

4(f) of the DOT Act, and the Proposed Action includes all possible planning to minimize harm to resources protected under Section 4(f) of the DOT Act (49 U.S.C. 303(c) and Section 106, National Historic Preservation Act);

- Relocation assistance, if any, will be provided in accordance with 42 U.S.C. 460, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

- Further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects to minority environmental justice populations are not practicable (DOT Order 5610.2B and E.O. 12989);

- The Proposed Action would conform to all applicable state and/or local floodplain protection standards (E.O. 11988);

- The Proposed Action complies with the enforceable policies of New York State's approved coastal management program and will be conducted in a manner consistent with such program;

- The Proposed Action conforms to the Avoidance, Minimization and/or Compensation of Harm to Wetlands in Accordance with E.O. 11990 and the Clean Water Act;

- The Proposed Action includes all practicable means to avoid or minimize harm from the alternative selected (40 CFR 1505.2(a)(3)); and

- The FAA has given this proposal the independent and objective evaluation required by the CEQ (40 CFR 1506.5).

The determinations included in the ROD are:

- The Proposed Action is reasonably consistent with existing plans of public agencies for development of areas surrounding the airport (49 U.S.C. 47106(a)(1)), and E.O. 12372;

- Appropriate action, including the adoption of zoning laws, has been or will be taken as reasonable to restrict the land use next to or near the airport to uses that are compatible with airport operations (49 U.S.C. 47107(a)(10)); and

- The interest of the communities in or near where the Proposed Action may be located were given fair consideration (49 U.S.C. 47106(b)(2)).

This ROD also presents the decision of the NPS, as cooperating agency in the Final EIS, to approve a partial conversion of 0.5 acres of parklands subject to the Land and Water Conservation Fund (LWCF) Act in Flushing Meadows-Corona Park, as well as to approve a Temporary Non-Conforming Use (TNCU) of 1.2 acres of parkland subject to the LWCF Act.

A copy of the ROD is available for public review at FAA's website: <https://www.faa.gov/airports/environmental/>

records_decision; and the LGA Access Improvement Project EIS website: <http://www.LGAaccessEIS.com>.

Issued in Jamaica, New York, July 20, 2021.

Patricia Henn,

Manager, Planning and Programming Branch, Airports Division, Eastern Region.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions of Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of the regulation. The actions relate to a proposed highway project on State Route 198 from post mile R11.3/R12.0 and on State Route 216 from post mile R0.0/R2.56 in Tulare County for the Lovers Lane Operational Improvements and Rehabilitation Project. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(I)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before December 20, 2021. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Richard Putler, Senior Environmental Planner, Caltrans, 2015 East Shields Avenue, Suite 200, Fresno, CA 93721; phone number 559-304-6599, richard.putler@dot.ca.gov. For FHWA, contact David Tedrick at (916) 498-5024 or email david.tedrick@dot.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(I)(1) by issuing licenses, permits, and approvals

for the following highway project in the State of California: Caltrans proposes making operational improvements at the Lovers Lane Undercrossing (Tulare-198-Post Mile 11.7, Bridge Number 46-216) and restoring the existing facility to a state of good repair. The project covers a 0.7-mile segment of State Route 198 from 0.3 mile west of the Lovers Lane Undercrossing to 0.5 mile east of it. The operational improvements consist of widening Lovers Lane below the undercrossing and improving the following four intersections: Lovers Lane (State Route 216) at Mineral King Avenue, Lovers Lane at State Route 198 on the eastbound on-ramps and off-ramps, Lovers Lane at Noble Avenue, and State Route 198 on the westbound on-ramps and off-ramps at Mineral King Avenue. The project also proposes to extend the life of the existing pavement along State Route 216 by rehabilitating the existing pavement and including all pertinent standards as required by the 3R Program (resurfacing, restoration, and rehabilitation).

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (EA) for the project, approved on June 23rd 2021, in the Finding of No Significant Impact (FONSI) issued on June 23rd 2021, and in other documents in the FHWA project records. The EA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans EA and FONSI can be obtained by contacting Caltrans: Richard Putler, Senior Environmental Planner, Caltrans, 2015 East Shields Avenue, Suite 200, Fresno, CA 93721; phone number 559-304-6599, richard.putler@dot.ca.gov, or viewed at public libraries in the project area. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality regulations (40 CFR 1500 *et seq.*; 23 CFR 771);
2. National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4351 *et seq.*);
3. Moving Ahead for Progress in the 21st Century Act (Map-21, Pub. L. 112-141);
4. Noise Control Act of 1979 (42 U.S.C. 4901 *et seq.*);
3. Clean Air Act of 1963, as amended (42 U.S.C. 7401 *et seq.*);
4. Farmland Protection Policy Act (7 U.S. Code 4201-4209);
5. Department of Transportation Act of 1966, Section 4(f) (49 U.S.C. 303);
6. Migratory Bird Treaty Act (16 U.S.C. 703-712);

7. National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 *et seq.*);

8. Federal Highway Act of 1970 (23 U.S.C. 109);

9. FHWA Noise Standards, Policies, and Procedures (23 CFR 772);

10. Endangered Species Act of 1973 (16 U.S.C. 1531–1543);

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: July 19, 2021.

Rodney Whitfield,

Director, Financial Services, Federal Highway Administration, California Division.

[FR Doc. 2021–15705 Filed 7–22–21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0036]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillator (ICD)

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

ACTION: Notice of denial.

SUMMARY: FMCSA announces its decision to deny the application from one individual treated with an Implantable Cardioverter Defibrillator (ICD) who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting operation of a commercial motor vehicle (CMV) in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (transient loss of consciousness), dyspnea (shortness of breath), collapse, or congestive heart failure.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcsamedical@dot.gov, FMCSA, DOT, 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 materials in

the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number, FMCSA–2021–0036, in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

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.transportation.gov/privacy.

II. Background

On February 9, 2021, FMCSA published a **Federal Register** notice (86 FR 8830) announcing receipt of an application from one individual treated with an ICD and requested comments from the public. The individual requested an exemption from 49 CFR 391.41(b)(4) which prohibits operation of a CMV in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive heart failure. The public comment period closed on March 11, 2021, and one comment was received.

FMCSA has evaluated the eligibility of the applicant and concluded that granting an exemption 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 § 391.41(b)(4). A summary of the applicant’s medical history related to the ICD exemption request was discussed in the February 9,

2021, **Federal Register** notice and will not be repeated here.

The Agency’s decision regarding this exemption application is based on information from the Cardiovascular Medical Advisory Criteria, an April 2007 evidence report titled “Cardiovascular Disease and Commercial Motor Vehicle Driver Safety,”¹ and a December 2014 focused research report titled “Implantable Cardioverter Defibrillators and the Impact of a Shock in a Patient When Deployed.” Copies of these reports are included in the docket.

FMCSA has published advisory criteria to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.² The advisory criteria for § 391.41(b)(4) indicates that coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not medically disqualifying. ICDs are disqualifying due to risk of syncope.

III. Discussion of Comments

FMCSA received one comment in this proceeding. The comment was from a private citizen who did not support granting the exemption. The individual disagreed that granting an exemption for an ICD would ensure the safety of the driver and local pedestrians.

FMCSA evaluates each ICD application received to determine whether an equivalent or greater level of safety can be achieved by the applicant. While FMCSA has received and carefully evaluated many ICD exemption application requests, thus far the Agency has been unable to conclude that granting an exemption to any of the applicants would achieve a level of safety equivalent to, or greater than, the level of safety maintained without an exemption.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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 Agency’s decision regarding this exemption application is based on an

¹ The report is available on the internet at <https://rosap.nhtl.bts.gov/view/dot/16462>.

² These criteria may be found in 49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section D. *Cardiovascular: § 391.41(b)(4)*, paragraph 4, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.