

rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate 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.” Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency’s Medical Expert Panel (MEP) (78 FR 3069).

## II. Qualifications of Applicants

### *Steven H. Ford*

Mr. Ford is a 59-year-old Class D driver in Wisconsin. He has a history of epilepsy and has been seizure free since 1995. He takes anti-seizure medication, with the dosage and frequency remaining the same since 1995. His physician states that he is supportive of Mr. Ford receiving an exemption.

### *Scott Habeck*

Mr. Habeck is a 55-year-old Class A3 driver in South Dakota. He has a history of epilepsy and has been seizure free since 2006. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2006. His physician states that he is supportive of Mr. Habeck receiving an exemption.

### *Nathan E. Kanouff*

Mr. Kanouff is a 37-year-old Class AM driver in Georgia. He has a history of epilepsy and has been seizure free since 2009. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Kanouff receiving an exemption.

### *Richard L. Kienel, Jr.*

Mr. Kienel is a 36-year-old Class C driver in Georgia. He has a history of a seizure disorder and has been seizure free since 1999. He takes anti-seizure

medication, with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Kienel receiving an exemption.

### *Joe L. King, Jr.*

Mr. King is a 49-year-old Class C driver in North Carolina. He has a history of a single provoked seizure and has been seizure free since 2017. He stopped taking anti-seizure medication in 2017. His physician states that he is supportive of Mr. King receiving an exemption.

### *Daniel L. Martin*

Mr. Martin is a 39-year-old Class B driver in Iowa. He has a history of a single unprovoked seizure and has been seizure free since 1994. He stopped taking anti-seizure medication in 1997. His physician states that he is supportive of Mr. Martin receiving an exemption.

### *Phillip Moore*

Mr. Moore is a 57-year-old Class A driver in Connecticut. He has a history of a single unprovoked seizure and has been seizure free since 2013. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Moore receiving an exemption.

### *Joshua Thomas*

Mr. Thomas is a 29-year-old Class D driver in Minnesota. He has a history of a seizure disorder and has been seizure free since 2010. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2012. His physician states that he is supportive of Mr. Thomas receiving an exemption.

## III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

## IV. 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 number FMCSA–2018–0051 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 materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

## V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA–2018–0051 and click “Search.” Next, click “Open Docket Folder” and you will find all documents and comments related to this notice.

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–2017–0255]

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

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

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its decision to deny applications from 28 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce.

**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., 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**

FMCSA received applications from 28 individuals who requested an exemption from the FMCSRs prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a CMV from operating CMVs in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions 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).

**III. Basis for Exemption Determination**

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

year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

**IV. Conclusion**

The Agency has determined that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption and granting these exemptions 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). Therefore, the 28 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(8).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitutes final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 19 applicants do not meet the minimum time requirement for being seizure-free, either on or off of anti-seizure medication:

Rickie Brown (TX)  
 Steven F. Buetel (IA)  
 Caleb Coulter (VT)  
 Christopher Dowling (IN)  
 Seth Foster (MO)  
 Paul W. Gibson (AZ)  
 Christopher J. Gilbert (VA)  
 Sean J. Gongaware (PA)  
 Norma Haus (MN)  
 Alan E. Houser (IN)  
 David Hudson (WV)  
 Barbara Miller (TX)  
 John Pounds (NY)  
 William Senn (SC)  
 Michael Shumake (VA)  
 Donald V. Soto (NY)  
 Joshua Thomas (MN)  
 Johnny Toles (IN)  
 Brian J. Underwood (OH)

The following eight applicants are intrastate drivers:

Dwayne A. Burrus (NY)  
 Paul E. Faatz (OH)  
 Paul M. Gorzycki (MN)  
 Justin Kerbow (OR)  
 Michael R. Miles (MA)  
 Amy Powell (WI)

Michael J. Shea (NJ)  
 Daisy Tapia (NY)

The following applicant is under 21 years old:

Austin Freeland (WI)

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-2017-0059]

**Qualification of Drivers; Exemption Applications; Hearing**

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 30 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce. **DATES:** The exemptions were applicable on April 2, 2018. The exemptions expire on April 2, 2020.

**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., 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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