

the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (Title 14 CFR part 158).

**DATES:** Comments must be received on or before August 8, 2013.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. John L. Martin, Airport Director, San Francisco International Airport, at the following address: 575 North McDonnell Road, 2nd Floor, San Francisco, CA 94128. Air carriers and foreign air carriers may submit copies of written comments previously provided to the San Francisco Airport Commission under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Arlene Draper, Assistant Manager, San Francisco Airports District Office, 1000 Marina Boulevard, Suite 220, Brisbane, CA 94005-1835, Telephone: (650) 827-7602. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at San Francisco International Airport, under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (Title 14 CFR Part 158).

On October 5, 2010, the public agency submitted an application to impose and use PFC revenue on 25 projects at SFO. On November 4, 2010, the FAA found the application was not substantially complete. On November 18, 2010, the public agency notified the FAA of their intent to supplement the application. The FAA received the supplemented application on June 14, 2013, within the requirements of section 158.27 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 12, 2013.

*The following is a brief overview of PFC application No. 11-05-C-00-SFO:*

*Proposed charge effective date:* January 1, 2017.

*Proposed charge expiration date:* June 1, 2023.

*Level of the proposed PFC:* \$4.50.

*Total estimated PFC revenue:* \$610,451,805.

*Description of the impose and use project:*

*Terminal 2 and Boarding Area D Renovations*—the project provides for the reimbursement of the costs associated with the renovation, expansion, and modernization of the San Francisco International Airport Terminal 2 and Boarding Area D, including the installation of 14 boarding gates and associated aircraft parking apron and passenger loading bridges.

*Withdrawn Projects:* By letter dated June 14, 2013, the public agency withdrew 23 airfield improvement projects and the International terminal common use system improvements project, included in the original October 5, 2010 application. Therefore, these projects are no longer part of this application.

*Class or classes of air carriers which the public agency has requested not be required to collect PFCs:* Non-scheduled on-demand air carriers filing FAA Form 1800-31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Office located at: 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the San Francisco International Airport.

Issued in Lawndale, California, on June 27, 2013.

**Mia Paredes Ratcliff,**

*Manager, Planning and Programming Branch, Western-Pacific Region.*

[FR Doc. 2013-16453 Filed 7-8-13; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Opportunity for Public Comment on Surplus Property Release at Brunswick Executive Airport in Brunswick, ME

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Request for Public Comments.

**SUMMARY:** Under the provisions of Title 49, U.S.C. 47153(d), notice is being given that the FAA is considering a request from Midcoast Regional Redevelopment Authority to waive the surplus property requirements for approximately 3.47 acres of airport property located at Brunswick Executive Airport in Brunswick, ME.

It has been determined through study and master planning that the subject parcel will not be needed for

aeronautical purposes and would better serve the airport if used for aviation compatible, non-aeronautical revenue generation. Full and permanent relief of the surplus property requirements on this specific parcel will allow the airport and its tenant on this parcels to enter into a long-term lease and begin making infrastructure improvements. All revenues through the leasing of the parcel will continue to be subject to the FAA's revenue-use policy and dedicated to the maintenance and operation of the Brunswick Executive Airport.

**DATES:** Comments must be received on or before August 8, 2013.

**ADDRESSES:** Send comments on this document to Mr. Barry J. Hammer at the Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, Telephone 781-238-7625.

**FOR FURTHER INFORMATION CONTACT:** Documents are available for review by appointment by contacting Mr. Marty McMahon, Telephone 207-798-6512 or by contacting Mr. Barry J. Hammer, Federal Aviation Administration, 16 New England Executive Park, Burlington, Massachusetts, Telephone 781-238-7625.

Issued in Burlington, Massachusetts on June 17, 2013.

**Mary T. Walsh,**

*Manager, Airports Division, New England Region.*

[FR Doc. 2013-16462 Filed 7-8-13; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-24278; FMCSA-2006-25854; FMCSA 2008-0355; FMCSA 2010-0203; FMCSA-2011-0089]

#### Denial of Exemption Applications; Epilepsy and Seizure Disorders

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

**ACTION:** Notice of denial for exemptions from the provisions of 49 CFR 391.41(b)(8).

**SUMMARY:** FMCSA announces denial of applications from seven 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. Reasons for denial are listed after each name entry.

