

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 5-year period or more.

Submitting Comments

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> and in the search box insert the docket number "FMCSA-2014-0216" and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number "FMCSA-2014-0216" and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to the proposed rulemaking.

Summary of Applications

Ronald J. Bland

Mr. Bland is a 51 year-old class A CDL holder in Ohio. He has a history of three possible seizures due to head trauma and has remained seizure free since 2008. He has taken anti-seizure medication since 2004 with the dosage and frequency remaining the same since 2009. If granted an exemption, he would like to drive a CMV. His physician states

he is supportive of Mr. Bland receiving an exemption.

Joseph M. Celedonia

Mr. Celedonia is a 44 year-old driver in Maryland. He has a history of seizures and has remained seizure free since 1999. He takes anti-seizure medication with the dosage and frequency remaining the same since 2007. If granted an exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Celedonia receiving an exemption.

Mathew J. Chizek

Mr. Chizek is a 35 year-old driver in Wisconsin. He has a history of seizures and has remained seizure free since 2004. He takes anti-seizure medication with the dosage and frequency remaining the same since 2008. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Chizek receiving an exemption.

Gregory B. Hardy

Mr. Hardy is a 54 year-old class B CDL holder in Massachusetts. He has a history of seizure and has remained seizure free since 1985. He takes anti-seizure medication with the dosage and frequency remaining the same since 2011. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Hardy receiving an exemption.

David A. Mitchell

Mr. Mitchell is a 48 year-old driver in Massachusetts. He has a history of a seizure disorder due to a frontal craniotomy for aneurysm repair and his last seizure was in 2010. He takes anti-seizure medication with a recent change in medication in February 2014. If granted the exemption, he would like to drive a CMV. He physician states that he is supportive of Mr. Mitchell receiving an exemption.

Thomas K. Mitchell

Mr. Mitchell is a 54 year-old class A CDL holder in Mississippi. He has a history of seizures and has remained seizure free since 1999. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Mitchell receiving an exemption.

Himat S. Sandhu

Mr. Sandhu is a 52 year-old driver in California. He has a history of a possible seizure after a surgical resection of an arteriovenous malformation. He does

not require anti-seizure medication. His physician states that he is supportive of Mr. Sandhu receiving an exemption.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: September 25, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014-23439 Filed 9-30-14; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0089; FMCSA-2011-0389; FMCSA-2012-0050; FMCSA-2012-0094; FMCSA-2013-0106; FMCSA-2013-0108; FMCSA-2013-0109]

Denial of Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of denial of applications for seizure exemptions.

SUMMARY: FMCSA announces the denial of 24 individuals' applications for exemptions from the rule 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. The reason for each of the denials is listed after the individual's name.

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, R.N., Chief of the Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Room W64-224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for a 2-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 statutes allow the Agency to renew exemptions at the end

of the 2-year period. The 24 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorder standard in 49 CFR 391.41(b)(8), which applies to drivers who operate CMVs as defined in 49 CFR 390.5, in interstate commerce. Section 391.41(b)(8) states that a person is qualified physically 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 order to make an evidence-based decision, FMCSA conducted a comprehensive review of scientific literature and convened a panel of medical experts in the field of neurology to evaluate key questions regarding seizure and anti-seizure medication related to the safe operation of a CMV. In reaching the determination to grant or deny exemption requests for individuals who have experienced a seizure, the Agency considered both current medical literature and information and the 2007 recommendations of the Agency's Medical Expert Panel (MEP). Previously, the Agency gathered evidence for decision making concerning potential changes to the regulation by conducting a comprehensive review of scientific literature that was compiled into a report entitled, "*Evidence Report on Seizure Disorders and Commercial Vehicle Driving*" (*Evidence Report*) [CD-ROM HD TL230.3 .E95 2007]. The Agency then convened a MEP in the field of neurology on May 14–15, 2007, to review 49 CFR 391.41(b)(8) and the advisory criteria regarding individuals who have experienced a seizure and the 2007 Evidence Report. The *Evidence Report* and the MEP recommendations are published on-line at <http://www.fmcsa.dot.gov/rules-regulations/topics/mep/mep-reports.htm> under Seizure Disorders and are in the docket for this notice.

