DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration


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 145 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 June 14, 2017.


• Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the on-line 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 on-line.

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, 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 145 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 145 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. These 145 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 June and are discussed below.

As of June 2, 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. (76 FR 20073; 76 FR 32015):

Donovan A. Bloomfield (MA), Kyle T. Brewer (NE) Rastus A. Bryant, Jr. (SC), Daniel J. Cahalan (WV), C. Shawn Fox (OH) Brad S. Gray (MD), Troy M. Keller (PA) Edmond D. Kilmartin III (MI), Michael G. Moseley (NC), Francisco M. Torres (NM), Mark H. Wilcox (MN).

The drivers were included in Docket No. FMCSA–2011–0080. Their exemptions are effective as of June 2, 2017, and will expire on June 2, 2019. As of June 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 21 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 26133; 80 FR 60743):

Robert L. Adams (GA), Steven D. Beale (WA), Kevin N. Bigham (PA), Eric B. Bratanich (WI), Jeffrey L. Bromby (CA), Joel R. Currie (MN), George C. Druzk (PA), William L. Duncan (FL), Leland R. Frazier, Jr. (GA), Louis E. Graves (MS), Loren G. Howard (AK), John A. Irwin (IL), Marvin T. Kruse (SD), Richard L. Langdon (NV), Amanda K. Perez-Littleton (NM), Michael J. Peterson (MN), Thomas E. Ringstaff, Jr. (OH), Milton E. Sullivan (VA), John E. Voe (IA), Russell A. Wilkins (VA), David A. Wolff (NY).

The drivers were included in Docket No. FMCSA–2015–0058. Their exemptions are effective as of June 6, 2017, and will expire on June 6, 2019. As of June 8, 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. (72 FR 12656; 72 FR 31875):

David M. Beard (CO), David R. Burton (WY), Esko G. Cate (WA), Stephen R. Clomens (MI), Johnny W. Corbin (KY), Mark K. Eaton (MN), Chad L. Erickson (WA), Kendal B. Heath (NC), Jon D. Huntsinger (SD), Robbie L. Jones (IN), Lucas J. Jordon (FL), Murl R. Kimmel (IL), Michael G. McIntosh (WA), Judith A. Neel (IN), Danny E. Norment (TN), Samuel N. Prindle (IL), Mark W. Sadowski (IN), Thomas M. Sandahl (WI) Anthony Ybarra (MN).

The drivers were included in Docket No. FMCSA–2006–26601. Their exemptions are effective as of June 8, 2017, and will expire on June 8, 2019. As of June 11, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 25 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (74 FR 19271; 74 FR 28096):

Edward E. Back III (VA), Aaron Bailey (MA), George E. Hardman (GA), Brian K. Moore (TN), Zachary T. Patton (AZ), Terry L. Robinett (AR), Scot J. Subr (IN), Kenneth R. Walker (TN), Blake A. Woolman (MO).

The drivers were included in Docket No. FMCSA–2009–0115. Their exemptions are effective as of June 11, 2017, and will expire on June 11, 2019. As of June 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (74 FR 19271; 74 FR 28096):

Edward E. Back III (VA), Aaron Bailey (MA), George E. Hardman (GA), Brian K. Moore (TN), Zachary T. Patton (AZ), Terry L. Robinett (AR), Scot J. Subr (IN), Kenneth R. Walker (TN), Blake A. Woolman (MO).
Marunczak (PA), Michael J. Moynihan (NH), William A. Nearhood (PA),
Fernand L. Poulin (NH), James A. Pruitt (GA), Tony E. Pullen (IN),
Michael M. Sanchez (NM), Joseph Sawicki, III (NY), Nathaniel Scales Jr.
(DE), Michael Schrock III (TN), Jimmy W. Scroggins (AR), Michael Steinman
(PA), Mark A. Stromberg (MN), Christopher T. Thieman (KY),
Daniel J. Wagner (TX), Andrew J. White (IA), Michael D. Ziegler (PA).

The drivers were included in docket
No. FMCSA–2013–0016; FMCSA–2013–
0017. Their exemptions are effective as
of June 28, 2017, and will expire on
June 20, 2019.

As of June 24, 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.
(76 FR 25769; 76 FR 37171):
John C. Beason, Jr. (TN), Adam R.
Errickson (NJ), Jon M. Greiner (MN),
Gregory M. Hoyt (VT), Robert E.
Jackson (NC), Kimm D. Jacobson
(MN), Daryl D. Jibben (MN), Jimmy G.
Lee, Jr. (NC), Daniel S. May (IA),
Gerald D. McEllya (TX), Donald B.
Ramaley (PA), Floyd M. Tyler (PA).

The drivers were included in docket
No. FMCSA–2011–0103. Their
exemptions are effective as of
June 24, 2017, and will expire on
June 24, 2019.

As of June 28, 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 21792; 76 FR 37882):
Terry J. Johnson (MN), Todd L.
McAuley (NC), Stephen A. Miles
(OH), Edgar M. Ridlon, Jr. (VT),
Andrew M. Schutt (IL), John W.
Wortman (WI), Kemlyn K. Yowell
(OH).

The drivers were included in docket
No. FMCSA–2011–0093. Their
exemptions are effective as of June 28,
2017, and will expire on June 28, 2019.

Each of the 145 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 145 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–
2006–26601; FMCSA–2009–0115;
FMCSA–2011–0080; FMCSA–2011–
0093; FMCSA–2011–0103; FMCSA–
2013–0015; FMCSA–2013–0016;
0058; FMCSA–2015–0059.

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 June 14,
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 grant these 145
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–2006–26601; FMCSA–2009–
0115; FMCSA–2011–0080; FMCSA–
2011–0093; FMCSA–2011–0103;
0016; FMCSA–2013–0017; FMCSA–
2015–0058; FMCSA–2015–0059 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-
directed 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–2006–26601; FMCSA–2009–
0115; FMCSA–2011–0080; FMCSA–
2011–0093; FMCSA–2011–0103;
0016; FMCSA–2013–0017; FMCSA–
2015–0058; FMCSA–2015–0059 and
click “Search.” Next, click “Open
Docket Folder” and you will find all
documents and comments related to this
notice.

Larry W. Minor,
Associate Administrator for Policy.

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