**FOR FURTHER INFORMATION CONTACT:**

Elaine M. Papp, Director, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Room W64-224, 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 7 individuals listed in this notice have recently requested an exemption from the epilepsy and seizure disorder standard 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 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 commercial motor vehicle.

In order to make an evidence-based decision, FMCSA conducted a comprehensive review of scientific literature and convened a panel of medical experts in the field of neurology to evaluate key questions regarding seizure and anti-seizure medication related to the safe operation of a commercial motor vehicle. In reaching the determination to grant or deny exemption requests for individuals who have experienced a seizure, the Agency considered both current medical literature and information and the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The Agency previously gathered evidence for decision-making concerning potential changes to the regulation, by conducting a comprehensive review of scientific literature that was compiled into a report entitled, "*Evidence Report on Seizure Disorders and Commercial Vehicle Driving*" (*Evidence Report*) [CD-ROM HD TL230.3 .E95 2007]. The Agency then convened an MEP in the field of neurology on May 14-15, 2007, to review: 49 CFR 391.41(b)(8) and the advisory criteria regarding individuals who have experienced a seizure; and the 2007 Evidence Report. The *Evidence*

*Report* and the MEP recommendations are published on-line at <http://www.fmcsa.dot.gov/rules-regulations/topics/mep/mep-reports.htm>, under Seizure Disorders, and are in the docket for this notice.

**MEP Criteria for Evaluation**

On October 15, 2007, the MEP issued the following recommended criteria for evaluating whether an individual with epilepsy or a seizure disorder should be allowed to operate a CMV.<sup>1</sup> The MEP recommendations are included in an appendix at the end of this notice and in each of the previously published dockets.

**Epilepsy diagnosis.** If there is an *epilepsy diagnosis*, the applicant should be seizure-free for 8 years, *on or off medication*. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with an epilepsy diagnosis should be performed every year.

**Single unprovoked seizure.** If there is a *single unprovoked seizure* (i.e., there is no known trigger for the seizure), the individual should be seizure-free for 4 years, *on or off medication*. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with a single unprovoked seizure should be performed every 2 years.

**Single provoked seizure.** If there is a *single provoked seizure* (i.e., there is a known reason for the seizure), the Agency should consider specific criteria that fall into the following two categories: Low-risk factors for recurrence and moderate-to-high risk factors for recurrence.

- **Examples of low-risk factors for recurrence** include seizures that were caused by a medication; by non-penetrating head injury with loss of consciousness less than or equal to 30 minutes; by a brief loss of consciousness not likely to recur while driving; by metabolic derangement not likely to recur; and by alcohol or illicit drug withdrawal.

- **Examples of moderate-to-high-risk factors for recurrence** include seizures caused by non-penetrating head injury with loss of consciousness or amnesia

<sup>1</sup> Engel, J., Fisher, R.S., Krauss, G.L., Krumholz, A., and Quigg, M.S., "Expert Panel Recommendations: Seizure Disorders and Commercial Motor Vehicle Driver Safety," FMCSA, October 15, 2007.

greater than 30 minutes, or penetrating head injury; intracerebral hemorrhage associated with a stroke or trauma; infections; intracranial hemorrhage; post-operative complications from brain surgery with significant brain hemorrhage; brain tumor; or stroke.

The MEP report indicates individuals with moderate to high-risk conditions should not be certified. Drivers with a history of a single provoked seizure with low risk factors for recurrence should be recertified every year.

**Medical Review Board Recommendations and Agency Decision**

FMCSA presented the MEP's findings and the Evidence Report to the Medical Review Board (MRB) for consideration. The MRB reviewed and considered the 2007 "Seizure Disorders and Commercial Driver Safety" evidence report and the 2007 MEP recommendations. The MRB recommended maintaining the current advisory criteria, which provide that "drivers with a history of epilepsy/seizures off anti-seizure medication and seizure-free for 10 years may be qualified to drive 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" [Advisory criteria to 49 CFR 391.43(f)].

The Agency acknowledges the MRB's position on the issue but believes relevant current medical evidence supports a less conservative approach. The medical advisory criteria for epilepsy and other seizure or loss of consciousness episodes was based on the 1988 "Conference of Neurological Disorders and Commercial Driving" (NITS Accession No. PB89-158950/AS). A copy of the report can be found in the docket referenced in this notice.

