

V. Discussion of Comments

FMCSA received one comment in this proceeding. An anonymous commenter stated that they disagree with granting the exemptions, citing safety concerns. FMCSA has evaluated the medical records and driving histories of all 14 drivers included in this document and has determined that granting the exemptions will create an equal or greater level of safety as restricting them to driving in intrastate commerce.

IV. Conclusion

Based upon its evaluation of the 14 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10):

Tyler D. Baseman (MN)
Robert A. Ferrucci (FL)
Gary W. Fields (VA)
Michael D. Greene, Jr. (VT)
Cory W. Haupt (SD)
Joseph E. Jones (GA)
Peter W. Lampasone (NY)
Edward H. Lampe (OR)
Thomas L. Lange (CO)
Ronald R. Matheson (WY)
Jason C. Nicklow, Sr. (PA)
Lawrence M. Taylor (RI)
Eric M. Turton (NY)
Kendrick T. Williams (NC)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (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 before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective 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: April 17, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-08201 Filed 4-21-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-26321; FMCSA-2007-29286; FMCSA-2008-0341; FMCSA-2010-0414; FMCSA-2010-0427; FMCSA-2012-0349; FMCSA-2012-0350; FMCSA-2012-0351; FMCSA-2014-0312]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions of 152 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

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

Docket: For access to the docket to read background documents or comments, go to <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 <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On March 7, 2017, FMCSA published a notice announcing its decision to renew exemptions for 152 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (82 FR 12886). The public comment period ended on April 6, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 152 renewal exemption applications and that no comments were received, FMCSA confirms its decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.41(b)(3).

As of February 1, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 10 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (72 FR 69280; 73 FR 6247):

Steven G. Boggs (KS)
Jessie L. Brock II (TX)
Challis J. Crismore (MT)
David J. Jansen (OH)
Lawrence A. Kibler (PA)
Arthur J. Medrano (CA)
Mark R. Perkins (NV)
Christopher C. Schuch (MA)
Timothy Short (PA)
Uve J. Witsch (CA)

The drivers were included in docket No. FMCSA-2007-29286. Their exemptions are effective as of February

1, 2017, and will expire on February 1, 2019.

As of February 4, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 5 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 78271; 78 FR 7855):

Kathy L. Brown (IN)
John C. Evans (IL)
Thomas J. Ferry (NJ)
Jeffrey C. Hanson (TX)
Daniel V. Williamson (MN)

The drivers were included in docket No. FMCSA–2012–0349. Their exemptions are effective as of February 4, 2017, and will expire on February 4, 2019.

As of February 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (71 FR 74986; 72 FR 5492):

Roy B. Carter (WV)
Bradley D. Case (IN)
Thomas D. Dyke (KS)
Anthony L. Gentry (CO)
Michael T. Hartley (KY)
David A. Heider (WI)
John A. Helm (IL)
John A. Herbert (NJ)
Lester H. Hughes (VA)
Christopher A. Knott (MN)
Jeffery C. Link (SC)
Joseph C. McMasters (IN)
Bradley S. Mowdy (CA)
Ronald W. Nelson (MN)
Kent E. Pelkey (ME)
Keith E. Petersen (ND)
Allen W. Quon (MD)
Shawn P. Wathley (CT)
Christopher T. Worsley (MA)

The drivers were included in docket No. FMCSA–2006–26321. Their exemptions are effective as of February 6, 2017, and will expire on February 6, 2019.

As of February 9, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 33 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (73 FR 75794; 74 FR 6451):

Robert S. Althouse (PA)
James G. Arnoldussen, Sr. (WI)
Thomas S. Benson (NC)
Dennis A. Boelens (IL)
Walter R. Braxton (VA)
Merle N. Cromwell (IL)
Trenn A. Davis (KS)
Stephen R. Ferrario (CA)

Kevin J. Fries (MT)
Fred Frisch (OH)
Daniel D. Greenwell (NY)
George H. Hayes, Jr. (VA)
John H. Hilliges (NE)
Paris J. Howell (TN)
John H. Kingsley (VA)
Gary J. Klostermann (IA)
Jason C. Lang (VT)
Kevin J. Lavoie (OR)
Robert H. McCann, III (MD)
Chris C. Northway (WI)
John D. Owens (IN)
Jody A. Peckels (OR)
James H. Pfeiffer, Jr. (IL)
Marc R. Pream (MN)
Travis W. Proctor (GA)
Ann M. Reinke (WI)
Vincent L. Rodriguez (NM)
Randy L. Schroeder (NY)
Michael W. Sharp (TX)
Gary E. Stone (PA)
Anthony A. Thomas (KY)
John R. Turcotte (ME)
Russell A. Williams (WI)

The drivers were included in docket No. FMCSA–2008–0341. Their exemptions are effective as of February 9, 2017, and will expire on February 9, 2019.

