

diagnosis of seizure disorder post aneurysm with three seizures related to the diagnosis of the aneurysm. His last seizure was August 2011. He has remained seizure free for 10 months. He takes anti-seizure medication with the dosage and frequency remaining the same for 10 months. If granted the exemption, he would like to drive dump trucks in interstate commerce. His physician states he is supportive of Mr. Davis receiving an exemption.

*Timothy Grant Edwards*

Mr. Edwards is a 25 year-old driver in the state of Tennessee. He has a diagnosis of complex partial seizures. His last seizure was in 1992. He has remained seizure free for 20 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 10 years. If granted the exemption, he would like to drive a service truck for his employer that weighs more than 10,000 pounds, but less than 26,000 pounds, in interstate commerce.

*Juan Flores*

Mr. Flores is a 40 year-old driver in the state of Massachusetts. He had a closed head injury at age 17 and has had 5 or 6 seizures in his lifetime, the last one being January 2011. He has remained seizure free since that time. He takes anti-seizure medication with the dosage and frequency remaining the same for 1 year. If granted the exemption, he would like to drive CMVs with aerial buckets and derrick diggers to install utility poles.

*Glenn Gervais*

Mr. Gervais is a 49 year-old class E driver in the state of Florida, allowing him to drive a commercial non-CDL vehicle. He has had 2 seizures, one in 2009 and the last seizure was February 2011, one year ago. This seizure was the result of his physician taking him off of his anti-seizure medication. He has remained seizure free for 1 year. He takes anti-seizure medication with the dosage and frequency remaining the same for 1 year. If granted the exemption, he would like to return to driving a package delivery truck for UPS in interstate commerce.

*Daryl Goodman*

Mr. Goodman is a 38 year-old CDL driver in the state of New York. He had a single seizure following brain surgery to remove a tumor in March 2010. He was taking anti-seizure medication until September 2010, when his physician stopped the medication. He has remained seizure free for 2 years. If granted the exemption, he would like to

drive a tractor trailer in interstate commerce.

*James Gorniak*

Mr. Gorniak is a 49 year-old CMV driver in the state of Wisconsin. Mr. Gorniak had a single seizure in January 2007. It was discovered he had a brain tumor which was then removed. He was given anti-seizure medication for a short time after the surgery, but has been off the medication for 5 years and has remained seizure free since 2007. His physician states he is supportive of him receiving the exemption. If granted an exemption, he would like to return to driving tractor trailers in interstate commerce.

*Brian Hanson*

Mr. Hanson is a 53 year-old driver in the state of Oregon. Mr. Hanson has a diagnosis of epilepsy and his last seizure was in April 2004. He has been off of anti-seizure medication for 6 years. He has remained seizure free for 8 years. If granted the exemption, he would like to attend truck driving school and drive tractor trailer with his wife, as she is a long haul driver.

*Victor Marquez*

Mr. Marquez is a 23 year-old driver in the state of Idaho. Mr. Marquez has had 3 seizures in his lifetime with the last being March 2003. He has been on anti-seizure medication, with the dosage and frequency remaining the same for 9 years. His physician states that he believes Mr. Marquez is a good candidate for an exemption. If granted an exemption, he would like to drive a water truck or flatbed truck in interstate commerce.

*Robert J. Mooney*

Mr. Mooney is a 51 year-old CMV driver in the State of Ohio. He has a diagnosis of seizure disorder and his last seizure was in 1981. He has remained seizure free since that time. He takes anti-seizure medication with the dosage and frequency remaining the same for over 20 years. If granted the exemption, he would like to drive 18-passenger busses in interstate commerce.

*Gary Osley*

Mr. Osley is a 36 year-old CDL driver in the state of Kentucky. He has not ever experienced a seizure. He was given anti-seizure medication as a precaution before having brain surgery to remove a mass in October 2011. He remains on the anti-seizure medication at present for a period up to one year following the surgery, October 2012. He has remained seizure free. If granted an exemption, he

would return to driving in interstate commerce.

