

delay and will reduce resources to take additional action on the RDR. In addition, FMCSA proposes to stop publishing a list of not preventable determinations on the Agency's website. Instead, the Agency would accept information about any crash by email to the *crash.preventability@dot.gov* email address for any crash in SMS with a not preventable notation. Any information received would be fully considered and could result in a change in the determination. The Agency is specifically interested in receiving comments on this issue.

Document Requirement

FMCSA also proposes requiring submitters to provide the complete PAR to participate in the program. In nearly all qualified submissions, a PAR was needed to reach a determination, and most submitters provided the PAR as the required compelling evidence. The submitter may provide other documentation as well, as the burden will remain on the submitter to provide compelling evidence showing that the crash was not preventable. Therefore, if only the PAR is submitted and it contains conflicting information about the crash (*i.e.*, the narrative is different than the diagram or point of impact information) and FMCSA cannot determine eligibility for one of the 15 crash types, the crash will be deemed Not Eligible. If the crash is found to be eligible, the PAR information conflicts, this may result in an undecided determination.

Process Information

The demonstration program required submitters to resubmit the RDR for it to be considered under another crash type. In the future, FMCSA proposes to develop the functionality in DataQs to allow FMCSA to change the crash type on behalf of the submitter to another eligible crash type, when appropriate.

FMCSA will streamline the review process and use only one stage of contract reviewers to provide a recommendation. In addition, FMCSA may allow the contract reviewers to close RDRs for crashes that are not one of the 15 eligible crash types.

To date, the stage 1 reviewer has pulled the MCMIS crash record and a current CDLIS report for the submitter's driver. For many RDRs, the driver had a license change such as a renewal or new medical certificate after the date of the crash, and FMCSA requested confirmation of the CDL or medical certificate on the date of the crash. On only a few RDRs did this result in a determination that the driver was not qualified on the date of the crash. In

most RDRs, the MCMIS crash report accurately reflected the driver's proper licensing status at the time of the crash. As a result, FMCSA proposes to rely solely on the MCMIS report to confirm the driver's license and medical certification status as part of implementation.

FMCSA proposes to continue reviewing any post-crash inspection reports and if the inspection shows that the CMV was in violation of an OOS regulation under the North American Standard OOS Criteria prior to the crash or that the driver was not properly licensed, the crash would be deemed preventable. In addition, FMCSA will continue to request post-crash drug and alcohol test results when the crash results in a fatality.

Crash Preventability Determinations During Investigations and Safety Audits

It should be noted that the crash preventability determination program does not change FMCSA's processes for reviewing crashes during an investigation or safety audit. In the event an investigation or audit results in a different determination than was made through this program, FMCSA will review all information provided and the determination made through this program may change.

National Academy of Sciences' Correlation Study

FMCSA proposes to make these changes to SMS separately from the ongoing work that FMCSA is undertaking in response to the June 27, 2017, report of the National Academy of Sciences (NAS), "Improving Motor Carrier Safety Measurement." In its report, the NAS noted that the demonstration program was of interest but did not issue a recommendation directly relating to the program.

Comments Sought

FMCSA seeks comments generally on the proposals described above. FMCSA also seeks comments specifically on the following questions.

1. If you participated in the demonstration program, did you realize any new safety incentives to your operations? If so, how were they quantified?

2. Would the ability to have not preventable crashes removed from the calculation of your Crash Indicator BASIC measure and percentile provide any new safety incentives to your operations?

3. If you have not submitted a crash for a preventability determination, what were your reasons for not participating?

Dated: July 31, 2019.

Raymond P. Martinez,

Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0032]

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 40 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*, 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-2019-0032, 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, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

FMCSA received applications from 40 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 eligibility criteria 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 40 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 publication of this notice, received a letter of final disposition regarding his/

her exemption request. Those decision letters fully outlined the basis for the denial and constitute 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 40 applicants do not meet the minimum time requirement for being seizure-free, either on or off of anti-seizure medication:

Virgen L. Acevedo (NJ)
 Niles Bartelson (UT)
 Alex Becker (WV)
 Joseph Bellamy (MD)
 Randson Burdette (OH)
 Lorenzo Cardenas (CA)
 Lucas Choinard (WA)
 Walter Cook (AK)
 Kyle Dona (WY)
 Jeffrey Douglass (ME)
 Pamela Eastridge (VA)
 Leonel Escobedo (TX)
 Mark A. Gallegos (NM)
 Lamont Hardy (MS)
 Dustan Hendrickson (OR)
 Zachary C. Herrin (OK)
 Terry Kahle (PA)
 Nickon Knight (MI)
 David Kummer (MN)
 Dan Liners (MN)
 Bradley W. Looney (NC)
 Wesley Moses (NC)
 Christopher Nelson (SC)
 Johanna Pfiester (SD)
 Gary Pierson (CA)
 Shadow T. Ramsay (NH)
 Joel Rowe (MD)
 Elsa Santos (NJ)
 Robert G. Schauer III (IA)
 Earl Seams (ME)
 Michael Shea (NJ)
 Brian D. Six (IA)
 Sergio Soto Huicochea (AZ)
 Tyler Sozcka (WI)
 Joseph Stark (WI)
 Matthew Stoss (WI)
 Daisy Tapia (NY)
 Juan Toribio (CA)
 Shawn M. Tupick (NH)
 Jason Viar (FL)

Issued on: July 26, 2019.

Larry W. Minor,
Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1998-4334; FMCSA-1999-5748; FMCSA-2000-7006; FMCSA-2000-7363; FMCSA-2000-7918; FMCSA-2000-8398; FMCSA-2001-9258; FMCSA-2002-12844; FMCSA-2003-14223; FMCSA-2003-14504; FMCSA-2004-17984; FMCSA-2004-18885; FMCSA-2004-19477; FMCSA-2005-20207; FMCSA-2005-20560; FMCSA-2006-24783; FMCSA-2006-25246; FMCSA-2006-26066; FMCSA-2007-27333; FMCSA-2007-27515; FMCSA-2008-0106; FMCSA-2008-0398; FMCSA-2009-0054; FMCSA-2009-0086; FMCSA-2010-0082; FMCSA-2010-0385; FMCSA-2011-0010; FMCSA-2011-0024; FMCSA-2011-0092; FMCSA-2011-0142; FMCSA-2012-0104; FMCSA-2012-0215; FMCSA-2012-0280; FMCSA-2012-0337; FMCSA-2012-0338; FMCSA-2013-0022; FMCSA-2013-0024; FMCSA-2013-0025; FMCSA-2013-0026; FMCSA-2014-0006; FMCSA-2014-0296; FMCSA-2014-0298; FMCSA-2014-0300; FMCSA-2014-0302; FMCSA-2014-0304; FMCSA-2014-0305; FMCSA-2015-0048; FMCSA-2016-0028; FMCSA-2016-0206; FMCSA-2016-0209; FMCSA-2016-0210; FMCSA-2016-0213; FMCSA-2016-0377; FMCSA-2017-0014; FMCSA-2017-0016; FMCSA-2017-0017; FMCSA-2017-0018]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 173 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 requirement 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.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcsmamedical@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: