

seizures, that medical certification should be restricted for variable periods following these incidents (head injury, surgical procedures involving dural penetration, cerebrovascular disease and infections of the nervous system).

### Summary of Applications

#### *Anthony P. Besch*

Mr. Besch has a history of epilepsy since childhood, and he currently uses anti-seizure medications to prevent seizures. Mr. Besch does not currently operate a CMV on public roads. Mr. Besch has stated in his application that "there would be no negative impacts on safety as I am seizure free, have excellent vision, and reflexes." Mr. Besch's physician further states that, "he does have a history of seizures only in sleep and none during the day; therefore, Tony is legally able to drive due to his seizures being in good control." Mr. Besch holds a Class A CDL from Illinois.

#### *Charles D. Gant*

Mr. Gant is a hazardous material (HM) CMV driver who experienced slurred speech, drooling and numbness in his left upper extremity for approximately 15 minutes on August 20, 1999. On August 23, 1999, he was examined at a hospital emergency room, and subsequently referred to a neurologist who diagnosed him as having a stroke (cerebrovascular accident). He was prescribed Coumadin which he stopped taking against medical advice of the prescribing physician. On October 1, 2002, his physician reported that Mr. Gant had a left temporal headache with a reduction in left visual field, but no abnormal sensation, numbness, weakness or loss of speech. On June 27, 2004, "he awakened with involuntary movements of his left upper extremity followed by spastic movements of his left lower extremity lasting for about 20 minutes." His family physician stated that this represented his third minor cerebral vascular accident (CVA) or "quite probably a seizure". The physician performed Magnetic Resonance Imaging (MRI) on June 30, 2004 which revealed a subacute CVA in the right frontoparietal junction. Mr. Gant was examined by his physician on February 25, 2005 who diagnosed him as follows: controlled hypertension; history of at least three (3) previous CVAs. He was prescribed Coumadin, Dilantin (an anti-seizure medication) and Diovan/Hydrochlorothiazide to prevent seizures.

#### *John W. Morris, Jr.*

Mr. Morris is a CMV driver who lost consciousness while driving on March 20, 2004, and was then hospitalized for three days. Mr. Morris was examined by a neurologist while he was hospitalized. The neurologist determined that he had experienced a seizure. Mr. Morris was placed on Carbatrol (an anti-seizure medication) and subsequently, in August 2004, a medical examiner refused to certify him as meeting FMCSA's requirements. On September 23, 2004, Mr. Morris consulted another neurologist and his test results (Electroencephalography and MRI) were normal, and he was told to gradually discontinue the Carbatrol. Mr. Morris states he has had no additional seizures after March 20, 2004, and has not taken Carbatrol since November 1, 2004. Mr. Morris states that two neurologists have concluded that his seizures were likely induced by alcohol. He states that his medical test results are normal and he has been seizure free for one year and three months.

#### *Wayne C. Sorenson*

Mr. Sorenson is a CMV driver who completed a commercial driving course to ensure safe operation of a semi tractor-trailer and was awarded a certificate in May 2004. He states that he had seizures 11 years ago while sleeping which was the result of an adverse reaction to medication. He has remained on Tegretol (an anti-seizure medication) for the last 11 years, and has maintained therapeutic levels of the medication and, subsequently, reports that he has had no seizures. Mr. Sorenson states that he has no other diagnosed conditions, physical or psychological impairment, no history of strength, sensory or coordination impairment that would interfere with safe driving. Mr. Sorenson indicated that a medical examiner refused to certify him as meeting FMCSA's physical qualifications requirements because of the seizures he experienced in 1994 and because he continues to take anti-seizure medication.

These four drivers were not granted medical certification based on 49 CFR 391.41(b)(8) which states: "A person has no established medical history or clinical diagnosis of epilepsy or other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial vehicle."

### Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption applications described in

this Notice. We will consider all comments received before the close of business on the closing date indicated earlier in the Notice.

Issued on: October 3, 2006.

