

(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 197 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. 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: April 18, 2018.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0368; FMCSA-2011-0381; FMCSA-2013-0192; FMCSA-2013-0193]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 77 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

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.

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 from 8:30 a.m. to 5:30

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. 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., e.t., 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 <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>.

II. Background

On February 14, 2018, FMCSA published a notice announcing its decision to renew exemptions for 77 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (83 FR 6692). The public comment period ended on March 16, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions 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).

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.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 77 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

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

As of March 5, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 31 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 79062; 79 FR 12567; 81 FR 14210):

David E. Ames (IL)
 Christopher D. Burks (MA)
 Larry D. Burton (IL)
 Anthony D. Chrisley (CA)
 Henry Collins (MO)
 John B. Conway, Jr. (NC)
 Douglas E. Erney (IN)
 William C. Flom (IA)
 Brian A. Griep (IA)
 Ronnie Harrington (MS)
 Andrew P. Hines (OH)
 Aaron C. Kaplan (CA)
 Sigmund E. Keller (NY)
 Derl T. Martin (MO)
 Ronald E. Mullard (AL)
 Justin C. Orr (OH)
 Kevin L. Otto (OH)
 Larry H. Painter (PA)
 Robert K. Patterson (IA)
 Albert M. Purdy (PA)
 Adam Ranzy (MO)
 Thomas F. Scanlon (NJ)
 Harrison G. Simmons (MO)
 Scott A. Stout (FL)
 Walter D. Strang, IV (CT)
 Mark A. Torres (MA)
 Eric A. Vernon (IA)
 Marvin L. Vonk (IA)
 Kelly J. Walstad (MN)
 John R. Wappes (OH)
 Rickey A. Wulf (IA)

The drivers were included in docket number FMCSA-2013-0193. Their exemptions are applicable as of March 5, 2018, and will expire on March 5, 2020.

As of March 7, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 34 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 3549; 77 FR 13685; 78 FR 78479; 79 FR 13086; 81 FR 14210):

Chad E. Anger (WI)
Edward Blake (GA)
Brian Chase (VA)
Nicholas P. Dube (RI)
James W. Dusing (MN)
Manel Elizondo (TX)
Michael K. Farris (IN)
Menino Fernandes (IL)
Craig J. Gadley, Sr. (NY)
Mary F. Guilfooy (IN)
Matthew E. Hay (TX)
Edward S. Ionescu (IL)
Jeffrey P. James (AR)
Tracy N. Jenkins (DE)
Gregory A. King (NC)
Matthew R. Linehan (NY)
Cory A. Meadows (OH)
Ashun R. Merritt (GA)
Herbert A. Morton (CA)
Jayrome B. Rimolde (MN)
Gale Roland (PA)
John L. Scherette (WA)
Kelly T. Scholl (MN)
James P. Shurkus (NH)
Gregory G. Sisco (IA)
Travers L. Stephens (GA)
Brittany K. Tomasko (CA)
Daren Warren (NY)
Alan T. Whalen (NY)
Thomas L. Whitley (IN)
Randall S. Williams (PA)
Tomme J. Wirth (IA)
Joshua C. Wyse (OH)
Rowland P. Yee (HI)

The drivers were included in docket numbers FMCSA–2011–0368; FMCSA–2013–0192. Their exemptions are applicable as of March 7, 2018, and will expire on March 7, 2020.

As of March 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 5870; 77 FR 17116; 81 FR 14210):

Roger L. Arcan, Jr. (MA)
Marsha M. Colberg (WA)
Robert D. Crissinger (MN)
Scott W. Forsyth, Jr. (CO)
Fritz D. Gregory (UT)
Anthony P. Kesselring (FL)
Don R. Kivi (ND)
Vincent Ligotti (NY)
Michael R. Miller (PA)
Jack L. Phippen (WI)
Richard A. Purk (CA)
Jack A. Tidey (AR)

The drivers were included in docket number FMCSA–2011–0381. Their exemptions are applicable as of March 23, 2018, and will expire on March 23, 2020.

In accordance with 49 U.S.C. 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 and 31315.

Issued on: April 18, 2018.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2017–0254]

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 six 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 March 22, 2018. The exemptions expire on March 22, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, 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., 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.

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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>.

II. Background

On February 14, 2018, FMCSA published a notice announcing receipt of applications from six 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 6717). The public comment period ended on March 16, 2018, and no 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 criteria¹ 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.]

¹ See http://www.ecfr.gov/cgi-bin/text-idc?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>.