

### 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 20 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (66 FR 30502; 66 FR 41654; 68 FR 44837; 70 FR 30999; 70 FR 41811; 70 FR 46567; 72 FR 40359; 72 FR 40362; 73 FR 46973; 73 FR 54888; 74 FR 34074; 74 FR 34395; 76 FR 17481; 76 FR 25766; 76 FR 28125; 76 FR 29026; 76 FR 37169; 76 FR 37885; 76 FR 40445; 76 FR 44652; 76 FR 44653; 76 FR 50318; 76 FR 53710; 78 FR 20376; 78 FR 22598; 78 FR 24300; 78 FR 24798; 78 FR 30954; 78 FR 34141; 78 FR 34143; 78 FR 37270; 78 FR 37274; 78 FR 41975; 78 FR 46407; 78 FR 52602; 78 FR 56986; 78 FR 56993; 79 FR 4531). Each of these 20 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–2008–0231; FMCSA–2001–9561; FMCSA–2005–21254; FMCSA–2011–0024; FMCSA–2011–0092; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0025; FMCSA–2013–0026; FMCSA–2013–0027; FMCSA–2013–0029; FMCSA–2013–0030), 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–2008–0231; FMCSA–2001–9561; FMCSA–2005–21254; FMCSA–2011–0024; FMCSA–2011–0092; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0025; FMCSA–2013–0026; FMCSA–2013–0027; FMCSA–2013–0029; FMCSA–2013–0030” 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–2008–0231; FMCSA–2001–9561; FMCSA–2005–21254; FMCSA–2011–0024; FMCSA–2011–0092; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0025; FMCSA–2013–0026; FMCSA–2013–0027; FMCSA–2013–0029; FMCSA–2013–0030” 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 3, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015–20691 Filed 8–20–15; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0355; FMCSA–2010–0203; FMCSA–2011–0389; FMCSA–2012–0050; FMCSA–2012–0094; FMCSA–2012–0294; FMCSA–2013–0106]

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

**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 Epilepsy and Seizure Disorders requirement in the Federal Motor Carrier Safety Regulations for 29 individuals. FMCSA has statutory authority to exempt individuals from the Epilepsy and Seizure Disorders 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 July 12, 2015. Comments must be received on or before September 21, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2008–0355; FMCSA–2010–0203; FMCSA–2011–0389; FMCSA–2012–0050; FMCSA–2012–0094; FMCSA–2012–0294; FMCSA–2013–0106], using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](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 [www.regulations.gov](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 Horan III, Director, Carrier & Vehicles 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:

##### Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the Epilepsy and Seizure Disorders requirements in 49 CFR 391.41(b)(8), 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.

##### Exemption Decision

This notice addresses 29 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Patrick N. Andreasen (PA), Prince Austin, Jr. (OH), Samuel D. Beverly, Jr.

(VA), John W. Boerth (WI), Michael C. Breitbach (IA), Todd W. Brock (CO), Craig R. Bugella ((WI), Frank J. Cekovic (PA), Joseph D’Angelo (NY), Todd A. Davis (WI), Steven Gordon (MT), James R. Gorniak (WI), Brian R. Hanson (OR), Eric A. Hilmer (WI), Kevin A. Jandreau (ME), David Kietzman (WI), Jason Kirkham (WI), Joseph A. Kogut (NY), William P. Lago (MA), Michael K. Lail (NC), Robert J. Mooney (OH), Jeffrey P. Moore (NY), Diana J. Mugford (VT), Brian J. Porter (PA), Michael Righter (PA), Douglas S. Slagel (OH), Robert C. Spencer (FL), Brian J. Wiggins (ID), Timothy M. Zahratka (MN).

These exemptions are extended subject to the driver maintaining a stable treatment regimen and remaining seizure-free during the 2-year exemption period. The exempted drivers must submit a physician statement from their treating physician attesting to the stability of treatment and that the driver has remained seizure-free. The driver must undergo an annual medical examination by a medical examiner, as defined by 49 CFR 390.5, following the FMCSA’s regulations for the physical qualifications for CMV drivers. 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.

##### 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 29 applicants has satisfied the entry conditions for obtaining an exemption from the Epilepsy and Seizure Disorder requirements (73 FR 75167; 75 FR 38599; 77 FR 537; 77 FR 12360; 78 FR 3077; 78 FR 3079; 78 FR 24301). Each of these 29 applicants has requested renewal of the exemption and has submitted evidence showing that they have maintained a stable treatment regimen and remained seizure-free during the 2-year exemption period. The exempted drivers must submit a physician statement from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free. The driver must undergo an annual medical examination by a medical examiner, as defined by 49 CFR 390.5, following the FMCSA’s regulations for the physical

qualifications for CMV drivers. In addition to evaluating the medical status of each applicant CDLIS and MCMIS were searched for crash and violation data on the 29 applicants. For non-CDL holders, the Agency reviewed the driving records from the State licensing agency. 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.

