

Daryl A. Lee (IN)  
Trey K. Legg (NE)  
Sabah K. Noori (NY)  
Dale K. Norris (MN)  
Larry M. Pratt (WI)  
Rodney J. Redmon (FL)  
Todd M. Roth (IN)  
Kenneth W. Schmidt (PA)  
Keith L. Spence (CT)  
Latonia B. Spicer (NC)  
Ronald E. Sutton (VA)  
Larry M. Tabish (MT)  
Forrest K. Williams (MO)

The following seven applicants did not have 3 years of recent experience driving a CMV on public highways with their vision deficiencies:

Lawrence A. DiVetro (NV)  
Madeline C. Duran (NM)  
Jack M. Elliott (KS)  
Johnnie R. Johnson (OK)  
William C. Kelley (WI)  
Jon A. Stevens (MN)  
Trent C. Tonner (IN)

The following seven applicants did not have sufficient driving experience over the past 3 years under normal highway operating conditions (gaps in driving record):

Alfredo E. Carrillo Posada (CO)  
Gregory B. Gosha (AL)  
Kelvin A. Hulett (MS)  
Leon J. Kirksey (MD)  
Jerred R. Murray (NY)  
Thomas A. Paukowits (MI)  
Rogelio Rocha Monjaraz (MD)

The following applicant was charged with moving violations in conjunction with CMV accidents:

Michael W. Leverett (MI)

The following applicant had his commercial driver's license suspended during the 3-year period in relation to a moving violation:

Thomas M. Bakeberg (SD)

The following applicant contributed to accident(s) in which the applicant was operating a CMV, which is a disqualifying offense:

Bruce E. Hemmer (WI)

The following two applicants did not hold a license which allowed operation of vehicles over 26,000 lbs. for all or part of the 3-year period:

Norman D. Mosley (NJ); and Robert L. Strange (NC)

The following 13 applicants were denied for multiple reasons:

Gema L. Alvarado (UT)  
Eduardo Arguelles (TX)  
John N. Azzopardi (MT)  
Frank L. Crenshaw (OH)  
Tommie L. Dailey (AL)  
Giovanni Gualdrón (NJ)  
Monica M. Hernandez (CA)  
Roman I. Hrabovskiy (NJ)

Johnny M. Krupczak (OH)  
Elvin E. Martin (PA)  
Kevin D. Melvin (NY)  
Michael C. Shelp (NY)  
Raymond F. Sitter (ND)

The following two applicants have not had stable vision for the preceding 3-year period:

William C. Hurtgen (WI); and  
James N. Robbins (FL)

The following applicant does not meet the vision standard in his better eye:

Keith D. Smith (FL)

The following nine applicants drove interstate while restricted to intrastate driving:

Norlan A. Acosta (MD)  
Adam J. Crull (WA)  
Trina L. Garcia (CA)  
Jureco M. Hall (MD)  
Nathan J. Plumley (NY)  
Izone W. Pulley (MD)  
Sonya Rankins (CA)  
Arthur L. Spaventa (PA)  
Marlon A. Wilson (CT)

Issued on: January 16, 2020.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2020-01549 Filed 1-28-20; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0118]

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew an exemption for one individual 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 exemption enables this individual who has had one or more seizures and is taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** The exemption was applicable on October 22, 2019. The exemption expires on October 22, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical

Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 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 Docket Operations, (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to or <http://www.regulations.gov/docket?D=FMCSA-2015-0118> and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Docket Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

###### 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](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

On December 4, 2019, FMCSA published a notice announcing its decision to renew an exemption for one individual 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 (84 FR 66454). The public comment period ended on January 3, 2020, and no comments were received.

FMCSA has evaluated the eligibility of this applicant and determined that renewing the exemption 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 proceeding.

### IV. Conclusion

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

As of October 22, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Anthony Martens (SD) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (84 FR 66454).

This driver was included in docket number FMCSA–2015–0118. The exemption is applicable as of October 22, 2019, and will expire on October 22, 2021.

In accordance with 49 U.S.C. 31315(b), the 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).

Issued on: January 23, 2020.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2020–01551 Filed 1–28–20; 8:45 am]

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<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>.

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0167]

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

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

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its decision to deny applications from four individuals treated with Implantable Cardioverter Defibrillators (ICDs) 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](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 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 Docket Operations, (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov/docket?D=FMCSA-2019-0167> and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

###### 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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.transportation.dot.gov/privacy](http://www.transportation.dot.gov/privacy).

## II. Background

On October 1, 2019 FMCSA published a **Federal Register** notice (84 FR 52163) announcing receipt of applications from four individuals treated with ICDs and requesting comments from the public. These four individuals requested an exemption from 49 CFR 391.41(b)(4) that 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 October 31, 2019 and three comments were received.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions 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 each applicant's medical history related to their ICD exemption request was discussed in the October 1, 2019, **Federal Register** notice and will not be repeated here.

The Agency's decision regarding these exemption applications is based on information from the cardiovascular Medical Advisory Criteria, an April 2007 evidence report titled "Cardiovascular Disease and Commercial Motor Vehicle Driver Safety,"<sup>1</sup> and further supported in 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.<sup>2</sup> The advisory criteria for § 391.41(b)(4) indicates that coronary artery bypass surgery and pacemaker

<sup>1</sup> The April 2007 Evidence report is available on the internet at <https://rosap.ntl.bts.gov/view/dot/16462>.

<sup>2</sup> 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>.