

history of a seizure disorder and has remains seizure free since 1962. 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 Nelson receiving an exemption.

Michael D. Williams

Mr. Williams is a 48 year-old class A CDL holder in Nevada. He has a history of a seizure disorder and has remained seizure free since 1987. He takes anti-seizure medication with the dosage and frequency remaining the same since 2002. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Williams receiving an exemption.

#### E. Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, the Agency's analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting the driver to driving in intrastate commerce.

#### Conclusion

The Agency is granting exemptions from the epilepsy standard, 49 CFR 391.41(b)(8), to 10 individuals based on a thorough evaluation of each driver's safety experience and medical condition. Safety analysis of information relating to these 10 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. By granting the exemptions, the interstate CMV industry will gain 10 highly trained and experienced drivers. In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for 2 years, with annual recertification required 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 and 31315.

FMCSA exempts the following 10 drivers for a period of 2 years with annual medical certification required: Ian Correll-Zerbe (PA); Alan Feuerhelm (IA); Robert J. Forney (WI); Bryan R. Jones (PA); Terri Kathleen Kahle (PA); Ivan M. Martin (PA); James Joseph Marvel (VA); Andy L. McNeal (IN); Richard S. Nelson (MN); and Michael D. Williams (NV) from the prohibition of CMV operations by persons with a clinical diagnosis of epilepsy or seizures. If the exemption is still in effect at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: September 29, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-25504 Filed 10-6-15; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0104]

#### Qualification of Drivers; Application for Exemptions; Hearing

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to grant requests from 17 individuals for exemptions from the Agency's physical qualifications standard concerning hearing for interstate drivers. The current regulation prohibits hearing impaired individuals from operating CMVs in interstate commerce. After notice and opportunity for public comment, the Agency concluded that granting exemptions for these drivers to operate property-carrying CMVs will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions. The exemptions are valid for a 2-year period and may be renewed. The exemptions preempt State laws and regulations.

**DATES:** The exemptions are effective October 7, 2015. The exemptions expire on October 10, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (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 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### A. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: [www.regulations.gov](http://www.regulations.gov).

**Docket:** For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) and/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., e.t., Monday through Friday, except Federal holidays.

**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.dot.gov/privacy](http://www.dot.gov/privacy).

##### B. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the safety regulations 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 statute also allows the Agency to renew exemptions at the end of the 2-year period. The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person:

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA grants 17 individuals an exemption from § 391.41(b)(11) concerning hearing to enable them to operate property-carrying CMVs in interstate commerce for a 2-year period. The Agency's decision on these exemption applications is based on the current medical literature and information and the "Executive

Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety” (the 2008 Evidence Report) presented to FMCSA on August 26, 2008. The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant’s driving record found in the CDLIS,<sup>1</sup> for CDL holders, and inspections recorded in MCMIS.<sup>2</sup> For non-CDL holders, the Agency reviewed the driving records from the State licensing agency. Each applicant’s record demonstrated a safe driving history. The Agency believes the drivers covered by the exemptions do not pose a risk to public safety.

### C. Comments

On October 27, 2014, FMCSA published a notice of receipt of exemption applications and requested public comment on 17 individuals (FR 79 64004; Docket number FMCSA–2014–25453). The comment period ended on November 26, 2014. In response to this notice, FMCSA received 10 comments. Six comments supported deaf drivers driving commercially and four comments expressed safety concerns for granting exemptions to drivers who do not meet the hearing standard. The safety concerns were submitted on behalf of The American Trucking Associations, Inc.; Schneider National, Inc.; Hub Group Trucking, Inc.; and Werner Enterprises, Inc. Some of these comments were addressed in a previous notice. These stakeholders expressed safety concerns for the far reaching ramifications to the commercial driving industry of allowing deaf drivers to test, train and/or drive commercially. Additionally they expressed concern for the process by which exemptions are granted from parts of 49 CFR 391.41, the increased volume of exemptions, and the need to

rely on scientific support as a basis for granting the exemptions. FMCSA acknowledges the stakeholder’s concerns and may consider the initial steps to revising the physical qualification standards through a formal rulemaking process.

### D. Exemptions Granted

Following individualized assessments of the exemption applications, FMCSA grants exemptions from 49 CFR 391.41(b)(11) to 17 individuals. Under current FMCSA regulations, all of the 17 drivers receiving exemptions from 49 CFR 391.41(b)(11) would have been considered as qualified physically to drive a CMV in interstate commerce except that they do not meet the hearing requirement. FMCSA has determined that the following 17 applicants should be granted an exemption:

*Martin Anthony Bystrycki*

Mr. Bystrycki, 63, holds a Class A commercial driver’s license (CDL) in Florida.

*Ronald Craver, Sr.*

Mr. Craver, 57, holds an operator’s license in Texas.

*Byron Davis*

Mr. Davis, 37, holds an operator’s license in Mississippi.

*Stephen Digiovanna*

Mr. Digiovanna, 53, holds a Class A commercial driver’s license (CDL) in Pennsylvania.