MEP Criteria for Evaluation

On October 15, 2007, the MEP issued the following recommended criteria for evaluating whether an individual with epilepsy or a seizure disorder should be allowed to operate a CMV.¹ The MEP recommendations are included in an appendix at the end of this notice and in each of the previously published dockets.

Epilepsy diagnosis. If there is an epilepsy diagnosis, the applicant should be seizure-free for 8 years, on or off

medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with an epilepsy diagnosis should be performed every year.

Single unprovoked seizure. If there is a single unprovoked seizure (i.e., there is no known trigger for the seizure), the individual should be seizure-free for 4 years, on or off medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with a single unprovoked seizure should be performed every 2 years.

Single provoked seizure. If there is a single provoked seizure (i.e., there is a known reason for the seizure), the Agency should consider specific criteria that fall into the following two categories: Low-risk factors for recurrence and moderate-to-high risk factors for recurrence.

- **Examples of low-risk factors for recurrence** include seizures that were caused by a medication; by non-penetrating head injury with loss of consciousness less than or equal to 30 minutes; by a brief loss of consciousness not likely to recur while driving; by metabolic derangement not likely to recur; or by alcohol or illicit drug withdrawal.

- **Examples of moderate-to-high-risk factors for recurrence** include seizures caused by non-penetrating head injury with loss of consciousness or amnesia greater than 30 minutes or penetrating head injury; intracerebral hemorrhage associated with a stroke or trauma; infections; intracranial hemorrhage; post-operative complications from brain surgery with significant brain hemorrhage; brain tumor; or stroke.

The MEP report indicates that individuals with moderate to high-risk conditions should not be certified. Drivers with a history of a single provoked seizure with low risk factors for recurrence should be recertified every year.

Medical Review Board Recommendations and Agency Decision

FMCSA presented the MEP's findings and the Evidence Report to the Medical Review Board (MRB) for consideration. The MRB reviewed and considered the 2007 "Seizure Disorders and Commercial Driver Safety" evidence report and the 2007 MEP recommendations. The MRB

recommended maintaining the current advisory criteria, which provide that "drivers with a history of epilepsy/seizures off anti-seizure medication and seizure-free for 10 years may be qualified to drive 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 5 year period or more" [Advisory criteria to 49 CFR 391.43(f)].

The Agency acknowledges the MRB's position on the issue but believes current relevant medical evidence supports a less conservative approach. The medical advisory criteria for epilepsy and other seizure or loss of consciousness episodes was based on the 1988 "Conference of Neurological Disorders and Commercial Driving" (NITS Accession No. PB89-158950/AS). A copy of the report can be found in the docket referenced in this notice.

The MRB's recommendation treats all drivers who have experienced a seizure the same, regardless of individual medical conditions and circumstances. In addition, the recommendation to continue prohibiting drivers who are taking anti-seizure medication from operating a CMV in interstate commerce does not consider a driver's actual seizure history and time since the last seizure. The Agency has decided to use the 2007 MEP recommendations as the basis for evaluating applications for an exemption from the seizure regulation on an individual, case-by-case basis. The disposition of applications announced in this notice applies the 2007 MEP recommendations.

Denials and Reasons

- **The following driver was listed previously in *Federal Register* Notice FMCSA-2011-0089 published April 05, 2011:**

Darren Keith—Mr. Keith has a history of a seizure disorder. His last seizure was in 2009. He will have been seizure-free for 8 years, as required by the MEP guidelines, in 2017. He may reapply at that time.

- **The following drivers were listed previously in *Federal Register* Notice FMCSA-2011-0389 published January 05, 2012:**

Christopher Boddie—Mr. Boddie has a history of a seizure in 2011. He does not meet the exemption criteria at this time.

Roger Corvasce—We were unable to contact Mr. Corvasce by phone or mail to ascertain his status.

Michael Drake—Mr. Drake has a history of epilepsy. His last seizure was in 2009. He will have been seizure-free

¹ Engel, J., Fisher, R.S., Krauss, G.L., Krumholz, A., and Quigg, M.S., "Expert Panel Recommendations: Seizure Disorders and Commercial Motor Vehicle Driver Safety," FMCSA, October 15, 2007.

for 8 years, as required by the MEP guidelines, in 2017. He may reapply at that time.