##### Request for Comments

FMCSA will review comments received at any time concerning a particular driver’s safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by September 21, 2015.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 29 individuals from the Epilepsy and Seizure Disorders requirement in 49 CFR 391.41(b)(8). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated the medical condition of each applicant for an exemption from the Epilepsy and Seizure requirements. That information is available by consulting the above cited **Federal Register** publications.

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.

## Submitting Comments

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> and in the search box insert the docket numbers FMCSA-2008-0355; FMCSA-2010-0203; FMCSA-2011-0389; FMCSA-2012-0050; FMCSA-2012-0094; FMCSA-2012-0294; FMCSA-2013-0106 and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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. We will consider all comments and material received during the comment period.

## Viewing Comments and Documents

To view comments, as well as any documents mentioned in this notice, or to submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2008-0355; FMCSA-2010-0203; FMCSA-2011-0389; FMCSA-2012-0050; FMCSA-2012-0094; FMCSA-2012-0294; FMCSA-2013-0106 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this document.

Issued on: August 3, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

**[Docket No. FTA-2015-0011]**

### Notice of a Buy America Waiver for Replacement Gondola Components

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of a Buy America waiver.

**SUMMARY:** The Federal Transit Administration (FTA) received a Buy America waiver request from the Colorado Department of Transportation on behalf of the Town of Mountain Village for replacement parts for a gondola rehabilitation project. A non-availability waiver is needed because Mountain Village intends to rehabilitate the gondola system with FTA funding and the replacement parts do not comply with Buy America requirements. In accordance with 49 U.S.C. 5323(j)(3)(A), FTA published a notice of the waiver request and sought public comment in deciding whether to grant the request. Having received no comments opposing the waiver, FTA is hereby granting a non-availability waiver for the replacement gondola components to be procured by Mountain Village for the gondola refurbishment projects described herein.

**DATES:** This waiver is effective immediately.

**FOR FURTHER INFORMATION CONTACT:** Richard Wong, FTA Attorney-Advisor, at (202) 366-0675 or [Richard.Wong@dot.gov](mailto:Richard.Wong@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to announce that FTA is granting a non-availability waiver for Mountain Village's procurement of replacement components for its gondolas used to provide public transportation service.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless "the steel, iron, and manufactured goods used in the project are produced in the United States." 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product take place in the United States; and (2) all of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that "the steel, iron, and goods produced in the

United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality," then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

The Town of Mountain Village provides free public transportation via gondola (also known as a tramway) between Mountain Village and the Town of Telluride. The gondola operates continuous fixed route service 17 hours per day, 7 days per week, 280 or more days per year, serving over 2,000,000 passengers per year. According to Mountain Village, the existing low-speed conveyor components (bearings, pulleys, tires and other related components) and gondola grip components (coil springs, movable jaws, fixed jaws, bearings, bolts, bushings, wheels and other related components) are nearing the end of their useful service lives and are showing signs of wear and fatigue. Without periodic capital equipment replacement/rebuild, the likelihood of mechanical downtime increases significantly, equating to prolonged service outages for commuters. Mountain Village also needs to refurbish the 59 gondola cabins due to wear and tear. Mountain Village intends to replace these gondola components over several phases during the coming years. Specifically, procurement of the low-speed conveyor components and the grips will be procured in two phases, one in 2015 and one in 2016; parts for the cabin refurbishment are anticipated to be procured over a six-year period. The non-availability waiver is effective for all phases of these projects, but expires upon completion of these projects.

Mountain Village asserted that there are no companies that manufacture these gondola components in the United States and that each of the gondola components to be procured is available only from a single source—Dopplemayer and CWA, the original equipment manufacturers. The Colorado Passenger Tramway Safety Board (CPTSB), the state agency responsible for regulating the safety of aerial tramways within the State of Colorado, agreed and noted that because gondolas are specialized and the market is limited, there are no aftermarket manufacturers for these gondola components. The CPTSB concluded that, for these parts, there are no alternatives to the original equipment manufacturers, which do not manufacture the replacement components in the United States. Although there is a new U.S. manufacturer for tramways in the