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DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0217]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its denial of 88 applications from individuals who requested an exemption from the Federal diabetes standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the diabetes requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

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

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal diabetes standard for a renewable 2-year period 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 procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 88 individual exemption requests on their merits and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in 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 8 applicants met the diabetes requirements of 49 CFR 391.41(b)(3) and do not need an exemption:

Elbi Aguado	Neil R. Boss	Matthew A. Bunce
Harm A. Gibson	Willie Hammond	Tommy M. Harris
Burke J. Minns	Robert R. Roy	

The following 39 applicants were not operating CMVs in interstate commerce:

Steven G. Alvarez	Gary L. Atchley	Taja T. Barnett
David E. Benavides	John K. Bottkol	Donald L. Conklin
Timothy P. Conner	Tyrone O. Cooke	Garrett M. Cooper
Roy L. Cox	Isaac K. Danso	Robert C. Davis
Clarence Evans	Carmine Ferraro	Anthony P. Fortuna
Kenneth E. Fralin	Angel Fuentes	Arnulfo Garcia
Nan W. Hendley	Sharon M. Henry	Jesse D. Hensley
Christopher J. Hundt	Richard M. Jackimowicz	Thomas W. Johnson
David E. Kessler	Robert D. Knoblauch	Stephanie I. Leisure
Nelson F. Meythaler	Henry J. Mioduszewski	George K. Namauu
Nicholas Nigro	Terry J. Nihart	Wilfredo Padin
Oquilla Royster	Vincent Shanks	Donna E. Smith
Jeffrey D. Spoden	Michael T. Stremkowski	Alvin G. Welch

The following 2 applicants had renal insufficiency:

Manuel M. Loreto	Olga N. Richards
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The following 8 applicants have had more than one hypoglycemic episode requiring hospitalization or the assistance of others, or has had one such episode but has not had one year of stability following the episode:

Gyorgy Kovacs	Allen Lara	John L. Moreno
William T. Phipps, Jr.	Jose L. Ramos	Michael J. Scheresky
Roger M. Smith, Jr.	Michael H. Zimmerman	

The following 4 applicants had other medical conditions making the applicant otherwise unqualified under the Federal Motor Carrier Safety Regulations:

Philip M. Burroughs	Conrad V. Gooding
Eugene R. Huelskamp	Santito Zamot, Jr.

The following 2 applicants were unable to have an endocrinologist state the applicant is able to operate a CMV from a diabetes standpoint:

Kenneth B. Golden, Jr.	Michael P. Kruimer
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The following applicant, Kenneth M. Zakaib, currently resides in Canada. He is not eligible because the Federal exemption is for drivers operating only in the United States.

The following applicant, Jeffrey W. Sgrignoli, is unable or has not demonstrated willingness to properly monitor and manage his or her diabetes, whether by personal decision or medical inability.

The following applicant, Larry Bush, has peripheral neuropathy or circulatory insufficiency of the extremities likely to interfere with his or her ability to operate a CMV.

The following 2 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:

Ronald D. Kestner	Kyle J. Russell
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The following 20 applicants were exempt from the diabetes standard:

Guanny T. Bradley	Scott D. Butler	Bryan R. Clines
Allan J. Clune	Earl L. Combs	David A. Comeau
Robert N. Costa	Frank J. Fregoni	William Garcia
John T. Maher	Bart J. Meyer	William B. Piver
Audrey E. Platt-Carroll	Ronald W. Rein	Calvin J. Rose
Steven A. Traver	Robert C. Tucker	Wesley G. Walton
Caleb K. Whitlock	Anthony L. Wingfield	

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Larry W. Minor
Associate Administrator for Policy

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