

of the extremities likely to interfere with his ability to operate a CMV.

The following 5 applicants did not meet the minimum age criteria outlined in 49 CFR 391.41(b)(1) which states that an individual must be at least 21 years old to operate a CMV in interstate commerce:

Alex J. Erickson (ND)  
Michael T. Fitzpatrick (MA)  
Bradley R. Knudson (ND)  
Grant A. Mason (WA)  
Zachary Vanrossum (WI)

The following 12 applicants were exempt from the diabetes standard:

Antonio Ballo (NY)  
Davarus L. Bouknight (SC)  
John V. Buehler (CT)  
Alfred E. Canfield (OK)  
Burl E. Cox (KY)  
Mitchell F. Durkan (CO)  
Thomas E. Fooshee (AZ)  
Steven J. Hamilton (CO)  
Sarah M. Harrison (PA)  
Rupert N. Isaac (PA)  
Larry D. Lambert (TX)  
Yesimar P. Lozada (IA)

Issued on: February 27, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-04388 Filed 3-6-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2010-0188; FMCSA-2012-0164 FMCSA-2014-0019; FMCSA-2014-0020]

### Qualification of Drivers; Exemption Applications; Diabetes

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions of 97 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. FMCSA has statutory authority to exempt individuals from this rule if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

**DATES:** Each group of renewed exemptions are effective from the dates

stated in the discussions below. Comments must be received on or before April 6, 2017.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. FMCSA-2010-0188; FMCSA-2012-0164 FMCSA-2014-0019; FMCSA-2014-0020 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 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 the docket number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time 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. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

**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 W64-113, Washington, DC 20590-0001. Office hours are from 8 a.m. to 5:30 p.m. e.t., Monday through Friday, except Federal holidays.

### SUPPLEMENTARY INFORMATION:

#### I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations 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 statute also allows the Agency to renew exemptions at the end of the 2-year period. The 97 individuals listed in this notice have recently become eligible for a renewed exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. The drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

#### II. Exemption Decision

This notice addresses 97 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. These 97 drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. Therefore, FMCSA has decided to extend each exemption for a renewable two-year period. Each individual is identified according to the renewal date.

The exemptions are renewed subject to the following conditions: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 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) that each individual submit an annual ophthalmologist's or optometrist's report; and (4) that each individual provide a copy of the annual

medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

### III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. The following groups of drivers received renewed exemptions in the month of September and are discussed below.

As of September 16, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 76 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 47702; 79 FR 47711; 79 FR 63210; 79 FR 63219):

Vincent M. Branch (VA)  
James M. Brooks (VA)  
Gary L. Brown (PA)  
Perry C. Bullis (PA)  
Christopher J. Burkhart (MO)  
Richard E. Campney (IA)  
Steven J. Causie (MI)  
Wesley A. Chain (TX)  
Kristy S.R. Clark (VA)  
Richard M. Cohen (NJ)  
Alex A. Comella (NJ)  
Royce N. Cordova (WA)  
Robert Curry (NY)  
Dwayne P. Daniels (IL)  
James T. Dodge (CO)  
Richard D. Domingo (NV)  
John J. Dominguez (TX)  
Bradley C. Dunlap (IL)  
Andrew C. Frykholm (MA)  
Lyle O. Gahler (MN)  
Gary W. Giles (TX)  
John A. Gillingham (PA)  
Ronald L. Glade (IL)  
Brent C. Godshalk (IN)  
Benny B. Gonzales (TX)  
Robert L. Gordon (IL)  
Jerry W. Gott (IA)  
Daniel E. Harris (IL)  
Randy S. Holz (IA)  
Henderson R. Hughes (NY)  
James L. Hummel (WA)  
Joseph T. Ingiosi (MI)  
Michael J. Javenkoski (MN)  
Katlin W. Johnson (LA)  
Don L. Jorgensen (WY)  
Steven T. Juhl (WI)  
Joseph A. Kipus (OH)  
Kevin L. Kreakie (OH)  
Gerald D. Layton (TX)  
Steve F. Levicoff (PA)  
Kevin C. Lewis (LA)

