

*Larry Kirby*

Larry Kirby is a 36-year-old class A CDL holder in Missouri. They have a history of epilepsy and have been seizure free since 2010. They take anti-seizure medication with the dosage and frequency remaining the same since May 2019. Their physician states that they are supportive of Larry Kirby receiving an exemption.

*Matthew Lynch*

Matthew Lynch is a 31-year-old class C license holder in Pennsylvania. They have a history of seizure disorder and have been seizure free since 2013. They take anti-seizure medication with the dosage and frequency remaining the same since 2013. Their physician states that they are supportive of Matthew Lynch receiving an exemption.

*Edward Malicki*

Edward Malicki is a 49-year-old class D license holder in New York. They have a history of generalized epilepsy and have been seizure free since 2002. They take anti-seizure medication with the dosage and frequency remaining the same since 2003. Their physician states that they are supportive of Edward Malicki receiving an exemption.

*Jared Meyers*

Jared Meyers is a 30-year-old class R license holder in Mississippi. They have a history of cryptogenic seizures and have been seizure free since November 2007. They take anti-seizure medication with the dosage and frequency remaining the same since November 2007. Their physician states that they are supportive of Jared Meyers receiving an exemption.

*James Niemoller*

James Niemoller is a 45-year-old class C license holder in Maryland. They have a history of epilepsy and have been seizure free since May 1990. They take anti-seizure medication with the dosage and frequency remaining the same since June 2013. Their physician states that they are supportive of James Niemoller receiving an exemption.

*Joshua Pattyn*

Joshua Pattyn is a 47-year-old class A CDL holder in Oregon. They have a history of seizure disorder and have been seizure free since 1995. They take anti-seizure medication with the dosage and frequency remaining the same since 1995. Their physician states that they are supportive of Joshua Pattyn receiving an exemption.

*Joe W. Porath*

Joe W. Porath is a 51-year-old class A CDL holder in Idaho. They have a history of sequela of cerebral infraction, unprovoked seizure and have been seizure free since July 2017. They take anti-seizure medication with the dosage and frequency remaining the same since October 2017. Their physician states that they are supportive of Joe W. Porath receiving an exemption.

*Jon Rollins*

Jon Rollins is a 52-year-old class D license holder in Ohio. They have a history of grand mal seizure disorder and have been seizure free since 2006. They take anti-seizure medication with the dosage and frequency remaining the same since 2006. Their physician states that they are supportive of Jon Rollins receiving an exemption.

*Garrett Sager*

Garrett Sager is a 25-year-old class C license holder in Iowa. They have a history of epilepsy generalized tonic-clonic seizure and have been seizure free since 2012. They take anti-seizure medication with the dosage and frequency remaining the same since April 2019. Their physician states that they are supportive of Garrett Sager receiving an exemption.

*Colin Trummer*

Colin Trummer is a 19-year-old class D license holder in Ohio. They have a history of benign Rolandic seizure and have been seizure free since 2011. They have not taken anti-seizure medication since 2013. Their physician states that they are supportive of Colin Trummer receiving an exemption.

*Shawn Vanliew*

Shawn Vanliew is a 65-year-old class D license holder in Minnesota. They have a history of epilepsy and have been seizure free since 1992. They take anti-seizure medication with the dosage and frequency remaining the same since 1992. Their physician states that they are supportive of Shawn Vanliew receiving an exemption.

**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. 2023-01263 Filed 1-23-23; 8:45 am]

**BILLING CODE 4910-EX-P**

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

**[Docket No. FMCSA-2010-023; FMCSA-2013-0109; FMCSA-2013-0444; FMCSA-2014-0215; FMCSA-2016-0008; FMCSA-2018-0053; FMCSA-2018-0056, FMCSA-2019-0036]**

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

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for nine 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 are applicable on February 3, 2023. The exemptions expire on February 3, 2025. Comments must be received on or before February 23, 2023.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System, Docket No. FMCSA-2010-0203, Docket No. FMCSA-2013-0109, Docket No. FMCSA-2013-0444, Docket No. FMCSA-2014-0215, Docket No. FMCSA-2016-0008, Docket No. FMCSA-2018-0053, Docket No. FMCSA-2018-0056, or Docket No. FMCSA-2019-0036, using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number (FMCSA-2010-0203, FMCSA-2013-0109, FMCSA-2013-0444, FMCSA-2014-0215, FMCSA-2016-0008, FMCSA-2018-0053, FMCSA-2018-0056, or FMCSA-2019-0036) in

the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; 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 20590-0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov). 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. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2010-0203, Docket No. FMCSA-2013-0109, Docket No. FMCSA-2013-0444, Docket No. FMCSA-2014-0215, Docket No. FMCSA-2016-0008, Docket No. FMCSA-2018-0053, Docket No. FMCSA-2018-0056, or Docket No. FMCSA-2019-0036), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 [www.regulations.gov/](http://www.regulations.gov/), insert the docket number (FMCSA-2010-0203, FMCSA-2013-0109, FMCSA-2013-0444, FMCSA-2014-0215, FMCSA-2016-0008, FMCSA-2018-0053, FMCSA-

2018-0056, or FMCSA-2019-0036) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

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. FMCSA will consider all comments and material received during the comment period.

#### *B. Viewing Comments*

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number (FMCSA-2010-0203, FMCSA-2013-0109, FMCSA-2013-0444, FMCSA-2014-0215, FMCSA-2016-0008, FMCSA-2018-0053, FMCSA-2018-0056, or FMCSA-2019-0036) 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.

#### *C. 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](http://www.regulations.gov). As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

### **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 statutes also allow the Agency to renew

exemptions at the end of the 5-year period. However, 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 physical qualification standard for drivers regarding epilepsy found in 49 CFR 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.

The nine individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

### **III. Request for Comments**

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

### **IV. Basis for Renewing Exemptions**

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the nine applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The nine drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption

<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>.

period. In addition, for commercial driver's license (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

As of February 3, 2023, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Jeffrey Ballweg (WI)  
David Crouch (KY)  
Peter DellaRocco (PA)  
Ronnie Moody (NC)  
Brian Porter (PA)  
Isaac Rogers (IL)  
Thomas Tincher (NC)  
Keith White (PA)  
Floyd Williams (VA)

The drivers were included in docket number FMCSA–2010–0203, FMCSA–2013–0109, FMCSA–2013–0444, FMCSA–2014–0215, FMCSA–2016–0008, FMCSA–2018–0053, FMCSA–2018–0056, or FMCSA–2019–0036. Their exemptions are applicable as of February 3, 2023 and will expire on February 3, 2025.

#### V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be

rescinded if: (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 before it was 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).

#### VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

#### VII. Conclusion

Based on its evaluation of the nine exemption applications, FMCSA renews the exemptions of the aforementioned 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), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2023–01262 Filed 1–23–23; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2023–0001]

#### Pipeline Safety: Request for Special Permit; Tennessee Gas Pipeline Company, LLC

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice.

**SUMMARY:** PHMSA is publishing this notice to solicit public comments on a request for special permit received from the Tennessee Gas Pipeline Company, LLC (TGP). The special permit request is seeking relief from compliance with certain requirements in the federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

**DATES:** Submit any comments regarding this special permit request by February 23, 2023.

**ADDRESSES:** Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *E-Gov Website:* <http://www.Regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

- *Fax:* 1–202–493–2251.

- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

*Instructions:* You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at <http://www.Regulations.gov>.

**Note:** There is a privacy statement published on <http://www.Regulations.gov>. Comments, including any personal information provided, are posted without changes or edits to <http://www.Regulations.gov>.

*Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the