FMCSA announces its decision to renew exemptions for five 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 54505). The public comment period ended on November 1, 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).


§ 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 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 proceeding.

IV. Conclusion

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

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of October and are discussed below. As of October 4, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four 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 54505):

Daniel Maben (MI)
Michael Miller (TX)
William Swann (MD)
Tyler Tilseth (NM)


Their exemptions were applicable as of October 4, 2021 and will expire on October 4, 2023.

As of October 15, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Adam Wilson (MN) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers. This driver was included in docket number FMCSA–2019–0034. The exemption was applicable as of October 15, 2021 and will expire on October 15, 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.
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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 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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

On February 16, 2022, FMCSA published a notice announcing its decision to renew exemptions for eight 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 (87 FR 8919). The public comment period ended on March 18, 2022, 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 traveling for a CMV in interstate commerce and demonstrating how they will operate a CMV to achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

As of February 19, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (87 FR 8919):

- Daniel Bretz Jr. (PA)
- Thomas DeAngelo (IL)
- Robert Drake (AZ)
- Pagagrong Newsome (CA)
- Tyler Schaefer (ME)
- Douglas Slagel (OH)
- Cory Wagner (IL)
- Randy Wentz (PA)


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.

FOR FURTHER INFORMATION CONTACT: If you have questions about registering or connecting to the public workshop, please contact NHTSA staff at NHTSA.Communication@dot.gov or Chris LaMANCE at frederick.lamance@dot.gov or (202) 366–7568. For questions concerning the workshop discussions contact Maurice Hicks at Maurice.Hicks@dot.gov or (202) 366–5289.

We are committed to providing equal access to this event for all participants. Persons with disabilities in need of an accommodation should contact Maurice Hicks at (202) 366–5289 or NHTSA.Communication@dot.gov to request an accommodation no later than July 5, 2022.

SUPPLEMENTARY INFORMATION: 49 CFR part 537, “Automotive Fuel Economy Reports,” requires manufacturers to provide early model year projections on automobiles demonstrating how they intend to comply with CAFE standards. The regulation requires manufacturers to submit a pre-model year (PMY) report by December 31 before the model year and a mid-model year (MMY) report by July 31 of the model year. When NHTSA received and reviewed manufacturers’