

Daniel R. Violette (OR)  
Robert C. Williams (OR)  
David W. Wiltrout (PA)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years 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 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(e) 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: November 16, 2016.

Larry W. Minor,

Associate Administrator for Policy.

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BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-5578; FMCSA-2001-9258; FMCSA-2001-10578; FMCSA-2002-11426; FMCSA-2003-14223; FMCSA-2003-15892; FMCSA-2003-16241; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2007-27897; FMCSA-2007-29019; FMCSA-2009-0121; FMCSA-2009-0154; FMCSA-2009-0206; FMCSA-2011-0092; FMCSA-2011-0142; FMCSA-2011-0275; FMCSA-2011-0276; FMCSA-2011-26690; FMCSA-2013-0022; FMCSA-2013-0166; FMCSA-2013-0169]

### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA confirms its decision to renew exemptions for 99 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** Each group of renewed exemptions were 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,

fmcsamedical@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 November 2, 2015, FMCSA published a notice announcing its decision to renew exemptions for 99 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (80 FR 67481). The public comment period ended on December 2, 2015, 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)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without

corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

### III. Discussion of Comments

FMCSA received no comments in this proceeding.

### VI. Conclusion

Based upon its evaluation of the 99 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the vision requirement in 49 CFR 391.41 (b)(10), subject to the requirements cited above:

As of December 5, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 17 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (66 FR 17743; 66 FR 33990; 68 FR 10301; 68 FR 19596; 68 FR 35772; 68 FR 52811; 68 FR 61860; 70 FR 25878; 70 FR 33937; 70 FR 61165; 72 FR 32705; 72 FR 46261; 72 FR 54972; 72 FR 58359; 72 FR 58362; 72 FR 67344; 74 FR 26461; 74 FR 26464; 74 FR 34630; 74 FR 43217; 74 FR 53581; 74 FR 57551; 74 FR 57553; 76 FR 25766; 76 FR 34135; 76 FR 37168; 76 FR 37885; 76 FR 54530; 76 FR 64169; 76 FR 64171; 76 FR 66123; 76 FR 70212; 76 FR 75943; 78 FR 12815; 78 FR 22602; 78 FR 62935; 78 FR 65032; 78 FR 68137; 78 FR 76395; 78 FR 77782; 78 FR 78477; 80 FR 67481):

Daniel F. Albers (CA)  
Keith Bell (FL)  
Kevin G. Clem (SD)  
David N. Cleveland (ME)  
David J. Comeaux (LA)  
Tommy R. Crouse (LA)  
Albion C. Doe, Sr. (NH)  
Mark D. Kraft (IL)  
Rocky J. Lachney (LA)  
Chase L. Larson (WA)  
Herman G. Lovell (OR)  
Danny C. Pope (IL)  
James B. Prunty (WV)  
Rick E. Smith (IL)  
Robert E. Smith (CT)  
Fred L. Stotts (OK)  
Randell K. Tyler (AL)

The drivers were included in one of the following dockets: Docket Nos. FMCSA-2001-9258; FMCSA-2003-14223; FMCSA-2003-15892; FMCSA-2007-27897; FMCSA-2007-29019; FMCSA-2009-0121; FMCSA-2009-0206; FMCSA-2011-0092; FMCSA-2011-26690; FMCSA-2013-0022; FMCSA-2013-0166. Their exemptions are effective as of December 5, 2015 and will expire on December 5, 2017.

As of December 6, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have

satisfied the conditions for obtaining a renewed exemption from the vision requirements (70 FR 57353; 70 FR 72689; 72 FR 62897; 74 FR 43217; 74 FR 57551; 74 FR 60021; 76 FR 70210; 78 FR 66099; 80 FR 67481):

John E. Bell (AZ)  
Henry L. Chastain (GA)  
Thomas R. Crocker (SC)  
Thomas C. Meadows (NC)  
David A. Morris (TX)  
Richard P. Stanley (MA)  
Scott A. Tetter (IL)

The drivers were included in one of the following dockets: Docket No. FMCSA–2005–22194; FMCSA–2009–0206. Their exemptions are effective as of December 6, 2015, and will expire on December 6, 2017.

As of December 13, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual, Bernard T. Gillette (PA), has satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 62935; 78 FR 76395; 80 FR 67481).

This driver was included in the following docket: Docket No. FMCSA–2013–0166. The exemption is effective as of December 13, 2015, and will expire on December 13, 2017.

As of December 17, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 8 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 62935; 78 FR 76395; 80 FR 67481):

Herbert R. Benner (ME)  
Steven M. Hoover (IL)  
Lewis J. Johnson (PA)  
Michael E. Miles (IL)  
Carlos A. Osollo (NM)  
Henry D. Smith (NC)  
Kolby W. Strickland (WA)  
Cesar Villa (NM)

The drivers were included in one of the following dockets: Docket No. FMCSA–2013–0166. Their exemptions are effective as of December 17, 2015, and will expire on December 17, 2017.

As of December 22, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 5 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (72 FR 58362; 72 FR 67344; 74 FR 57553; 76 FR 49528; 76 FR 61143; 76 FR 64164; 76 FR 67248; 76 FR 70212; 76 FR 75940; 76 FR 79761; 78 FR 67460; 80 FR 67481):

Frank E. Johnson, Jr. (FL)  
Todd A. McBrain (OK)  
Robert E. Morgan, Jr. (GA)  
David M. Taylor (MO)  
James D. Zimmer (OH)

The drivers were included in one of the following dockets: Docket No.

