

for the crash was assigned to the rental truck driver.

### Terms and Conditions of the Exemption

#### Terms of the Exemption

- This exemption from the requirements of 49 CFR 395.8(a)(1)(i) is effective from October 11, 2017 through October 11, 2022.

- This exemption covers a rental period of 8 days or fewer, regardless of reason for the rental. Evidence that a carrier has replaced one rental CMV with another on 8-day cycles or attempted to renew a rental agreement for the same CMV for an additional 8 days will be regarded as a violation of the exemption and subject the carrier to the penalties for failure to use an ELD.

- Drivers must have a copy of this notice or equivalent signed FMCSA exemption document in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.

- Drivers must have a copy of the rental agreement in the CMV, and make it available to law enforcement officers on request. The agreement must clearly identify the parties to the agreement, the vehicle, and the dates of the rental period.

- Driver must possess copies of their RODS for the current day and the prior 7 days, if required on those days.

#### Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

#### Notification to FMCSA

Carriers operating under this exemption must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's drivers operating under the terms of this exemption. The notification must include the following information:

- Identity of Exemption: "TRALA"
- Date of the accident,
- City or town, and State, in which the accident occurred, or closest to the accident scene,
- Driver's name and license number,
- Co-driver's name and license number,

- Vehicle number and State license number,

- Number of individuals suffering physical injury,

- Number of fatalities,

- The police-reported cause of the accident,

- Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and

- The total driving time and total on-duty time period prior to the accident.

Accident notifications shall be emailed to [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

#### Termination

FMCSA believes that drivers of short-term rental vehicles will continue to maintain their previous safety record while operating under this exemption. However, should problems occur, FMCSA will take all steps necessary to protect the public interest, including revocation or restriction of the exemption. FMCSA will immediately restrict participation in the exemption for failure to comply with its terms and conditions.

Issued on: September 28, 2017.

**Daphne Y. Jefferson,**

*Deputy Administrator.*

[FR Doc. 2017-21892 Filed 10-10-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. **FMCSA-2017-0038**]

#### 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 47 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on August 29, 2017. The exemptions expire on August 29, 2019.

**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 8:30 a.m. to 5 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 July 27, 2017, FMCSA published a notice announcing receipt of applications from 47 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (82 FR 35033). The public comment period ended on August 28, 2017, and two comments were received.

FMCSA has evaluated the eligibility of these 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).

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 two comments in this proceeding. Givonna Hymel stated that she believes the exemption application process should be shortened, and that the program in its current form is unfair and

discriminatory. On May 4, 2015, FMCSA published a Notice of Proposed Rulemaking (NPRM) (80 FR 25260) proposed changes to the Diabetes standard and requesting comments from the public. FMCSA is currently evaluating comments received and drafting a Final Rule. Information related to this action can be found in the Docket at FMCSA–2005–23151. Marisol Aguilar stated that she agrees with the decision to grant exemptions to Mark A. Brede, Bradley J. Holmstrom, Delbert E. Holt, and Anthony A. Kronbeck.

#### *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 July 27, 2017, **Federal Register** notice (85 FR 35033) and will not be repeated in this notice.

These 47 applicants have had ITDM over a range of one to 42 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.

#### **IV. 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.

#### **V. 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.

#### **VI. Conclusion**

Based upon its evaluation of the 47 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Miguel A. Alicea (CT)  
Ralph W. Boyatt (WA)  
Eduard Braun (AR)  
Mark A. Brede (MN)  
Lawrence P. Butler (CA)  
Keith T. Campbell (TX)  
Larry W. Carruth (AL)  
Dennis R. Carte (MO)  
Steven B. Carter (NC)  
Gregory L. Crawford (MI)  
James D. Duvall (VT)  
Reginald D. Evans (NE)  
Daniel F. Foder (NY)  
Daniel J. Fowler (CT)  
Michael F. Greene (MA)  
Cindy E. Grimes (NE)  
Leo J. Hoffman, Jr. (PA)  
Bradley J. Holmstrom (MN)  
Delbert E. Holt (MN)  
Alexander C. Jennings (NJ)  
Calvin W. Johnson (WI)  
Shannon E. Johnson (AZ)  
Kenneth E. King (IN)  
Anthony A. Kronbeck (MN)  
Charles P. Lane, Jr. (AL)

Gjasi A. Leite (GA)  
Richard V. Madden (PA)  
Landon H. McCuddin (SD)  
Damien R. Mitchell (NC)  
Steven J. Mooney (AL)  
Luther G. Mumaw, Jr. (WV)  
Roberto Noa (FL)  
Benjamin P. Peirce (CA)  
Judah G. Pira (WA)  
Robert E. Racy II (OH)  
Robert P. Rowean, Jr. (MA)  
Wesley R. Schmid (CT)  
Royal J. Schultz (NY)  
Joseph B. Simon (NJ)  
Andrew J. Slionski (NY)  
Samuel L. Smith (NC)  
Terry D. Stumpff (WA)  
Manuel A. Vasquez (NJ)  
Paul O. Verly (CO)  
Alvin G. Welch (NY)  
Damien E. Wiggins (CA)  
Frank R. Woitel (NM)

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: October 2, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2017–0022]

#### **Qualification of Drivers; Exemption Applications; Vision**

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 22 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.