*Bruce Howard Dunn*

Mr. Dunn, 52, holds a Class A commercial driver’s license (CDL) in Louisiana.

*Brandon Thomas Londo*

Mr. Londo, 29, holds an operator’s license in Texas.

*George T. Moore*

Mr. Moore, 47, holds an operator’s license in Georgia.

*Robert J. Pippin*

Mr. Pippin, 46, holds an operator’s license in South Dakota.

*Scott A. Perdue*

Mr. Perdue, 47, holds a Class A commercial driver’s license (CDL) in Georgia.

*Adalberto Rodriguez*

Mr. Rodriguez, 49, holds a Class A commercial driver’s license (CDL) in New York.

*David Rodriguez*

Mr. Rodriguez, 56, holds an operator’s license in Texas.

*Melvin Randall Ross*

Mr. Ross, 61, holds a Class A commercial driver’s license (CDL) in Ohio.

*Abderrazek Merjounne*

Mr. Merjounne, 42, holds a Class A commercial driver’s license (CDL) in Maryland.

*Seth Lee Shannon*

Mr. Shannon, 36, holds an operator’s license in Washington.

*Thomas D. Sneer*

Mr. Sneer, 58, holds a Class A commercial driver’s license (CDL) in Minnesota.

*Juan Sloan*

Mr. Sloan, 52, holds an operator’s license in California.

*Charles F. Wirick, IV*

Mr. Wirick, 31, holds an operator’s license in Maryland.

### Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the hearing standard in 49 CFR 391.41(b)(11) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. With the exemption, applicants can drive in interstate commerce. Thus, the Agency’s analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce. The driver must comply with the terms and conditions of the exemption. This includes reporting any crashes or accidents as defined in 49 CFR 390.5 and reporting all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391.

### Conclusion

The Agency is granting exemptions from the hearing standard, 49 CFR 391.41(b)(11), to 17 individuals based on an evaluation of each driver’s safety experience. Safety analysis of information relating to these 17 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. In accordance with 49 U.S.C. 31315, each exemption will be

<sup>1</sup> Commercial Driver License Information System (CDLIS) is an information system that allows the exchange of commercial driver licensing information among all the States. CDLIS includes the databases of 51 licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

<sup>2</sup> Motor Carrier Management Information System (MCMIS) is an information system that captures data from field offices through SAFETYNET, CAPRI, and other sources. It is a source for FMCSA inspection, crash, compliance review, safety audit, and registration data.

valid for 2 years from the effective date with annual recertification required 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 and 31315.

FMCSA exempts the following 17 drivers for a period of 2 years from the physical qualification standard concerning hearing: Martin Anthony Bystrycki (FL); Ronald Craver, Sr. (TX); Byron Davis (MS); Stephen Digiovanna (PA); Bruce Howard Dunn (LA); Brandon Thomas Londo (TX); George T. Moore (GA); Robert J. Pippin (SD); Scott A. Perdue (GA); Adalberto Rodriguez (NY); David Rodriguez (TX); Melvin Randall Ross (OH); Abderrazek Merjoune (MD); Seth Lee Shannon (WA); Thomas D. Sneer (MN); Juan Sloan (CA); and Charles F. Wirick, IV (MD).

Issued on: September 29, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015-25497 Filed 10-6-15; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2015-0056]

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May 30, 2015, the Maine Yacht Center, LLC (MYC) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215—Railroad Freight Car Safety Standards. FRA assigned the petition Docket Number FRA-2015-0056.

In an effort to increase business, MYC wants to build a self-propelled carrier, for boats 30 to 40 or more feet in length, that will travel one-half mile over the St. Lawrence & Atlantic Railroad from a waterfront facility to a storage facility. The limiting factor for over-the-road movement of boats is a fixed bridge height of 14 feet. Using rail would allow MYC to move larger boats using a route with a fixed bridge height of 18 feet.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

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

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by November 6, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to 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.). In accordance with 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 [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.dot.gov/privacy](http://www.dot.gov/privacy). See also <http://www.regulations.gov/#/privacyNotice> for the privacy notice of regulations.gov.

Issued in Washington, DC, on September 30, 2015.

**Ron Hynes,**

*Director, Office of Technical Oversight.*

[FR Doc. 2015-25494 Filed 10-6-15; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Sanctions Actions Pursuant to Executive Orders 13224.

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the name of one individual whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism."

**DATES:** OFAC's actions described in this notice are effective on October 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** Associate Director for Global Targeting, tel.: 202/622-2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622-2490, Assistant Director for Licensing, tel.: 202/622-2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622-2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

#### SUPPLEMENTARY INFORMATION:

##### Electronic and Facsimile Availability

The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622-0077.

##### Notice of OFAC Actions

On October 2, 2015, OFAC blocked the property and interests in property of the following individual pursuant to E.O. 13224, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism":

1. MUTHANA, Aseel (a.k.a. "Abu Fariss"), Syria; DOB 1996 or 1997; nationality United Kingdom (individual) [SDGT]