

believes that [current] research supports exempting WMH and all waste and recyclable material CMV drivers and companies from complying with the ELD mandate and the use of RODS. NWRA supports WMH's request to increase the short-haul exemption from 12 hours to 14 hours as has already been done for the ready-mix concrete and asphalt industries."

Waste Connections supports the proposal to increase the return requirement from 12 to 14 hours: "We will continue to work diligently with our drivers to uphold safety as our #1 value and to keep the time our drivers spend on the road to a safe duration."

The Advocates/The Trucking Alliance filed joint comments in opposition to the WMH application for exemption on the grounds "that the application does not meet the statutory and regulatory requirements for the exemption. The application fails to justify the need for the exemption, provide an analysis of the safety implications of the requested exemption, or provide information on the specific countermeasures to be undertaken to ensure that the exemption will achieve an equivalent or greater level of safety that would be achieved absent the exemption. . . . Granting exemptions to the HOS or ELD rules undermines the federal regulatory HOS scheme, weakens specific safety regulations, and complicates enforcement."

The IBT opposes the exemption request: "The idea that increasing the allowable driving time for WMH drivers to 14 hours a day will have 'no adverse safety impact' does not align with the facts. It flies in the face of the logic behind there being a cap on allowable driving hours at all. Additional time behind-the-wheel leads to greater fatigue, which leads to a greater propensity for accidents We strongly encourage the Agency to deny the request."

V. FMCSA Decision

FMCSA has evaluated WMH's application and the public comments and decided to grant the exemption. The Agency believes that the drivers of WMH's CMVs used to collect waste and recycling materials who are exempted will likely achieve a level of safety that is equivalent to or greater than, the level of safety achieved without the exemption [49 CFR 381.305(a)]. The exemption will allow WMH's drivers to use the short-haul RODS exception, but with a 14-hour duty period instead of 12 hours. The Agency granted a similar exemption to the National Asphalt Paving Association [January 26, 2018, (83 FR 3864)].

Regarding the comments from the Advocates, the Trucking Alliance and the IBT, the Agency emphasizes that this exemption does not allow any additional driving time during the work shift, or allow driving after the 14th hour from the beginning of the work shift. In addition, drivers are still limited by the weekly limits, and the employer must maintain accurate time records concerning the time the driver reports for work each day, the total number of hours the driver is on duty each day, and the time the driver is released from duty each day. As the WMH explained, drivers usually return to the work reporting location within 12 hours, but the demands during certain periods necessitate work shifts going beyond 12 hours. Therefore, the exemption application should not be construed as a mechanism for the applicant to implement a new business model with all of its drivers routinely extending maximum work shifts from 12 to 14 hours. It provides limited relief to the recordkeeping requirements for HOS for short-haul drivers who find it necessary to exceed the 12-hour limit, which impacts the type of HOS records required.

VI. Terms and Conditions for the Exemption

- Drivers must have a copy of this notice or equivalent signed FMCSA exemption document in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.
- Drivers must return to the work reporting location and be released from work within 14 consecutive hours.

Extent of the Exemption

This exemption is limited to the provisions of 49 CFR 395.1(e)(1)(ii)(A). These drivers must comply with all other applicable provisions of the FMCSRs.

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Notification to FMCSA

Any motor carrier utilizing this exemption must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The

notification must include the following information:

- (a) Identity of the exemption: "Waste Management Holdings, Inc."
- (b) Name of operating motor carrier,
- (c) Date of the accident,
- (d) City or town, and State, in which the accident occurred, or closest to the accident scene,
- (e) Driver's name and license number,
- (f) Vehicle number and State license number,
- (g) Number of individuals suffering physical injury,
- (h) Number of fatalities,
- (i) The police-reported cause of the accident,
- (j) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and
- (k) The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to MCPSPD@DOT.GOV.

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record.

Interested parties or organizations possessing information that would otherwise show that any or all of these motor carriers are not achieving the requisite statutory level of safety should immediately notify FMCSA.

The Agency will evaluate any information submitted and, if safety is being compromised or if the continuation of this exemption is inconsistent with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA will immediately take steps to revoke the exemption of the company and drivers in question.

Issued on: October 18, 2018.

Raymond P. Martinez,
Administrator.

