

Chapter 99 Heading	Note 20 Subdivision	Annex	Product Description
9903.88.64	20(qqq)(22)	Annex C	Flexible oxygen tubes, pipes and hoses presented with integrated molded connectors, of polyvinyl chloride (described in statistical reporting number 3917.33.0000)
9903.88.64	20(qqq)(24)	Annex C	Sacks and bags of polymers of ethylene, reclosable, qualifying as Class 1 medical devices by the U.S. Food and Drug Administration under product code NNI (described in statistical reporting number 3923.21.0030)
9903.88.64	20(qqq)(26)	Annex C	Aprons, of plastics, of a kind used as personal protection equipment (described in statistical reporting number 3926.20.9010)
9903.88.64	20(qqq)(33)	Annex C	Data input devices each with display capabilities of a kind used for magnetic resonance imaging ("MRI") equipment, computed tomography ("CT") equipment, intraoperative X-ray ("IXR") equipment or patient monitors (described in statistical reporting number 8537.10.9170)
9903.88.65	20(rrr)(13)	Annex D	6307.90.7200
9903.88.65	20(rrr)(14)	Annex D	Face shields of transparent plastics, whether or not assembled (described in statistical reporting number 3926.90.9950)
9903.88.62	20(ooo)(4)	Annex A	Ultrasonic scanning apparatus, each having dimensions not exceeding 122 cm by 77 cm by 127 cm, whether or not presented with transducer (described in statistical reporting number 9018.12.0000)

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2020-1199; Airspace  
Docket No. 20-AEA-21]

### Notice of Availability of Written Re-Evaluation and Record of Decision; New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces the availability of a Written Re-evaluation and Record of Decision (WR/ROD) for the New York/New Jersey/Philadelphia (NY/NJ/PHL) Metropolitan Area Airspace Redesign project. This 2020 WR/ROD follows the issuance of a Final Environmental Impact Statement (EIS) for the project, issued in July 2007, and a subsequent ROD (September 2007) that approved the Integrated Airspace Alternative with Integrated Control

Complex for implementation. The September 2007 ROD was followed by a corrected ROD (October 2007), as well as a WR/ROD (July 2008) that re-affirmed the original decision in light of new schedule limits at John F. Kennedy International Airport (JFK) and Newark Liberty International Airport (EWR).

**DATES:** The FAA's WR/ROD for the NY/NJ/PHL Metropolitan Airspace Redesign is effective December 22, 2020.

**FOR FURTHER INFORMATION CONTACT:** For additional information, contact Matthew Cathcart, Acting Manager, Operations Support Group, in writing to Federal Aviation Administration, Eastern Service Center, Operations Support Group, AJV-E2, FAA Southern Regional Office, P.O. Box 20636, Atlanta, GA 30320; by telephone, at (404) 305-5624; or, by electronic mail, at [Matthew.Cathcart@faa.gov](mailto:Matthew.Cathcart@faa.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of the NY/NJ/PHL Metropolitan Area Airspace Redesign project was to increase the efficiency and reliability of the airspace structure and the Air Traffic Control (ATC) system, thereby accommodating growth while enhancing safety and reducing delays in air travel for the NY/NJ/PHL

Metropolitan Area. The Airspace Redesign project was intended to modernize the structure of the NY/NJ/PHL air traffic environment while laying a foundation for achieving the Next Generation Air Transportation System (NextGen) in an environmentally responsible manner.

While four stages of implementation were originally planned, FAA paused the project in 2012 in light of air transportation system changes in the intervening years. While several beneficial elements of the project were implemented, the National Airspace System evolved significantly between the 2007 EIS and 2012. New NextGen capabilities, such as Time Based Metering and advanced satellite based navigation procedures, and increasing consolidation of the airline industry, changes in system use, and evolving traffic projections resulted in new and different airspace and procedures requirements. As a result, the FAA suspended the Airspace Redesign project in May 2013. The FAA has determined it is appropriate to end implementation and has prepared the aforementioned December 2020 WR/ROD. The WR/ROD may be accessed on the FAA's public website: <https://>

[www.faa.gov/air\\_traffic/nas/nyniphl\\_redesign/documentation/](http://www.faa.gov/air_traffic/nas/nyniphl_redesign/documentation/).

This Notice of Availability of the December 2020 WR/ROD also serves as the response to Section 560 of the FAA Reauthorization Act of 2018, which imposed the following requirement:

*Not later than 90 days after the date of enactment of this Act, the Administrator shall develop and publish in the Federal Register a work plan for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Project.*

As discussed above, work on the NY/NJ/PHL Metropolitan Area Airspace Redesign project was suspended in May 2013, and the FAA has determined it is appropriate to end implementation. There is no work plan for the project beyond the preparation of the December 2020 WR/ROD and this Notice.

Issued in Atlanta, Georgia, on December 22, 2020.

**Ryan W. Almasy,**

Director (Acting), Eastern Service Center, Mission Support Services, Air Traffic Organization, Federal Aviation Administration.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2020-0051]

#### 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 exempt five 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 operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on November 27, 2020. The exemptions expire on November 27, 2022.

**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 Dockets 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-2020-0051> and choose the document to review. 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.

###### 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 October 28, 2020, FMCSA published a notice announcing receipt of applications from five individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (85 FR 68407). The public comment period ended on November 27, 2020, and 10 comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals 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 (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

##### III. Discussion of Comments

FMCSA received 10 comments in this proceeding. Of the 10 comments received, nine were in support of the exemptions and one was outside the scope of this notice.

##### IV. Basis for Exemption Determination

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 Agency's decision regarding these exemption applications is based on the 2007 recommendations of the Agency's Medical Expert Panel. The Agency conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. A summary of each applicant's seizure history was discussed in the October 28, 2020, **Federal Register**

<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>.