Richard M. Mackey (TX)  
Timothy M. Malo (ME)  
Paul J. Marshall (UT)  
David L. McDonald (IL)  
Kevin J. McGrath (MA)  
Thomas K. Miszler (PA)  
Jerry W. Murphy (MS)  
Christopher D. Murray (NC)  
Robert D. Noe (IL)  
Kyle W. Parker (CA)  
Timothy K. Price (WV)  
Eric D. Roberts (MI)  
Gary L. Roberts (CT)  
Juan C. Rodriguez-Martinez (CA)  
Tommy A. Rollins (GA)  
Janice M. Rowles (PA)  
William B. Rupert, Jr. (PA)  
Ahmed A. Saleh (MI)  
Bradlee R. Saxby (IL)  
Robert M. Schmitz (IA)  
Barry L. Schwab (MI)  
Brian R. Schwint (IA)  
Geoffrey E. Showaker (PA)  
Nicholas J. Shultz (IN)  
Dicky W. Shuttlesworth (TX)  
Bryce J. Smith (UT)  
David R. Sprenkel (PA)  
Jeffrey R. Stevens (PA)  
Artilla M. Thomas (IL)  
George E. Thompson (NJ)  
Dale W. Tucker (VA)  
William C. Vickery (NY)  
Robert A. Whitcomb (MA)  
Rodney L. Wichman (IL)  
Richard D. Wiegartz (IL)

The drivers were included in Docket Nos. FMCSA-2014-0019; FMCSA-2014-0020. Their exemptions are effective as of September 16, 2016, and will expire on September 16, 2018.

As of September 20, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 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 42477; 75 FR 57329):

Tommy S. Boden (ID)  
Dustin G. Cook (OH)  
Nathan J. Enloe (MO)  
Joseph B. Hall (GA)  
Mark H. Horne (NH)  
Michael J. Hurst (MI)  
Chad W. Lawyer (IN)  
John R. Little (OK)  
Thomas A. Mentley (NY)  
Justin P. Sibigroth (IL)  
Duane A. Wages (ND)  
Michael J. Williams (NY)  
Edward L. Winget, Sr. (MS)

The drivers were included in Docket No. FMCSA-2010-0188. Their exemptions are effective as of September 20, 2016, and will expire on September 20, 2018.

As of September 27, 2016, and in accordance with 49 U.S.C. 31136(e) and

31315, the following 8 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 46149; 77 FR 59450):

Kevin M. Brown (CO)  
Vernon V. Cromartie (NJ)  
Eric C. Fuller (AZ)  
Matthew R. Lanciault (NH)  
Steven L. Leslie (MI)  
Del A. Meath (MN)  
Benny D. Puck (IA)  
Bob F. Rice (WA)

The drivers were included in Docket No. FMCSA-2012-0164. Their exemptions are effective as of September 27, 2016, and will expire on September 27, 2018. Each of the 97 drivers in the aforementioned groups qualifies for a renewal of the exemption. They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of the 97 drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption. The drivers were included in docket numbers FMCSA-2010-0188; FMCSA-2012-0164; FMCSA-2014-0019; FMCSA-2014-0020.

### IV. Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by April 6, 2017.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 97 individuals from rule prohibiting persons with ITDM from operating CMVs in interstate commerce in 49 CFR 391.41(b)(3). The final decision to grant

an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the medical condition of each applicant for an exemption from rule prohibiting persons with ITDM from operating CMVs in interstate commerce. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

#### V. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket numbers FMCSA-2010-0188; FMCSA-2012-0164 FMCSA-2014-0019; FMCSA-2014-0020 and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

#### VI. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2010-0188; FMCSA-2012-0164 FMCSA-2014-0019; FMCSA-2014-0020 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this notice.

Issued on: February 28, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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### DEPARTMENT OF TRANSPORTATION

#### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0071; FMCSA-2012-0044; FMCSA-2012-0107; FMCSA-2014-0015; FMCSA-2014-0016]

#### 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 78 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](mailto: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 December 29, 2016, FMCSA published a notice announcing its decision to renew exemptions for 78 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 (81 FR 96176). The public comment period ended on January 30, 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 78 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 June 3, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 10 individuals have satisfied the renewal conditions for obtaining an