[FR Doc. 2018-23335 Filed 10-24-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2010-0288; FMCSA-2012-0281; FMCSA-2014-0306; FMCSA-2014-0307; FMCSA-2016-0221; FMCSA-2016-0222; FMCSA-2016-0023]

Qualification of Drivers; Exemption Applications; Diabetes

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 150 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. Comments must be received on or before November 26, 2018.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2010–0288; FMCSA–2012–0281; FMCSA–2014–0306; FMCSA–2014–0307; FMCSA–2016–0221; FMCSA–2016–0222; FMCSA–2016–0023 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, 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., 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–2010–0288; FMCSA–2012–0281; FMCSA–2014–0306; FMCSA–2014–0307; FMCSA–2016–0221; FMCSA–2016–0222; FMCSA–2016–0023), 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–2010–0288; FMCSA–2012–0281; FMCSA–2014–0306; FMCSA–2014–0307; FMCSA–2016–0221; FMCSA–2016–0222; FMCSA–2016–0023, in the keyword box, and click “Search.” When the new screen appears, click on the “Comment Now!” button and type your comment into the text box on 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.

B. 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–2010–0288; FMCSA–2012–0281; FMCSA–2014–0306; FMCSA–2014–0307; FMCSA–2016–0221; FMCSA–2016–0222; FMCSA–2016–0023, 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.

C. 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, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years 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 five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

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 [“diabetes standard”].

The 150 individuals listed in this notice have requested renewal of their exemptions from the diabetes standard in 49 CFR 391.41(b)(3), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than five years from its approval date and may be renewed upon application. FMCSA grants exemptions from the diabetes standard for a two-year period to align with the maximum duration of

a driver's medical certification. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 150 applicants has satisfied the renewal conditions for obtaining an exemption from the diabetes standard (see 75 FR 59788; 77 FR 59447; 79 FR 59351; 79 FR 63214; 81 FR 67425; 81 FR 72644; 81 FR 72652). They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. 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 of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

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

As of November 1, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 48 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 59351; 81 FR 67425):

Noe D. Aguilar (CA)
Wayne W. Best (PA)
John K. Bottkol (FL)
Justin M. Brown (MT)
John D. Cline (AZ)
Paul H. Coleman (PA)
John D. Colpitts (NC)
Kevin A. Dietz (IL)
Steven M. Dunham (NH)
Frank A. Emrath (WI)
Kirk M. Faria (MA)
Richard L. Farris (WA)
Alex J. Gerena-Santiago (PA)
Clayton G. Hardwick (KY)
Audie C. Holton (GA)
Matthew D. Homan (MI)
Jamison G. Land (VA)
Lester M. Lee, Jr. (GA)
Richard H. Leger (LA)
Aretha Lewis (VA)
Marvin D. Mathis (NC)
Solomon J. Mayfield (GA)
Clay A. McDaniel (MO)
Calvin W. McDaniel (MI)
Brian M. McFadden (MA)
Sean R. Murray (MN)
Sean K. Myhand (GA)
Glen R. Parry (NM)
George E. Patton (AL)
Luther S. Pickell (KS)
Jeffrey E. Prevost (ME)
Michael J. Ramey (CO)

Richard J. Rasmussen (NE)
Phillip A. Rentschler (IN)
Mark L. Rigby (UT)
Jeffrey K. Roberts (WI)
Marvin A. Ryan (IN)
Craig A. Squib (PA)
Eric R. Storm (GA)
Timothy B. Suck (MI)
Daniel A. Swain (TX)
Sean P. Thomas (IN)
Tyrel J. Turner (ID)
Glenn R. Tyrrell (MN)
Lewis W. Vaught Jr. (NC)
Daniel R. Violette (OR)
Robert C. Williams (OR)
William L. Wiltrout (PA)

The drivers were included in docket numbers FMCSA–2014–0306, FMCSA 2016–0221. Their exemptions are applicable as of November 1, 2018, and will expire on November 2, 2020.

As of November 16, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 59788):

Shale W. Anderson (FL)
Charles L. Arnburg (IA)
Garrett D. Couch (MI)
Mark W. Garver (MN)
Donald S. Keller (MI)
Jason M. Luper (MO)
Harold L. Phillips (OK)
Heath A. Senkel (TX)
Roland R. Unruh (KS)
Norman J. VanTuyle II (MI)
John M. Warden (TX)
Donald E. Weadon (MD)
Douglas W. Williams (TN)

The drivers were included in docket number FMCSA–2010–0288. Their exemptions are applicable as of November 16, 2018, and will expire on November 16, 2020.

