

maintenance, rehabilitation, and replacement of underground pipe and cable for the telecom, oil, electricity, gas, water, and wastewater industries. Its family of companies includes Ditch Witch®, Subsite® Electronics, DW/TXS®, HammerHead®, Radius® HDD, American Augers®, Trencor® and MTI® Equipment. CMW designs, manufactures and sells a range of products to cover the full life-cycle of underground pipe and cable, including horizontal directional drills, walk and ride trenchers, utility loaders, vacuum excavators, asset locators, pipe rehabilitation solutions and after-market tools.

Some of the equipment designed and manufactured by CMW utilize small, commercially available internal combustion engines to power auxiliary equipment that is permanently mounted on a CMV. CMW states that while auxiliary equipment that is permanently mounted to CMVs is considered part of the CMV and subject to the requirements of 49 CFR 393.65(d), it “has identified that currently there is uneven roadside enforcement with regard to the use of gravity fed fuel tanks on auxiliary equipment installed on or used in connection with commercial motor vehicles.”

In support of its application, CMW states:

Most small commercially available internal combustion engines used on auxiliary equipment are equipped from the factory with gravity fed fuel tanks attached to the engine . . . The cost of modifying these small internal combustion engines to remove the fuel tank from the engine and to re-engineer the fuel delivery system to use a fuel pump to pump fuel from the now removed fuel tank to the internal combustion engine requires electrical wiring to be run from the commercial motor vehicle to operate the fuel pump. Manufacturers who have gone to this additional expense, question the reasoning of removing the fuel tank from above the engine and placing it beside the engine and equipping the system with a fuel pump to transfer fuel from the tank to the engine. Since the auxiliary equipment only operates when the CMV is not operating on the highway there does not seem to be any legitimate safety reason for this requirement. A review of previous **Federal Register** notices does not describe why this requirement was added for fuel systems for auxiliary equipment on commercial motor vehicles, when this equipment is not operating while the CMV is operating on the highway.

The exemption would permit CMW and all other CMV operators to utilize auxiliary equipment with gravity fed fuel systems when the CMV is not operating on the highway. CMW believes that granting the temporary exemption will maintain a level of

safety that is equivalent to or greater than the level of safety achieved without the exemption because the auxiliary equipment will not be operating while the CMV is operating on the highway. CMW “believes that because the engine on the auxiliary equipment will not be operating while the CMV is traveling on the highway, so the potential risk of gravity fed fuel systems leaking on a hot or operating engine will not be possible, thereby eliminating the possibility of fire from the auxiliary equipment.”

#### Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on CMW’s application for an exemption from the requirements of 49 CFR 393.65(d). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: March 21, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019–05952 Filed 3–27–19; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Dockets No. **FMCSA–2017–0243, FMCSA–2017–0296, FMCSA–2017–0337, FMCSA–2017–0340, FMCSA–2017–0342, FMCSA–2017–0356, FMCSA–2017–0361, FMCSA–2017–0373, FMCSA–2018–0003, FMCSA–2017–0336**]

#### Hours of Service (HOS) of Drivers; Applications for Exemption From the Electronic Logging Device Rule

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

**ACTION:** Notice of final disposition: Denial of applications for exemption; correction.

**SUMMARY:** The Federal Motor Carrier Safety Administration published its decision in the **Federal Register** of December 7, 2018, to deny 10 applicants

an exemption from the hours-of-service electronic logging device rule. Due to an error, the name of the first applicant listed in that publication was twice misstated. This notice makes it clear that the name of the first applicant is Power & Communication Contractors Association.

**DATES:** Applicable on December 7, 2018.

**FOR FURTHER INFORMATION CONTACT:** For information concerning this notice, contact Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (202) 366–4225. Email: [MCPSPD@dot.gov](mailto:MCPSPD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### Correction

In the **Federal Register** of December 7, 2018, correct page 63194 as follows: In the first column, correct the name of the first applicant listed in the Summary second sentence to read “Power & Communication Contractors Association.” In the third column, correct the subheading to read, “Power & Communication Contractors Association.”

Issued on: March 20, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019–05951 Filed 3–27–19; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. **FMCSA–2018–0320**]

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

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

**ACTION:** Notice of denial.

**SUMMARY:** FMCSA announces its decision to deny the application from one individual who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting 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 commercial motor vehicle safely.

**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-2018-0320, 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.

*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 November 27, 2018, FMCSA published a FR notice (83 FR 60953) announcing receipt of an application from one individual with a diagnosis of narcolepsy and requested comments from the public. This individual requested an exemption from 49 CFR 391.41(b)(8), which prohibits operation of a 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, and 49 CFR 391.41(b)(9) a mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a CMV safely. The public comment period closed on December 27, 2018. Four comments were received in response to

this proceeding. Of the four comments received, two were duplicate comments received from the applicant, and one comment was received from a private citizen. These commenters were in support of granting an exemption based on the applicant's driving history. The fourth commenter, the American Academy of Sleep Medicine (AASM) commented that the Agency should not grant an exemption for narcolepsy and outlined nine specific reasons for their non-support. Details of the AASM's comments may be found in the docket under the comments section.

FMCSA has evaluated the eligibility of this applicant and concluded that granting the exemption would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(8) and (b)(9).

In reaching the decision to deny these exemption requests, the Agency considered information from the 2009 Evidence Report, "Narcolepsy (with and without cataplexy) and Commercial Motor Vehicle Driver Safety <sup>1</sup>," and the January 2010 Medical Review Board (MRB) Recommendation <sup>2</sup> that individuals with narcolepsy be ineligible for a commercial driver's license, even with treatment. A copy of the Evidence Report is included in the docket.

