

*Frequency:* As required by regulation.  
*Estimated Average Burden per Response:* Varies per requirement.  
*Estimated Total Annual Burden:* 5,393.75 Hours.

Issued in Washington, DC, on June 21, 2021.

**Sandra L. Ray,**

*Aviation Safety Inspector, AFS-270.*

[FR Doc. 2021-13253 Filed 6-23-21; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans).

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the proposed Eastbound (EB) State Route 91 (SR-91) Atlantic Ave. to Cherry Ave. Auxiliary Lane Improvements Project on SR-91 at post mile R11.8 to R13.2 within the County of Los Angeles, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 22, 2021. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Thoa Le, Senior Environmental Planner, Division of Environmental Planning, California Department of Transportation—District 7, 100 South Main Street, Los Angeles, CA 90012. Office hours: 8 a.m. to 5 p.m., telephone: (213) 266-6875, email: [D07.91AtlanticToCherry@dot.ca.gov](mailto:D07.91AtlanticToCherry@dot.ca.gov). For FHWA, contact David Tedrick at (916) 498-5024 or email [david.tedrick@dot.gov](mailto:david.tedrick@dot.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, FHWA assigned, and the Caltrans assumed, environmental responsibilities for this project pursuant

to 23 U.S.C. 327. Notice is hereby given that the Caltrans, has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The Los Angeles County Metropolitan Transportation Authority (Metro), in cooperation with the Gateway Cities Council of Governments and Caltrans proposes to develop and implement an auxiliary lane on EB SR-91 within a 1.4-mile segment from the southbound Interstate 710 interchange connector to EB SR-91, to Cherry Avenue to enhance safety conditions, reduce congestion, and improve freeway operations. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Initial Study (IS)/Environmental Assessment (EA) with Mitigated Negative Declaration (MND)/Finding of No Significant Impact (FONSI) approved on May 24, 2021, and in other documents in the FHWA project records. The Final IS/EA with MND/FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans Final IS/EA with MND/FONSI can be viewed and downloaded from Reports menu on the project website at: <https://www.metro.net/projects/i-605-corridor-hot-spots-program/SR-91-early-action-projects/> or viewed at Michelle Obama Neighborhood Library in the city of Long Beach. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

- (1) National Environmental Policy Act (NEPA) of 1969;
- (2) Federal Aid Highway Act of 1970;
- (3) U.S. EPA Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] 230);
- (4) Clean Air Act Amendments of 1990 (CAAA);
- (5) Clean Water Act of 1977 and 1987;
- (6) Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987);
- (7) Safe Drinking Water Act of 1944, as amended;
- (8) Endangered Species Act of 1973;
- (9) Executive Order 13112, Invasive Species;
- (10) Migratory Bird Treaty Act;
- (11) Fish and Wildlife Coordination Act of 1934, as amended;
- (12) Coastal Zone Management Act of 1972;
- (13) Title VI of the Civil Rights Act of 1964, as amended.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning

and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1).

Issued on: June 15, 2021.

**Rodney Whitfield,**

*Director, Financial Services, Federal Highway Administration, California Division.*

[FR Doc. 2021-13444 Filed 6-23-21; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2021-0025]

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

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

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

**SUMMARY:** FMCSA announces receipt of applications from four individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against 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 control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before July 26, 2021.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2021-0025 using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number, FMCSA-2021-0025, 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, 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, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are 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-2021-0025), 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/docket?D=FMCSA-2021-0025](http://www.regulations.gov/docket?D=FMCSA-2021-0025). 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. 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.

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-2021-0025, 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 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**

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 statute also allows the Agency to renew exemptions at the end of the 5-year period. 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 four individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

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 (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The criteria states that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that 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 ME 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 has 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 recovered fully 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.

As a result of MEs misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV 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 ME based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, "Qualification of

<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>.

Drivers; Exemption Applications; Epilepsy and Seizure Disorders,” (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate 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.” Since that time, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in § 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency’s Medical Expert Panel (78 FR 3069).