**John H. Hill,**  
Administrator.

[FR Doc. E6-17032 Filed 10-12-06; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34911]

#### Montana Rail Link, Inc.—Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF) has agreed to grant overhead trackage rights<sup>1</sup> to Montana Rail Link, Inc. (MRL) over BNSF's rail lines extending from approximately milepost 51.07 at or near Garrison, MT, to approximately milepost 21.5, a location south of Warm Springs, MT, a distance of approximately 29.57 miles.

The transaction was scheduled to be consummated on or before October 2, 2006. The purpose of the trackage rights is to allow for the movement of sediment from the Clark Fork River between Garrison and Missoula, MT (Milltown Dam Area), near Bonner, MT, to Opportunity Ponds, MT.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34911, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Troy Garriss,

<sup>1</sup> On September 25, 2006, MRL filed a petition for exemption in STB Finance Docket No. 34911 (Sub-No. 1), *Montana Rail Link, Inc.—Trackage Rights Exemption—BNSF Railway Company*, wherein MRL and BNSF request that the Board permit the proposed overhead trackage rights arrangement described in the present proceeding to expire on or about December 31, 2010. That petition will be addressed by the Board in a separate decision.

1300 19th Street, NW., Fifth Floor, Washington, DC 20036.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: October 5, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E6-16949 Filed 10-12-06; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34919]

#### Montana Rail Link, Inc.—Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF) has agreed to grant overhead trackage rights to Montana Rail Link, Inc. (MRL) over two rail segments: (1) From approximately milepost 68.17 to approximately milepost 69.0, a distance of approximately 0.83 miles at or near Spokane, WA; and (2) from approximately milepost 0.74 to approximately milepost 1.0, a distance of approximately 0.26 miles at or near Mossmain, MT. Both segments connect to track over which applicant already operates.

The transaction was scheduled to be consummated on or after October 2, 2006, the effective date of the exemption.

The purpose of the trackage rights is to provide additional operating room to promote better efficiency and service, solely for access to one customer (and any subsequent successor entities to that one customer) relocating from a point on applicant's line to a point on one of the trackage rights segments.

As condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*,

354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34919, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: Troy W. Garris, 1300 19th Street, NW., 5th Floor, Washington, DC 20036.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: October 5, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E6-16989 Filed 10-12-06; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Advisory Committee on Women Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92-463 (Federal Advisory Committee act) that the Advisory Committee on Women Veterans will meet October 31–November 2, 2006, from 8:30 a.m. to 4 p.m. each day. The meeting will be held in the G.V. "Sonny" Montgomery Conference Center, room 230, VA Central Office, 810 Vermont Avenue, NW., Washington, DC. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women veterans with respect to health care,

rehabilitation, compensation, outreach, and other programs and activities administered by VA designed to meet such needs. The Committee will make recommendations to the Secretary regarding such programs and activities.

On October 31, the agenda will include briefings and updates presented by the Veterans Health Administration (VHA), highlighting VA research and studies related to women's health issues, a briefing from VHA's Women Veterans Health Program Director, legislative issues related to veterans, presentation of Certificates of Appointment to six new Committee members, and upcoming initiatives of the Center for Women Veterans.

On November 1, the agenda will include briefings and updates presented on VA's polytrauma program, VHA's Office of Seamless Transition, VA's HealthierUS Veterans Initiative, VA Homeless Programs and Initiatives, and an ethics briefing for Committee members.

On November 2, the committee will be briefed and updated on issues in the Veterans Benefits Administration, from the VA Chief of Staff, on VA mental health programs, and from the 2005 Defense Advisory Committee on Women in the Service (DACOWITS) Report.

Any member of the public wishing to attend should contact Ms. Desiree Long, at the Department of Veterans Affairs, Center for Women Veterans (00W), 810 Vermont Avenue, NW., Washington, DC 20420. Ms. Long may be contacted either by phone at (202) 273-6193, fax at (202) 273-7092, or e-mail at [00W@mail.va.gov](mailto:00W@mail.va.gov). Interested persons may attend, appear before, or file statements with the Committee. Written statements must be filed before the meeting, or within 10 days after the meeting.

Dated: October 5, 2006.

By Direction of the Secretary.

**E. Philip Riggins,**

*Committee Management Officer.*

[FR Doc. 06-8647 Filed 10-12-06; 8:45 am]

**BILLING CODE 8320-01-M**