FMCSA-2003-14504; FMCSA-2005-20560; FMCSA-2009-0154; FMCSA-2009-0303; FMCSA-2011-0124" in the "Keyword" box and click "Search." Next, click "Open Docket Folder" button choose the document listed 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., e.t., Monday through Friday, except Federal holidays.

Issued on: August 7, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015-20189 Filed 8-14-15; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0066]

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

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

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

**SUMMARY:** FMCSA announces receipt of applications from 54 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) 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 September 16, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2015-0066 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line 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., Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

*Instructions:* Each submission must include the Agency name and the docket numbers 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., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 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 on-line.

*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).

**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, 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., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### I. 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." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 54 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b) (3), which applies to drivers of CMVs in interstate commerce. 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.

##### II. Qualifications of Applicants

###### *Joshua E. Adkins*

Mr. Adkins, 65, has had ITDM since 2013. His endocrinologist examined him in 2015 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 (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Adkins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Adkins meets the