



DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-27387; FMCSA-2008-0137; FMCSA-2009-0122; FMCSA-2011-0143; FMCSA-2013-0018; FMCSA-2015-0060; FMCSA-2015-0061]

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 for 134 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 were applicable 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, S.E., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 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, S.E., 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 June 6, 2017, FMCSA published a notice announcing its decision to renew exemptions for 134 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 (82 FR 26222). The public comment period ended on July 6, 2017 and one comment was 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 one comment in this preceding. Irene Muluh stated that she is in favor of renewing the exemptions for all 134 drivers in this notice if they have remained compliant with the standards of the program.

IV. Conclusion

Based upon its evaluation of the 134 renewal exemption applications and comments received, FMCSA announces its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

As of July 2, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 24 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 27625; 72 FR 36101; 78 FR 26419; 78 FR 39825):

Darrell L. Allen (MO)	Luis A. Alvarez (MD)	Jeffery C. Badberg (NE)
Kevin W. Bender (NY)	Ricky N. Blankenship (UT)	Ronnie T. Bledsoe (NC)
Kevin E. Blythe (AR)	Clayton J. Bragg (IN)	Jessie W. Burnett (KS)
Cary W. Chase (CO)	Peggy A. Colbert (GA)	Ernest R. Copeland (PA)
Jerry L. Gruit (IA)	Robert J. Guilford (NY)	Lucas C. Hansen (IA)
Bruce K. Harris (TX)	Michael G. Lorelli (NY)	James M. McClarnon (RI)
Franklin C. Perrin (IA)	Douglas F. Reinke (WI)	Timothy S. Seitz (IN)

Daniel L. Smith (NE)	Randall J. Stoller (IL)	Jeffrey A. Withers (MI)
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The drivers were included in one of the following docket numbers: FMCSA-2007-27387; FMCSA-2013-0018. Their exemptions are applicable as of July 2, 2017, and will expire on July 2, 2019.

As of July 7, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 33 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 31949; 80 FR 49299):

Craig S. Barton (UT)	Kevin H. Bennerson (NY)	Eugene Butler (AR)
Allen D. Clise (MD)	John W. Dillard (TX)	Derek P. Elkins (AZ)
Joshua J. Ellett (IN)	Raymond C. Erschen (PA)	Dominic C. Frisina (PA)
David D. Gambill (NC)	Alan G. Gladhill (MD)	Richard A. Hall (IL)
Craig L. Jackson (WY)	Wayne A. Jadedzuk (NY)	Lee L. Kropp (WI)
David E. Lawton (MA)	Babe A. Lisai (NY)	Adrian Martinez-Alba (TX)
Daniel Mendolia (NY)	Timothy W. Olden (NJ)	John Palermo (NJ)
John N. Peterson (WI)	Robert L. Potter, Jr. (NH)	Todd M. Raether (NE)
Michael A. Ramsey (CT)	Peter B. Rzadkowski, Jr. (IL)	Michael A. Scavotto (MA)
Steven J. Schmitt (MN)	Douglas J. Smith (NY)	Carmen M. Stellitano (PA)
Andy L. Strommenger (CO)	Robert T. Warriner (NJ)	Ellis E. Wilkins (MA)

The drivers were included in docket number FMCSA-2015-0060. Their exemptions are applicable as of July 7, 2017, and will expire on July 7, 2019.

As of July 23, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 33 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 35705; 80 FR 48393):

Daniel E. Benes (WI)	William E. Blake (TX)	Thomas M. Burns (NJ)
George W. Cahall (DE)	John T. Curry (TN)	Christopher A. DiCioccio (CT)
Johnny L. Emory (KS)	Ike Gibbs (CA)	Juan Gomez, Jr. (IA)
George A. Gross (NY)	Grover D. Johnson (NY)	Francis D. Judd (MA)
George S. Kean (NH)	Yehuda Lauber (NY)	Kyle A. Mininger (AL)
John T. Murchison, Jr. (TN)	Axel J.M. Murphy (MN)	Charles M. Naylis (PA)
Craig J. Nelson (IL)	Richard A. Nigro (NJ)	Thomas S. O'Brien (TX)
Paul T. Ozbun (OK)	Modesto F. Pedote (NY)	David M. Pomeroy (IA)
Matthew C. Preston (KY)	Anthony A. Rachuy (MN)	Dwight B. Richardson (OK)
James C. Rocco (NJ)	Patrick J. Severance (NY)	Billy L. Wagner (IL)
Steven L. Wear (ND)	James T. Young (MI)	David J. Zelhart (IL)

The drivers were included in docket number FMCSA-2015-0061. Their exemptions are applicable as of July 23, 2017, and will expire on July 23, 2019.

As of July 26, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten 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 32012; 76 FR 44650):

Teddy L. Beach (ND)	Franklin L. Bell (NE)	Jeffrey F. Borelli (OH)
Dale E. Burke (WA)	Boyd L. Croshaw (UT)	Derek Haagensen (MN)
Todd J. Smith (NY)	Andrew C. Winsberg (WA)	Nathan E. Woodin (IL)

Vicky A. Yernesek (WI)		
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The drivers were included in docket number FMCSA-2011-0143. Their exemptions are applicable as of July 26, 2017, and will expire on July 26, 2019.

As of July 28, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 34 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (73 FR 33144; 73 FR 43817; 74 FR 26467; 74 FR 37293):

Jeromy B. Birchard (MN)	Bradley M. Brown (TX)	Robert F. Browne III (NH)
William M. Camp (GA)	Robert F. Carter (IN)	Scott A. Cary (NC)
Eugene W. Clark, Jr. (WI)	William D. Cornwell III (OH)	Adam F. Demeter (NY)
Brian P. Dionne (NH)	Richard C. Dunn (CT)	Donald K. Ennis (NC)
Larry A. Fritz (PA)	Jerret L. Gerber (WI)	Alan L. Johnson (WA)
Richard B. Lorimer (MO)	Lester J. Manis (MD)	Troy A. Martinson (WI)
Richard L. Miller (OH)	Jerome A. Mjolsness (MN)	Richard Murphy (NH)
Edward F. Murray (NY)	Nicholas W. Pomnitz (NJ)	Clayton M. Reynolds (WA)
Brandon M. Ross (ND)	Jeffrey S. SaintVincent (CA)	Patrick D. Schiller (MI)
Bruce D. Schmoyer (PA)	Joseph E. Sobiech (WI)	James L. Swedenburg (MN)
Gary A. Sweeney (NY)	Lawrence M. Tanner (NV)	Robert D. Tarkington (AK)
Joshua C. Webb (AR)		

The drivers were included in one of the following docket numbers: FMCSA-2008-0137; FMCSA-2009-0122. Their exemptions are applicable as of July 28, 2017, and will expire on July 28, 2019.

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: August 25, 2017.

Larry W. Minor
Associate Administrator for Policy

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