### III. Qualifications of Applicants

#### Charles Anthony

Mr. Anthony is a 44 year-old class D driver’s license holder in North Dakota. He has a history of epilepsy and has been seizure free since 2006. He takes anti-seizure medication with the dosage and frequency remaining the same since 1991. His physician states that he is supportive of Mr. Anthony receiving an exemption.

#### Jeffrey Douglass

Mr. Douglass is a 40 year-old class B CDL holder in Maine. He has a history of partial complex epilepsy and has been seizure free since April 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since April 2010. His physician states that he is supportive of Mr. Douglass receiving an exemption.

#### Phillip Halfmann

Mr. Halfmann is a 30 year-old class DM driver’s license holder in Wisconsin. He has a history of seizure and has been seizure free since 2011. He is currently not taking any anti-seizure medications and has not been prescribed anti-seizure medication since 2011. His physician states that he is supportive of Mr. Halfmann receiving an exemption.

#### Christopher Nonnenkamp

Mr. Nonnenkamp is a 47 year-old class E driver’s license holder in Missouri. He has a history of generalized idopathic epilepsy and has been seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that he is supportive of Mr. Nonnenkamp 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. 2021-13389 Filed 6-23-21; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2021-0064]

#### Petition for Approval: Alaska Railroad Corporation Approval Extension

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of conditional approval.

**SUMMARY:** FRA is issuing this notice of conditional approval to Alaska Railroad Corporation (ARRC) in response to its August 29, 2020, petition to extend FRA’s approval authorizing ARRC’s transport of Liquefied Natural Gas (LNG) by rail in cryogenic portable tanks (T75, UN cryogenic portable tanks or cryogenic ISO tanks).

**DATES:** Comments are requested no later than August 23, 2021. FRA will consider comments received after that date to the extent possible, without incurring additional expense or delay.

**ADDRESSES:** All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Website:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Email:** [hmassist@dot.gov](mailto:hmassist@dot.gov).

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov/>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See

also <https://www.regulations.gov/privacyNotice> for the privacy notice of [regulations.gov](https://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

Mark Maday, Staff Director—Hazardous Materials Division, Office of Railroad Safety, FRA, telephone: (202) 493-0479 or email: [Mark.Maday@dot.gov](mailto:Mark.Maday@dot.gov).

**SUPPLEMENTARY INFORMATION:** On August 29, 2020, ARRC petitioned FRA for an extension of an Approval granted by the Associate Administrator for Railroad Safety in accordance with 49 CFR 174.63 of the Hazardous Materials Regulations. FRA assigned the petition Docket Number FRA-2021-0064.

Specifically, ARRC sought extension of the approval issued under § 174.63 to transport Methane, refrigerated liquid, UN 1972, Division 2.1 (Flammable gas), also commonly referred to as LNG, by rail in UN cryogenic portable tanks secured on flat cars via the following routes: (1) Mainline service between Seward, AK and Fairbanks, AK, and (2) branch line service of approximately 12 miles between the Port of Whittier, AK, and milepost 64.3 of the ARRC mainline.

ARRC notes in its petition that it has not begun to commercially transport LNG under the terms of its approval. However, in its petition ARRC also notes that there is still a need for a clean and affordable energy source for interior Alaska. As a state-owned railroad operating under a statutory mandate to provide safe, efficient, and economical transportation to meet the overall needs of the state and its citizens, the ARRC is positioned to facilitate the solution. Additionally, ARRC suggests that demand for natural gas transportation is increasing, citing the recent installation of a 5.2-million-gallon storage tank by the natural gas distributor in Fairbanks, AK. ARRC describes ongoing business negotiations and developments that could soon result in opportunities to move LNG commercially by rail. Finally, ARRC projects that once commercial operations commence under the terms of the approval, there may be a need to move as much as 60 portable tanks of product every 4 days, utilizing two portable tanks per flatcar and a maximum of 30 flatcars per train.

FRA first granted ARRC’s petition in 2015. FRA’s safety assessment was based upon detailed information provided by the ARRC, including results of assessments that were conducted by ARRC and evaluated by FRA technical experts for the routes over which LNG would be moved. In 2017, FRA modified the approval to expand the authorization to include the additional 12-mile branch line route from Port of