Virgil Godbey—We were unable to contact Mr. Godbey by phone or mail to ascertain his status.

Glen Hogan—Mr. Hogan withdrew his request for a seizure exemption.

Jordan Hyster—Mr. Hyster has a diagnosis of epilepsy, and his last seizure was 2009. He will have been seizure-free for 8 years, as required by the MEP guidelines, in 2017. He may reapply at that time.

Phillip McLain—Mr. McLain withdrew his request for a seizure exemption.

Mark Smith—Mr. Smith has a history of a seizure disorder. His last seizure was in 2010. He will have been seizure-free for 8 years, as required by the MEP guidelines, in 2018. He may reapply at that time.

Cheryl Woskie—We were unable to contact Ms. Woskie by phone mail to ascertain her status.

• *The following drivers were listed previously in **Federal Register** Notice FMCSA–2012–0050 published on February 29, 2012:*

Darren Carroll—Mr. Carroll has a history of a seizure in 2011. He does not meet the exemption criteria at this time.

Charles Johnson—Mr. Johnson has a history of a seizure disorder. His last seizure was in 2011. He will have been seizure-free for 8 years, as required by the MEP guidelines, in 2019.

He may reapply at that time.

• *The following drivers were listed previously in **Federal Register** Notice FMCSA–2012–0094 published on January 15, 2013:*

Sonja Cottle—Ms. Cottle does not require an exemption from the epilepsy and seizure standard because she does not have a history of seizure and is not taking anti-seizure medication.

Jeffrey Davis—Mr. Davis has a history of a seizure in 2011. He does not meet the exemption criteria at this time.

Juan Flores—Mr. Flores has a history of a seizure disorder. His last seizure was in 2011. He will have been seizure-free for 8 years, as required by the MEP guidelines, in 2019. He may reapply at that time.

Glenn Gervais—Mr. Gervais has a history of a seizure in 2011. He does not meet the exemption criteria at this time.

Daryl Goodman—We were unable to contact Mr. Goodman by phone or mail to ascertain his status.

Gary Osley—We were unable to contact Mr. Osley by phone or mail to ascertain his status.

• *The following driver was listed previously in **Federal Register** Notice FMCSA–2013–0106 published on April 24, 2013:*

James Kivett—Mr. Kivett has a history of a seizure in 2011. He does not meet the exemption criteria at this time.

• *The following driver was listed previously in **Federal Register** Notice FMCSA–2013–0108 published on September 16, 2013:*

Paul Kane—Mr. Kane has a diagnosis of epilepsy, and his last seizure was 2009. He will have been seizure-free for 8 years, as required by the MEP guidelines, in 2017. He may reapply at that time.

• *The following drivers were listed previously in **Federal Register** Notice FMCSA–2013–0109 published on November 13, 2013:*

Montie Bullis—Mr. Bullis has a diagnosis of a seizure disorder, and his last seizure was in 2009. He will have been seizure-free for 8 years, as required by the MEP guidelines, in 2017. He may reapply at that time.

Rick Cote—Mr. Cote has a diagnosis of epilepsy, and his last seizure was in 2009. He will have been seizure-free for 8 years, as required by the MEP guidelines, in 2017. He may reapply at that time.

Barry Von Gulner—Mr. Von Gulner has a diagnosis of probable epilepsy, and his last seizure was in 2008. He will have been seizure-free for 8 years, as required by the MEP guidelines, in 2016. He may reapply at that time.

John Welch—Mr. Welch has a diagnosis of epilepsy, and his last seizure was in 2000. He discontinued his anti-seizure medication in 2009. He will have been stable, off of anti-seizure medication for 8 years, as required by the MEP guidelines, in 2017.

Issued On: September 23, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–23437 Filed 9–30–14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2003–15268; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2010–0050; FMCSA–2010–0161; FMCSA–2012–0161; FMCSA–2012–0215; FMCSA–2012–0216]

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 the exemptions from

the vision requirement in the Federal Motor Carrier Safety Regulations for 14 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective October 31, 2014. Comments must be received on or before October 31, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2003–15268; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2010–0050; FMCSA–2010–0161; FMCSA–2012–0161; FMCSA–2012–0215; FMCSA–2012–0216], using any of the following methods:

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line 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 or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

• *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment