

*C. Privacy Act*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory 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.transportation.gov/privacy](http://www.transportation.gov/privacy).

**II. Background**

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 statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The 25 individuals listed in this notice have requested an exemption from the hearing requirement in 49 CFR 391.41(b)(11). 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 hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, "Qualification of Drivers; Application for Exemptions; National Association of the Deaf," (78 FR 7479), its decision to grant requests from 40 individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers. Since that time

the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers.

**III. Qualifications of Applicants***Judith Badore*

Ms. Badore, 78, holds a class B license in Vermont.

*Eric Bastian*

Mr. Bastian, 37, holds a class B license in New York.

*Michael Camacho-Luna*

Mr. Camacho-Luna, 41, holds a class D license in Virginia.

*Kevin Clickner*

Mr. Clickner, 56, holds a CDL in Michigan.

*Tiffany Davis*

Ms. Davis, 29, holds a class E license in Florida.

*Jonathon DeBoer*

Mr. DeBoer, 40, holds a class C license in California.

*Michael Garman*

Mr. Garman, 29, holds an operator's license in Indiana.

*Dareous Glover*

Mr. Glover, 23, holds a class D license in Illinois.

*Delroy Hunt*

Mr. Hunt, 35, holds a class E license in Florida.

*Andrew Jones*

Mr. Jones, 40, holds a CDL in Iowa.

*Lawrence Mills*

Mr. Mills, 56, holds a class D license in Ohio.

*John Norman*

Mr. Norman, 52, holds a class A CDL in Illinois.

*Destin Overstreet*

Mr. Overstreet, 25, holds a class D license in Utah.

*Damiere Phillips*

Mr. Phillips, 28, holds a class C license in Pennsylvania.

*Stuart Randles*

Mr. Randles, 56, holds a class E license in Florida.

*David Ritter*

Mr. Ritter, 65, holds a class A license in Washington.

*Beau Robinson*

Mr. Robinson, 39, holds a class C license in Texas.

*Jose Rosales*

Mr. Rosales, 44, holds a class C license in Maryland.

*Christopher Shaw*

Mr. Shaw, 31, holds a class C license in Maryland.

*Harmeet Singh*

Mr. Singh, 28, holds a class C license in California.

*William Smitley*

Mr. Smitley, 37, holds a class AM CDL in California.

*Kyle Voss*

Mr. Voss, 31, holds a class C license in Texas.

*Deborah Wagner*

Ms. Wagner, 44, holds a class C license in Pennsylvania.

*Donald Weyand*

Mr. Weyand, 33, holds a class C license in Michigan.

*Steven Woods*

Mr. Woods, 33, holds a class D license in Tennessee.

**IV. Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315(b), 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 under the **DATES** section of the notice.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2021-18779 Filed 8-30-21; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

**[Docket No. FMCSA-2008-0355; FMCSA-2011-0089; FMCSA-2014-0381; FMCSA-2014-0382; FMCSA-2017-0253; FMCSA-2018-0057; FMCSA-2019-0028; FMCSA-2019-0029]**

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 13 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (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.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on July 12, 2021. The exemptions expire on July 12, 2023.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto: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 or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation**

*A. Viewing Comments*

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number, FMCSA-2008-0355, FMCSA-2011-0089, FMCSA-2014-0381, FMCSA-2014-0382, FMCSA-2017-0253, FMCSA-2018-0057, FMCSA-2019-0028, or FMCSA-2019-0029 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*

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the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.transportation.gov/privacy](http://www.transportation.gov/privacy).

**II. Background**

On July 15, 2021, FMCSA published a notice announcing its decision to renew exemptions for 13 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (86 FR 37397). The public comment period ended on August 16, 2021, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 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.

**III. Discussion of Comments**

FMCSA received no comments in this preceding.

**IV. Conclusion**

Based on its evaluation of the 13 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of July 12, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (86 FR 37397):

Prince Austin, Jr. (OH)  
Darcy Baker (OH)  
Gary Bartels (SD)  
Frank Cekovic (PA)  
Monte DeRocini (PA)  
Teddy Dixon (GA)

<sup>1</sup> These criteria may be found in Appendix A to Part 391—Medical Advisory Criteria, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, 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>.

Jaime Dougherty (MN)  
Martin Ford (WI)  
David Johnston (HI)  
Brent Mapes (IL)  
Enrico Mucci (PA)  
Charles Skelton (AL)  
Kevin Wiggins (KY)

The drivers were included in docket number FMCSA-2008-0355,

FMCSA-2011-0089, FMCSA-2014-0381, FMCSA-2014-0382, FMCSA-2017-0253, FMCSA-2018-0057, FMCSA-2019-0028, or FMCSA-2019-0029. Their exemptions were applicable as of July 12, 2021 and will expire on July 12, 2023.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (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 prior to being 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(b).

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2021-18780 Filed 8-30-21; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**Notice of Funding Opportunity for Consolidated Rail Infrastructure and Safety Improvements**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of Funding Opportunity (NOFO or notice).

**SUMMARY:** This notice details the application requirements and procedures to obtain grant funding for eligible projects under the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program, and related Trespass Prevention projects. The opportunities described in this notice are made available under Assistance Listings Number 20.325, “Consolidated Rail Infrastructure and Safety Improvements.”

**DATES:** Applications for funding under this solicitation are due no later than 5:00 p.m. ET, November 29, 2021. Applications that are incomplete or received after 5:00 p.m. ET on November 29, 2021 will not be considered for funding. See *Section D* of