**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: January 10, 2013.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2013-00713 Filed 1-11-13; 4:15 pm]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2012-0294

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

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

**ACTION:** Notice of applications for exemption, request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 9 individuals for an exemption from the prohibition against persons with a clinical diagnosis of epilepsy or any other condition which 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 regulation and the associated advisory criteria published in the Code of Federal Regulations as the "Instructions for Performing and Recording Physical Examinations" have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs for 2 years in interstate commerce.

**DATES:** Comments must be received on or before February 14, 2013.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2012-0094—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*: 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.

Each submission must include the Agency name and the docket ID 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 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 acknowledgement page that appears after submitting comments on-line.

*Privacy Act*: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on December 29, 2010 (75 FR 82132). This information is also available at <http://Docketinfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Elaine Papp, Chief, Medical Programs Division (202) 366-4001, or via email at [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), or by letter FMCSA, Room W64-113, 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 also allow the Agency to renew exemptions at the end of the 2-year period. The 9 individuals listed in this notice have recently requested an exemption from the epilepsy prohibition 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 physically qualified to drive a commercial motor vehicle 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 commercial motor vehicle.

FMCSA provides medical advisory criteria for use by medical examiners in determining whether drivers with certain medical conditions should be certified to operate commercial motor vehicles in intrastate commerce. The advisory criteria indicate that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause which did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition, has no existing residual complications, and is not taking anti-seizure medication. Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate 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.

**Summary of Applications**

*Patrick Andreasen*

Mr. Andreasen is a 54 year-old Class C driver in the State of Pennsylvania. He has a history of epilepsy. His last seizure was in 1982. He has remained seizure free for 30 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 20 years. If granted the exemption, he would like to drive a 15-passenger bus. His physician states he is supportive of Mr. Andreasen receiving an exemption and Mr. Andreasen states he feels he would operate a vehicle at the same safety level as someone who did not require an exemption.

*Samuel D. Beverly*

Mr. Beverly is a 46 year-old driver in the State of Virginia. He has a history of seizures and his last seizure was in 1995. He takes anti-seizure medication with the dosage and frequency remaining the same for over 17 years. If granted the exemption, he would like to drive a dump truck. Mr. Beverly's physician states he is highly supportive of Mr. Beverly receiving an exemption.

*Craig Bugella*

Mr. Bugella is a 46 year-old CMV driver in the State of Wisconsin. He has a history of complex partial and generalized seizures. He has remained seizure free for 11 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 11 years. If granted the exemption, he would like to drive bucket trucks and Derrick diggers. His physician states he is extremely confident Mr. Bugella can operate commercial motor vehicles in interstate commerce.

*Eric Hilmer*

Ms. Hilmer is a 36 year-old Class D driver in the State of Wisconsin. He has a history of generalized seizure disorder as a child. His last seizure in October 2007, following a closed head injury and at that time, he was not taking anti-seizure medication. Prior to that event, his last seizure had been at age 17. He takes anti-seizure medication with the dosage and frequency remaining the same for 5 years. If granted the exemption, she would like to drive commercial motor vehicles. His physician is supportive of Mr. Hilmer being granted an exemption.

*Tye Dale Moore*

Mr. Moore is a 46 year-old driver in the State of Indiana. He has a diagnosis of seizure disorder and has remained

seizure free for more than 20 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 18 years. If granted the exemption, he would like to drive tractor trailers in interstate commerce. His physician states he is supportive of Mr. Moore receiving an exemption.

*Michael C. Ranalli*

Mr. Ranalli is a 27 year-old Class CM driver in the State of Pennsylvania. He has a diagnosis of Juvenile Myoclonic Epilepsy. His last seizure was in 2006. He has remained seizure free for over 6 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 6 years. If granted the exemption, he would like to drive a Class A International Material Handler bucket truck, a single axle with a gross weight of 22,000 pounds. His physician states he is supportive of Mr. Ranalli being granted an exemption.