**III. Basis for Exemption Determination**

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs if the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information provided by the applicant, available medical and scientific data concerning narcolepsy, and public comments received. As discussed in the background section, the Agency considered information from the 2009 Evidence Report, "Narcolepsy (with and without cataplexy) and Commercial Motor Vehicle Driver Safety," and the January 2010 recommendation that individuals with narcolepsy be ineligible for a commercial driver's license, even with treatment.

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

<sup>2</sup> Medical Review Board Meeting; January 6, 2010; [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).

FMCSA has published advisory criteria 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 for 49 CFR 391.41(b)(8), indicates 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.

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.

The advisory criteria for 49 CFR 391.41(b)(9), indicates 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.

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 is often confused with insomnia. See National Institutes of Health (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 2009 Evidence Report, "Narcolepsy (with and without cataplexy) and Commercial Motor Vehicle Driver Safety," addressed whether or not individuals with narcolepsy are at an increased risk for motor vehicle crashes; whether or not currently recommended treatments for narcolepsy reduce the risk for motor vehicle crashes; and the impact of various medication therapies for narcolepsy on driver safety.

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. The currently available direct and indirect evidence support 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 direct evidence from three crash studies conducted of 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 from studies of driving tests and driving simulation examined factors associated with simulated driving outcomes such as driving performance, tracking error, fewer correct responses, and more instances of going out of bounds compared to healthy controls. While there are limitations in the quality of the studies that examined direct crash risk, both the direct and indirect studies showed a strong effect size and statistical significance. The American Academy of Sleep Medicine (AASM) and the European Federation of Neurological Societies recommend modafinil as the first treatment option and methylphenidate as the second treatment option. The AASM also recommends amphetamine, methamphetamine, or dextroamphetamine as alternative treatments. During literature searches, no studies that directly examined the impact of treatment with modafinil, armodafinil, sodium oxybate (used with narcolepsy with cataplexy), or antidepressants on crash risk or driving performance were identified. Therefore, conclusions regarding treatment with these medications on crash risk and driving performance could not be made.

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. Therefore, conclusions regarding to the impact of treatment with amphetamines, methylphenidate, or other related stimulant drugs on cognitive and psychomotor function among individuals with narcolepsy could not be made.

In January 2010, the FMCSA’s MRB recommended that individuals with

narcolepsy be ineligible for a commercial driver’s license, even with treatment.

#### IV. Conclusion

The Agency has determined that the available medical and scientific literature and research provides insufficient data to enable the Agency to conclude that granting these exemptions would achieve a level of safety equivalent to, or greater than, the level of safety maintained without the exemption. Therefore, the applicant, Terry L. Curtner (IL), has been denied an exemption from the physical qualification standards in 49 CFR 391.41(b)(8) and (b)(9):

The applicant has, prior to this notice, received a letter of final disposition regarding his exemption request. The decision letter fully outlined the basis for the denial and constitutes final action by the Agency. The applicant’s information published today summarizes the Agency’s recent denials as required under 49 U.S.C. 31315(b)(4).

Issued on: March 20, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019–05949 Filed 3–27–19; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2018–0113; Notice No. 2018–23]

#### Hazardous Materials: Notice of Public Meetings in 2019 for International Standards on the Transport of Dangerous Goods

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

**ACTION:** Notice of 2019 public meetings.

**SUMMARY:** This notice announces that PHMSA will host four public meetings during 2019 in advance of certain international meetings. For each of these meetings, PHMSA will solicit public input on current proposals. The first meeting will be held in preparation to the International Civil Aviation Organization’s (ICAO) Dangerous Goods Panel (DGP) Working Group 19 meeting (WG/19) being held April 1–5, 2019, in Montreal, Canada. The second meeting will be held in preparation to the 55th session of the United Nations Subcommittee of Experts on the Transport of Dangerous Goods (UNSCOE TDG) being held July 1–5, 2019, in Geneva,

Switzerland. The third meeting will be held in preparation to the 27th meeting of the ICAO DGP (DGP/27) being held September 9–20, 2019, in Montreal, Canada. Finally, the fourth meeting will be held in preparation to the 56th session of the UNSCOE TDG being held December 2–11, 2019, in Geneva, Switzerland.

**Time and Location:** Each public meeting will take place approximately two weeks preceding the international meeting at DOT Headquarters, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Specific information for each meeting will be posted when available on the PHMSA website at <https://www.phmsa.dot.gov/international-program/international-program-overview> under “Upcoming Events.” This information will include the public meeting date, time, conference call-in number, and details for advanced registration.

#### FOR FURTHER INFORMATION CONTACT:

Steven Webb or Aaron Wiener, International Program Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590, (202) 366–8553.

#### SUPPLEMENTARY INFORMATION:

The purpose of PHMSA’s public meetings is to allow the public a chance to give input on the current meeting proposals.

The 55th and 56th sessions of the UNSCOE TDG will represent the first and second meetings scheduled for the 2019–2020 biennium. The UNSCOE TDG will consider proposals for the 22nd Revised Edition of the *United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations* (Model Regulations), which may be implemented into relevant domestic, regional, and international regulations starting January 1, 2023. Copies of working documents, informal documents, the agenda, and the post-meeting final report may be obtained from the United Nations Transport Division’s website at <http://www.unece.org/trans/danger/danger.html>.

The ICAO WG/19 and DGP/27 meetings will represent the second and third meetings of the 2018–2019 biennium. The ICAO DGP will consider proposals for the 2021–2022 edition of the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284). Copies of working papers, information papers, the agenda, and the post-meeting final report may be obtained from the ICAO DGP website at <https://www.icao.int/safety/DangerousGoods/Pages/DGPMetings.aspx>.