

eye.” Mr. Reichert reported that he has driven straight trucks for 14 years, accumulating 112,000 miles, and tractor-trailer combinations for 14 years, accumulating 154,000 miles. He holds a Class AM CDL from Georgia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Gregory D. Shirah*

Mr. Shirah, 53, has had macular degeneration in his right eye since 2015. The visual acuity in his right eye is 20/80, and in his left eye, 20/25. Following an examination in 2018, his optometrist stated, “Mr. Shirah has sufficient vision to operate a commercial vehicle.” Mr. Shirah reported that he has driven straight trucks for seven years, accumulating 350,000 miles, and tractor-trailer combinations for 20 years, accumulating two million miles. He holds a Class A CDL from Alabama. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Balwant Singh*

Mr. Singh, 28, has a macular scar in his left eye due to a traumatic incident in 2013. The visual acuity in his right eye is 20/20, and in his left eye, 20/150. Following an examination in 2018, his optometrist stated, “Based on today’s findings, it is my medical opinion that I believe Mr. Balwant Singh has sufficient, stable vision in order to perform all tasks required of him to safely operate a commercial vehicle.” Mr. Singh reported that he has driven straight trucks for six years, accumulating 420,000 miles, and tractor-trailer combinations for six years, accumulating 420,000 miles. He holds a Class A CDL from California. His driving record for the last three years shows no crashes and one conviction for a moving violation in a CMV; driving in an improper lane.

*Tristan A. Twito*

Mr. Twito, 35 has had chorioretinal scarring in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2018, his optometrist stated, “The patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Twito reported that he has driven straight trucks for one year, accumulating 30,000 miles, and tractor-trailer combinations for 12 years, accumulating 1.2 million miles. He holds a Class A CDL from Texas. His driving record for the last three years

shows no crashes and no convictions for moving violations in a CMV.

*Michael L. Watters, Sr.*

Mr. Watters, 63, has a prosthetic right eye due to a traumatic incident in 2004. The visual acuity in his right eye is no light perception, and in his left eye, 20/30. Following an examination in 2018, his optometrist stated, “Patient Michael Watters . . . has been determined by his optometrist to have sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Watters reported that he has driven straight trucks for four years, accumulating 512,000 miles, and tractor-trailer combinations for eight years, accumulating 1.19 million miles. He holds a Class A CDL from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Dana J. York*

Mr. York, 50, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2018, his optometrist stated, “Patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. York reported that he has driven tractor-trailer combinations for 25 years, accumulating 400,000 miles. He holds an operator’s license from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### IV. 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 and material received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: February 13, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-02966 Filed 2-20-19; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0027]

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

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

**ACTION:** Notice of applications for exemption; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from six individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against 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 control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before March 25, 2019.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2019–0027 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](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 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. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2019-0027), 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-2019-0027, 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-2019-0027, 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](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

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-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 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 six individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

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 criteria<sup>1</sup> 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 states the following:

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. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

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 recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, 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).

<sup>1</sup> See [http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391\\_171.a](http://www.ecfr.gov/cgi-bin/text-idx?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>.

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).

### III. Qualifications of Applicants

#### *John D. Archer*

Mr. Archer is a 66-year-old class A CDL holder in Missouri. He has a history of a seizure disorder and has been seizure free since 2001. He takes anti-seizure medication with the dosage and frequency remaining the same since 2001. His physician states that he is supportive of Mr. Archer receiving an exemption.

#### *Travis W. Flowers*

Mr. Flowers is a 27-year-old class D driver in Virginia. He has a history of epilepsy and has been seizure free since 1997. He takes anti-seizure medication with the dosage and frequency remaining the same since 2016. His physician states that he is supportive of Mr. Flowers receiving an exemption.

#### *Stephen T. Root*

Mr. Root is a 46-year-old DM driver in New York. He has a history of epilepsy and has been seizure free since 1996. His anti-seizure medication was discontinued in 2001. His physician states that she is supportive of Mr. Root receiving an exemption.

#### *Jeffrey L. Slagan*

Mr. Slagan is a 55-year-old class D driver in Wisconsin. He has a history of epilepsy and has been seizure free since 1985. He takes anti-seizure medication with the dosage and frequency remaining the same since 1985. His physician states that he is supportive of Mr. Slagan receiving an exemption.

#### *Dereck Welch*

Mr. Welch is a 59-year-old class E driver in Florida. 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 2009. His physician states that he is supportive of Mr. Welch receiving an exemption.

#### *Mark D. Wray*

Mr. Wray is a 34-year-old class D driver in New York. He has a history of epilepsy and has been seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that he is supportive of Mr. Wray receiving an exemption.

### IV. 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.

Issued on: February 13, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-02954 Filed 2-20-19; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-7006; FMCSA-2000-7165; FMCSA-2000-7363; FMCSA-2000-7918; FMCSA-2000-8398; FMCSA-2002-13411; FMCSA-2004-17984; FMCSA-2004-18885; FMCSA-2004-19477; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2006-25246; FMCSA-2006-26066; FMCSA-2008-0174; FMCSA-2008-0266; FMCSA-2008-0292; FMCSA-2008-0340; FMCSA-2009-0291; FMCSA-2010-0114; FMCSA-2010-0201; FMCSA-2010-0354; FMCSA-2010-0385; FMCSA-2011-0124; FMCSA-2012-0279; FMCSA-2012-0280; FMCSA-2014-0004; FMCSA-2014-0010; FMCSA-2014-0296; FMCSA-2014-0298; FMCSA-2014-0300; FMCSA-2014-0301; FMCSA-2016-0029; FMCSA-2016-0208]

### Qualification of Drivers; Exemption Applications; Vision

**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 61 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

**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 March 25, 2019.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2000-7006; FMCSA-2000-7165; FMCSA-2000-7363; FMCSA-2000-7918; FMCSA-2000-8398; FMCSA-2002-13411; FMCSA-2004-

17984; FMCSA-2004-18885; FMCSA-2004-19477; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2006-25246; FMCSA-2006-26066; FMCSA-2008-0174; FMCSA-2008-0266; FMCSA-2008-0292; FMCSA-2008-0340; FMCSA-2009-0291; FMCSA-2010-0114; FMCSA-2010-0201; FMCSA-2010-0354; FMCSA-2010-0385; FMCSA-2011-0124; FMCSA-2012-0279; FMCSA-2012-0280; FMCSA-2014-0004; FMCSA-2014-0010; FMCSA-2014-0296; FMCSA-2014-0298; FMCSA-2014-0300; FMCSA-2014-0301; FMCSA-2016-0029; FMCSA-2016-0208 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](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. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2000-7006; FMCSA-2000-7165; FMCSA-2000-7363; FMCSA-2000-7918; FMCSA-2000-8398; FMCSA-2002-13411; FMCSA-2004-17984; FMCSA-2004-18885; FMCSA-2004-19477; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2006-25246; FMCSA-2006-26066; FMCSA-2008-0174; FMCSA-2008-0266; FMCSA-2008-0292; FMCSA-2008-0340; FMCSA-2009-