*Robert Spencer*

Mr. Spencer is a 30 year-old Class E driver in the State of Florida. He has a diagnosis of seizure disorder and his last seizure was in February 2009. He has remained seizure free for over 3 years. He takes anti-seizure medication with the dosage and frequency remaining the same for over 3 years. If granted the exemption, he would like to drive a delivery van under 26,000 pounds. His physician is supportive of Mr. Spencer being granted an exemption.

*Brian J. Wiggins*

Mr. Wiggins is a 52 year-old CMV driver in the State of Idaho. He has a diagnosis of seizure disorder and his last seizure was in 1996. This seizure was the result of his physician taking him off of his anti-seizure medication. He has remained seizure free for 16 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 16 years. He is a diesel mechanic and, if granted the exemption, would be driving Class 6, 7, and 8 trucks for diagnosis and repair purposes. His physician is supportive of Mr. Wiggins being granted an exemption.

*Timothy M. Zarahatka*

Mr. Zarahatka is a 37 year-old Class D driver in the State of Minnesota. He suffered a penetrating head injury in 1993 and developed a seizure disorder following the injury. He was taking anti-seizure medications with good control until his treating physician changed his medication to a generic in 2008. His last seizure was in August 2008 and his medication was changed. He has

remained seizure-free for 4 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 4 years. If granted the exemption, he would like to drive a single axle dump truck. His physician states he is supportive of Mr. Zarahatka being granted 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: January 10, 2013.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2013-00712 Filed 1-11-13; 4:15 pm]

**BILLING CODE P**

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**Petition for Exemption From the Federal Motor Vehicle Motor Theft Prevention Standard; Toyota**

**AGENCY:** National Highway Traffic Safety Administration, Department Of Transportation (DOT).

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This document grants in full Toyota Motor North America, Inc.'s (Toyota) petition for an exemption of the RAV4 vehicle line in accordance with 49 CFR part 543, *Exemption from the Theft Prevention Standard*. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR Part 541).

**DATES:** The exemption granted by this notice is effective beginning with the 2014 model year (MY).

**FOR FURTHER INFORMATION CONTACT:** Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Standards, NHTSA, W43-439, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Ballard's phone number is (202) 366-5222. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** In a petition dated October 16, 2012, Toyota requested an exemption from the parts-marking requirements of the theft prevention standard (49 CFR part 541)

for the RAV4 vehicle line beginning with MY 2014. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Toyota provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the RAV4 vehicle line. Toyota stated that the MY 2014 RAV4 vehicle line will offer two entry systems but both will have an engine immobilizer device as standard equipment. Specifically, Toyota stated that the RAV4 vehicle line will offer a "smart key" system (keyless entry and push button start) and a "conventional key" entry system. Key components of the "smart key" system will include an engine immobilizer, certification electronic control unit (ECU), engine switch, steering lock ECU, security indicator, door control receiver, electrical key and an electronic control module (ECM). The conventional key components consist of a transponder key ECU assembly, transponder key coil, security indicator, ignition key and an ECM. Toyota will not offer an audible and visual alarm for the RAV4 vehicle line. Toyota's submission is considered a complete petition as required by 49 CFR 543.7 in that it meets the general requirements contained in 543.5 and the specific content requirements of 543.6.

On the RAV4 vehicle line, the "smart key" system allows the driver to press the "ON" button located on the instrument panel to start the vehicle. Once the driver pushes the "ON" button, the certification ECU verifies the electrical key, and the certification ECU and steering lock ECU receive confirmation of the valid key, allowing the ECM to start the engine. With the conventional key system, once the key is inserted into the key cylinder, the transponder chip in the key sends the key ID codes to the transponder key ECU assembly to verify the code. Once the code is verified, the immobilizer will allow the ECM to start the engine.

Toyota stated that with the smart key system, the immobilizer is activated when the power button is pushed from the "ON" status to any other ignition status and the certification ECU performs the calculation of the immobilizer then the immobilizer signals the ECM. For the "conventional key" system, activation of the immobilizer occurs when the ignition