As of November 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 80 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 63214, 81 FR 72644, 81 FR 72652):

Christopher Albano (PA)
Colter E. Allen (MT)
Jeffrey S. Argabright (OH)
Bert F. Asa (CO)
Brandon D. Baird (TN)
Gregory A. Behm (NE)
Helena R. Berry (GA)
Glenn C. Blank (PA)
John K. Brown (KY)
Gregory A. Carroll (MD)
Kent H. Carter (IN)
Archie Chischilly (AZ)

James L. Crane (MS)
Timothy L. Dahlberg (WI)
Randy S. Dorn (WI)
Troy E. Dreisbach (PA)
Scott E. Ennis (NY)
Donald L. Feltman (MN)
Benjamin T. Filip (ND)
Richard A. Geiger (IL)
Harold L. Gomez (LA)
Arthur M. Gonzalez (TX)
Todd K. Grama (NY)
Patrick E. Gratts (TX)
Alex J. Gravunder (WI)
Dion A. Harris (OK)
Rick L. Hendrickson (ND)
Henry C. Hinton (IN)
Glenn E. Hoffman (FL)
Jeffrey S. Horvath (OH)
George E. Huften (CT)
Patrick L. Jackson (GA)
William T. Jensen (NJ)
Herbert S. Johnson (IA)
Randall L. Johnson (GA)
Robert W. Johnson, Sr. (NY)
Joseph J. Karas (NJ)
Antonio J. Katzdorn (ID)
Terry J. Koontz (IL)
Richard H. LaDue (NY)
Randy C. Lee (NY)
Jose A. Lucero (AZ)
William D. Lusk (NC)
Gerry A. Lutz (IA)
Kenneth E. McCain (IL)
George F. McCrory (MO)
William P. McLemore, Jr. (IL)
Glenn J. Michalek (IL)
John R. Miller II (OR)
Christopher M. Minor (OH)
Robert A. Nicolai (MO)
Ashby J. Nuckols (VA)
William P. Pearson, II (WI)
Corey M. Planck (MO)
Ronald J. Pomella (FL)
Jonathan P. Preissler (MA)
Ivan A. Pruss (NJ)
Charles R. Quilty (IL)
John M. Rawlinson (IN)
Michael L. Reynolds (NC)
Joseph M. Rowe (MO)
Donald G. Runyon (IN)
Samuel H. Schmidt (MN)
Gary W. Seal (TN)
John B. Simpson (NH)
Garey W. Smith (TN)
Ronnie J. Smith (NC)
Troy Smith (OH)
Dennis J. Stanley (WI)
John E. Steltz (MN)
Mitchell A. Thomas (MN)
James E. Vaughn (TN)
James M. Vavao (CA)
Robert W. Wagner (OH)
Joseph H. Wamsley (WV)
Kevin A. Warren (OH)
Steven M. Weimer (PA)
Kevin L. Wendt (WY)
Michael L. Westbury (SC)
Richelle Y. Wyatt (PA)

The drivers were included in docket numbers FMCSA–2014–0307, FMCSA–

2016–0222, FMCSA–2016–0023. Their exemptions are applicable as of November 22, 2018, and will expire on November 22, 2020.

As of November 26, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine 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 59447):

Charles E. Castle (OH)
Larry W. Dearing (IN)
Bradley E. DeWitt (WA)
Leonard R. Dobosenski (MN)
Michael L. Kiefer (SD)
Marcus J. Kyle (IA)
Robert C. Moore (PA)
Jedediah C. Record (WY)
Jessie L. Webster (KY)

The drivers were included in docket number FMCSA–2012–0281. Their exemptions are applicable as of November 26, 2018, and will expire on November 26, 2020.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (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 submit an annual ophthalmologist's or optometrist's report; 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 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. 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.

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.

VII. Conclusion

Based upon its evaluation of the 150 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: October 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23331 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0279]

Agency Information Collection Activities; New Information Collection: Crash Risk by Commercial Motor Vehicle Driver Schedules

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Federal Motor Carrier Safety Administration (FMCSA) announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This ICR is associated with FMCSA's study to investigate how commercial motor vehicle (CMV) drivers' schedules impact overall driver performance and safety. FMCSA needs these data to answer important research questions related to driver schedules and how these affect overall driver performance and fatigue.

DATES: We must receive your comments on or before December 24, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2018–0279 using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; 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:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. 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.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>, and follow the online instructions for accessing the dockets, or go to the street address listed above.

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, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the “help” section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Theresa Hallquist, Research Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–1064; email theresa.hallquist@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The preamble of FMCSA's December 27, 2011, Hours-of-Service (HOS) of Drivers Final Rule states, “FMCSA is committed to conducting a