

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the February 14, 2018, **Federal Register** notice (83 FR 6725) and will not be repeated in this notice.

These 26 applicants have had ITDM over a range of 1 to 17 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 (two or more) severe hypoglycemic episodes in the past five 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).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or

not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 26 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

David V. Bartel (MN)
Michael A. Brady (NH)
Junior K. Brewer (NE)
Marvin D. Buitt (MS)
Larry E. Burchett (FL)
Pasquale Cala (PA)
Byron D. Christian (LA)
Bryon D. Cowell (IA)
Walter B. Cromwell, 3rd (NJ)
Eric C. Delio (IN)
Wade A. Demarais (MN)
Gary D. Detwiler (CA)
Willis L. Drake, Jr. (MD)
Doyle J. Dreisow (WI)
Anthony Episcopo (WI)
Herve H. Estime (GA)
Gregory A. Gruber (KS)
Clifford J. Hughes (NY)
Brian J. Lanzim (NJ)
Michael E. Luttrell (GA)
William R. Mizell (AR)
Frank E. Myers, Jr. (OK)
John W. Olenczak (NJ)
Michael A. Randazzo (PA)
Jonathan M. Trussell (TX)
Raymond L. Underwood, Jr. (CT)

In accordance with 49 U.S.C. 31136(e) and 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(e) and 31315.

Issued on: April 18, 2018.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2018-0009]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 103 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

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 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

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

FMCSA received applications from 103 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(10). Therefore, the 103 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following two applicants did not have sufficient driving experience over the past three years under normal highway operating conditions: Christopher E. Day (OR); Andrew R. Sampson (MD).

The following 41 had no experience operating a CMV:

Aktham G. Abdelraouf (UT)
Javier A. Alcantara (FL)
Robbie R. Austin (ID)
John J. Beich (FL)

Michael J. Berry (PA)
Joseph B. Chun Tei (CA)
Kevin D. Craft (LA)
Dane C. Czerniak (PA)
Michael Deckert (PA)
Joseph F. Desgrottes (FL)
Brian S. Duncan (MO)
Joseph Eppolito (NY)
William E. Fowler (VA)
Levin D. Gann-Olehy (MN)
Abdirisak A. Hassan (MN)
George A. Kellner (FL)
Brian D. Leeper (IN)
Kelvin K. Mcatee (IL)
Adrian Mendoza (CA)
John R. Menendez (MO)
Andre J. Murdock (MD)
Donald J. Nelson (ID)
Thomas M. Palmer (PA)
Joseph L. Rigsby (AL)
Andrew W. Rocole (NE)
Homero Saenz (KY)
Reginald I. Sessum (NY)
Antwine Simmons (GA)
Saban R. Susic (MI)
Miguel A. Soto (CA)
James V. Stuart (MA)
Travis D. Summerville (IL)
Donavon X. Taylor (MS)
Paul R. Todi (KY)
Carlos M. Torres Nieves (TX)
Ryan Tortorelli (CO)
Isai Trejo (CO)
Matthew C. Walker (IN)
Felicia R. Warnick (IL)
David A. Whittam (WA)
Wade R. Winckler (SD)

The following 13 applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Steven J. Brown (NY)
Joseph S. Clymer (OH)
Scott R. Dawley (IA)
Gary A. Foley (NH)
Antonio E. Gargano (PA)
Clyde M. Kennedy (VA)
Elmer D. King (PA)
Curtis M. Kirkland (GA)
Paul L. Koch (WI)
Lee A. Leasure (CA)
Gregory J. Mastey (WI)
Donald R. Pierson (WA)
Jeffrey Shauver (IN)

The following 11 applicants did not have 3 years of recent experience driving a CMV with the vision deficiency:

Arthur T. Brown (FL)
Henry M. Darden (DC)
Theodore A. DuBreuil (MI)
Thomas S. Ewald (IA)
Barry J. Friedlander (NY)
Gregory P. Grimes (OK)
Louis W. Henderson (DE)
Michael A. Higgins (IL)
Rex R. Pannell (AR)
Ricky A. Schott (PA)

Jamie S. White (GA)

The following eight applicants did not have sufficient driving experience during the past 3 years under normal highway operating conditions (gaps in driving record):

Brannon S. Alexander (MO)
Russell E. Burden (WY)
Jeffrey P. Campbell (KY)
Daniel D. Diggs (TX)
Ahmed M. Gutale (MN)
Zachary W.L. Justice (OH)
Joanna Marlow (NM)
Lawrence B. Reyes (WA)

The following applicant, William D. Harris (IN), contributed to accident(s) in which the applicant was operating a CMV, which is a disqualifying offense.

The following applicant, Marty J. Prouty (IA), did not demonstrate the level of safety required for interstate driving based on the state-issued driving report (excessive moving/non-moving violations during 3-year period).

The following applicant, Johnny Frasier (FL), did not have an optometrist or ophthalmologist willing to make a statement that they are able to operate a commercial vehicle from a vision standpoint.

The following 18 applicants were denied for multiple reasons:

Fnu Aryan (TX)
Dennis K. Bench (MT)
David A. Bronson (FL)
Elliott D. Hain (PA)
Dennis L. Johnson (NC)
Paul E. Kemp (MS)
Jeffrey T. Landry (NC)
Joshua S. Little (MD)
Progress A. Lloyd (NC)
Lydia McCormick (NY)
Mark A. Myers (IN)
Deborah A. Nichols (MI)
Ronald Sapp (GA)
Craig Scott (GA)
Jeffery L. Shick (IL)
Joy S. Smith (TX)
Patrick J. Stempel (NY)
Scott W. Ward (PA)

The following three applicants have not had stable vision for the preceding 3-year period: Daniel R. Parramore (FL); Cheryl A. Phelps (OH); Guadalupe Potter (WA).

The following four applicants drove interstate while restricted to intrastate driving:

Michael D. Cameron (TN)
Thomas R. Row (PA)
Joel Vasquez (TX)
Tony L. Willschau (SD)

Issued on: April 23, 2018.

Larry W. Minor,

Associate Administrator for Policy.

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