FMCSA–2007–29019; FMCSA–2011–0142; FMCSA–2011–0275; FMCSA–2011–0276. Their exemptions are effective as of December 22, 2015, and will expire on December 22, 2017.

As of December 24, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 38 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 64274; 78 FR 77778; 80 FR 67481):

Lawrence A. Angle (MO)  
Ernest J. Bachman (PA)  
Wayne Barker (OK)  
Eugene R. Briggs (MI)  
Matthew S. Burns (OH)  
Ryan J. Burnworth (MO)  
Michael D. Champion (VT)  
Kevin J. Cobb (PA)  
Lee A. DeHaan (SD)  
Bradley R. Dishman (KY)  
Matthew Eck (PA)  
Christopher T. Faber (FL)  
Gregory K. Frazier (GA)  
John E. Gannon, Jr. (NV)  
Thomas G. Gholston (MS)  
David B. Jones (FL)  
Thomas L. Kitchen (VA)  
David G. Lamborn (ND)  
Luther D. Long (GA)  
George Malivuk (WI)  
Stephen R. Marshall (MS)  
Edgar H. Meraz (NM)  
Chad A. Miller (IA)  
William L. Paschall (MD)  
Kerry R. Powers (IN)  
Glennis R. Reynolds (KY)  
Noel S. Robbins (PA)  
Joseph Saladino (FL)  
Raymond C. Schultz (OH)  
Eugene D. Self, Jr.  
James A. Shepard (NY)  
Darren B. Shields (NV)  
Roye T. Skelton (MS)  
Mark P. Thiboutot (NH)  
Robert Thomas (PA)  
Herman D. Truwell (FL)  
Donald L. Urmston (OH)  
Janusz K. Wis (IL)

The drivers were included in one of the following dockets: Docket No. FMCSA–2013–0169. Their exemptions are effective as of December 24, 2015 and will expire on December 24, 2017.

As of December 27, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 17 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 27027; 64 FR 51568; 66 FR 53826; 66 FR 63289; 66 FR 66966; 67 FR 10471; 67 FR 19798; 68 FR 64944; 68 FR 69434; 69 FR 19611; 70 FR 48797; 70 FR 53412; 70 FR 57353; 70 FR 61493; 70 FR 67776; 70 FR 72689; 70 FR 74102; 72 FR 39879; 72 FR 52422; 74 FR 37295; 74 FR 48343; 74 FR 49069;

74 FR 60021; 76 FR 75942; 78 FR 67452; 80 FR 67481):

Anthony Brandano (MA)  
Stanley E. Elliott (UT)  
Elmer E. Gockley (PA)  
Danny R. Gray (OK)  
Glenn T. Hehner (KY)  
Vladimir M. Kats (NC)  
Alfred Keehn (AZ)  
Randall B. Laminack (TX)  
Robert W. Lantis (MT)  
Jerry J. Lord (PA)  
Ronald S. Mallory (OK)  
Eldon Miles (IN)  
Neal A. Richard (LA)  
Rene R. Trachsel (OR)  
Stanley W. Tyler, Jr. (NC)  
Kendle F. Waggle, Jr. (IN)  
DeWayne Washington (NC)

The drivers were included in one of the following dockets: Docket No. FMCSA–1999–5578; FMCSA–2001–10578; FMCSA–2002–11426; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2007–27897; FMCSA–2009–0154. Their exemptions are effective as of December 27, 2015, and will expire on December 27, 2017.

As of December 31, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 6 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (66 FR 53826; 66 FR 66966; 68 FR 61857; 68 FR 69434; 68 FR 75715; 70 FR 74102; 71 FR 646; 72 FR 71993; 72 FR 71998; 74 FR 65846; 76 FR 78729; 78 FR 67454; 78 FR 67462; 79 FR 4803; 80 FR 67481):

Martiniano L. Espinosa (FL)  
Dustin K. Heimbach (PA)  
James G. LaBair (MI)  
Lonnie Lomax, Jr. (IL)  
Eugene C. Murphy (FL)  
John H. Voigts (AZ)

The drivers were included in one of the following dockets: Docket No. FMCSA–2001–10578; FMCSA–2003–16241. Their exemptions are effective as of December 31, 2015, and will expire on December 31, 2017.

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: November 16, 2016.

Larry W. Minor,

Associate Administrator for Policy.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-[2016-0218]

#### Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA confirms its decision to exempt 46 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 September 8, 2016. The exemptions expire on September 8, 2018.

**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 8:30 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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

##### II. Background

On August 8, 2016, FMCSA published a notice of receipt of Federal diabetes exemption applications from 46 individuals and requested comments from the public (81 FR 52505). The public comment period closed on September 7, 2016, and no comments were received.

FMCSA has evaluated the eligibility of the 46 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 46 applicants have had ITDM over a range of 1 to 24 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).

The qualifications and medical condition of each applicant were stated and discussed in detail in the August 8, 2016, **Federal Register** notice and they will not be repeated in this notice.

##### III. Discussion of Comments

FMCSA received no comments in this proceeding.

##### IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement 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.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

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 will be provided to the applicants in the exemption document and they include the following: (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 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) 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-