The MRB's recommendation treats all drivers who have experienced a seizure the same, regardless of individual medical conditions and circumstances. In addition, the recommendation to continue prohibiting drivers who are taking anti-seizure medication from operating a CMV in interstate commerce does not consider a driver's actual seizure history and time since the last seizure. The Agency has decided to use the 2007 MEP recommendations as the basis for evaluating applications for an exemption from the seizure regulation on an individual, case-by-case basis. The disposition of applications announced in this notice applies the 2007 MEP recommendations.

## Public Comments

Patty Cantagallo, MD, expressed her concern that applicant John Morris had indications of alcohol abuse in his medical data. The Agency did not include Mr. Morris in the final disposition. Dr. Cantagallo also indicated uncertainty with applicant Anthony Besch having unresolved "nighttime seizures." Mr. Besch was excluded from final disposition.

## Denials and Reasons

- The following drivers were listed previously in **Federal Register** Notice FMCSA-2006-24278:

*Anthony Besch*—We are unable to contact Mr. Besch by phone or through his former employer to ascertain his status.

*Charles Gant*—Mr. Gant's records indicated that he had suffered transient ischemic attacks (stroke), not epilepsy.

*John Morris*—Mr. Morris' file indicated that his seizure was induced by alcohol.

- The following driver was previously listed in **Federal Register** Notice FMCSA-2006-25854:

*Daniel L. Pulse*—Mr. Pulse may meet the criteria, but he has been unresponsive in attempts to certify the date of his last seizure and/or any anti-seizure medication he is taking.

- The following driver was previously listed in **Federal Register** FMCSA-2008-0355:

*Travis Williams*—Mr. Williams has a diagnosis of epilepsy, and his last seizure was in 2008. He will have been seizure-free for 8 years, as required by the MEP guidelines, in 2016. He may reapply at that time.

- The following driver was listed previously in **Federal Register** FMCSA 2010-0203:

*Leo Lombardio*—Mr. Lombardio had a loss of consciousness event related to a diagnosis of complex partial seizures in 2009. He does not meet the exemption criteria at this time.

- The following driver was listed previously in **Federal Register** FMCSA 2011-0089:

*Richard Laqua*—Mr. Laqua had a seizure in 2009 and does not currently meet the exemption criteria.

Issued on: June 27, 2013.

**T.F. Scott Darling, III,**  
Chief Counsel.

[FR Doc. 2013-16460 Filed 7-8-13; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0147]

### Driver Qualifications: Skill Performance Evaluation; Virginia Department of Motor Vehicles' Application for Exemption

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

**ACTION:** Notice of application for exemption; request for public comment.

**SUMMARY:** FMCSA announces receipt of an application for exemption from the Virginia Department of Motor Vehicles (Virginia), on behalf of truck and bus drivers who are licensed in the Commonwealth of Virginia and need a Skill Performance Evaluation (SPE) certificate from FMCSA to operate commercial motor vehicles in interstate commerce. The exemption would enable Virginia-licensed drivers subject to the Federal SPE requirements under 49 CFR 391.49, to fulfill the Federal requirements with a State-issued SPE. The State-issued SPE would be based on standards, processes and procedures comparable to those used by FMCSA, and the State would maintain copies of all evaluation forms and certificates issued to enable FMCSA to conduct periodic reviews of the program.

**DATES:** Comments must be received on or before August 8, 2013.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) number FMCSA-2013-0147 by 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, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.
- Hand Delivery:* Ground Floor, Room W12-140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- Fax:* 1-202-493-2251.

*Instructions:* Each submission must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the "Public Participation" heading below. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any

personal information provided. Please see the "Privacy Act" heading for further information.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or to Room W12-140, DOT Building, New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgement 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 is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement for the FDMS published in the **Federal Register** published on January 17, 2008 (73 FR 3316) or you may visit [http://edocket/access.gpo.gov/2008/pdf/E8-785.pdf](http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf).

**FOR FURTHER INFORMATION CONTACT:** Ms. Eileen Nolan, Office of Carrier, Driver and Vehicle Safety, Medical Programs Division, (202) 366-4001, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

## SUPPLEMENTARY INFORMATION:

### Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or