As of February 10, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 80889; 76 FR 7625):

Charlie A. Barner (GA)
Christopher R. Everitt (OH)
Joseph A. Griffin (NY)
Michael A. Holy (MI)
Victor M. Lewis (TN)
William P. Miller, Jr. (KY)
David A. Wiltse (ND)

The drivers were included in docket No. FMCSA–2010–0414. Their exemptions are effective as of February 10, 2017, and will expire on February 10, 2019.

As of February 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 1496; 76 FR 9867):

Neal S. Faulkner (VT)
Jason J. Hamilton (AZ)
Steven J. Lefebvre (NY)
Mitchell J. Moore (CO)
James R. Parker (NJ)
Charles C. Quast (IL)
James E. Steele (TN)

The drivers were included in docket No. FMCSA–2010–0427. Their exemptions are effective as of February

22, 2017, and will expire on February 22, 2019.

As of February 24, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 48 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 3724; 80 FR 19732):

Bryan L. Anderson (WA)
Travis K. Archer (ME)
Michael R. Batham (CA)
Victor M. Beltran-Araujo (UT)
Charles A. Best (OH)
George E. Carle (CO)
Jamey S. Carney (IA)
Michael G. Cary (MN)
John G. Castilaw (MS)
Adam C. Cochran (GA)
Michael R. Cummings (VA)
David L. Dalheim (NY)
Brian Dick (MD)
Timothy B. Duelke (ID)
Cory A. Duncan (OR)
Terrance J. Dunne (NJ)
David L. Eklund (IL)
Yoshitsugu Endo (FL)
Barry K. Foster (TX)
John A. Georg (IA)
Francis J. Gernatt, Jr. (NY)
Mark A. Haines (WV)
Ivan G. Hanford (OR)
James L. Harman III (VA)
James R. Hoyle (TX)
John M. Ippolito (NY)
Allan L. Jameson (NE)
Erik D. Kemmer (MN)
Mark L. Knobel, Sr. (MD)
Joseph E. Knox, Sr. (MD)
Erik M. Lane (NY)
James D. Martin (IN)
Galen H. Martin (PA)
John M. McCabe (IL)
Kevin F. McGlade (PA)
Brett J. Mellor (ID)
Kenneth M. Merritt (CA)
Charles E. Morgan (LA)
John E. Sautkulis (NY)
Ronnie L. Schronce (NC)
William F. Smith (DE)
Robin W. Swasey (UT)
Michelle P. Thibeault (ME)
Michael L. Thrasher (AL)
Steven R. Vance (TX)
William D. VanReese (MN)
Ellis J. Vest, Jr. (WV)
Mark P. Zimmerman (NV)

The drivers were included in docket No. FMCSA–2014–0312. Their exemptions are effective as of February 24, 2017, and will expire on February 24, 2019.

As of February 25, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule

prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 1927; 78 FR 12819):

Angel Bergendale (MA)
Sean P. Borsky (FL)
Uvena S. Brown (IN)
Spiro J. Jonovich (AZ)
Victor D. Mayberry (TN)
Barry C. McKay (CO)
Robert B. McKendry (IL)
William L. Phelps (IN)
Richard J. Rembisz (NY)
Richard L. Smith (GA)
Gary J. Tricarico (CT)

The drivers were included in docket No. FMCSA–2012–0351. Their exemptions are effective as of February 25, 2017, and will expire on February 25, 2019.

As of February 26, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 1923; 78 FR 12821):

Shawn J. Ball (ID)
Ira S. Chamberlin (ME)
James K. Dowden (MN)
Myron P. Egbert (UT)
Michael T. Evans (OH)
Stephen P. Honen (OH)
Charles E. Johnston (MS)
Jack M. Sipich (IL)
Roger N. Stauffer (MI)
Tyrone Taylor (NC)
Michael E. Westley (FL)
Travis M. Whitt (CA)

The drivers were included in docket No. FMCSA–2012–0350. Their exemptions are effective as of February 26, 2017, and will expire on February 26, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date 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.

Issued on: April 17, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–08196 Filed 4–21–17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2016–0385]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 28 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on April 7, 2017. The exemptions expire on April 7, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

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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, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

On March 7, 2017, FMCSA published a notice of receipt of Federal diabetes exemption applications from 28 individuals and requested comments from the public (82 FR 12881). The

public comment period closed on April 6, 2017, and no comments were received.

FMCSA has evaluated the eligibility of the 28 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that “A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control” (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency’s July 2000 study entitled “A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.” The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 28 applicants have had ITDM over a range of 1 to 22 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).