

acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2017, his ophthalmologist stated, "Mr. Fulp has adequate vision to perform the driving tasks to operate a commercial vehicle." Mr. Fulp reported that he has driven straight trucks for 30 years, accumulating 300,000 miles and tractor-trailer combinations for 30 years, accumulating 300,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows one crash and no convictions for moving violations in a CMV.

*Edward P. Hutton*

Mr. Hutton, 60, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2017, his ophthalmologist stated, "His OS is amblyopic and lifelong. If he has performed well as a commercial driver in the past, he should continue to do so." Mr. Hutton reported that he has driven straight trucks for 14 years, accumulating 175,000 miles. He holds a Class A CDL from Idaho. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Stephen McLaren*

Mr. McLaren, 33, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2016, his optometrist stated, "Based on today's examination, it is my opinion that Stephen McLaren's refractive amblyopia in the left eye is stable and will not prevent him from driving tasks necessary to operate a commercial vehicle." Mr. McLaren reported that he has driven straight trucks for five years, accumulating 36,000 miles. He holds a Class B CDL from Tennessee. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Robert E. Richards*

Mr. Richards, 31, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, "In my medical opinion Mr. Richards has sufficient vision to perform the driving tasks required to operate a commercial vehicle and his visual deficiency is stable." Mr. Richards reported that he has driven straight trucks for two years, accumulating 50,000 miles, and tractor-trailer combinations for 11 years,

accumulating 880,000 miles. He holds a Class A CDL from Maine. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*James R. Robinette*

Mr. Robinette, 25, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, "Based on these findings, Mr. Robinette has sufficient vision to operate a commercial vehicle." Mr. Robinette reported that he has driven straight trucks for four years, accumulating 3,120 miles. He holds a Class B CDL from Virginia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*James Tucker*

Mr. Tucker, 57, has a prosthetic left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2017, his optometrist stated, "It is our opinion that your visual abilities are adequate for driving a commercial vehicle." Mr. Tucker reported that he has driven straight trucks for three years, accumulating 63,000 miles. He holds a Class A CDL from Tennessee. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Alvin White*

Mr. White, 61, has an enucleated left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2017, his optometrist stated, "It is my opinion that Mr. Alvin White has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. White reported that he has driven straight trucks for six years, accumulating 60,000 miles and tractor-trailer combinations for six years, accumulating 600 miles. He holds a Class A CDL from Tennessee. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

### III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date

indicated in the dates section of the notice.

### IV. 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 number FMCSA-2017-0020 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-addressed 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.

### V. 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-2017-0020 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this notice.

Issued on: July 18, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-15571 Filed 7-24-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2017-0032]

### 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 43 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 May 13, 2017. The exemptions expire on May 13, 2019.

**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**

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 [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 April 12, 2017, FMCSA published a notice of receipt of Federal diabetes exemption applications from 43 individuals and requested comments from the public (82 FR 17728). The public comment period closed on May 12, 2017 and one comment was received.

FMCSA has evaluated the eligibility of the 43 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 43 applicants have had ITDM over a range of 1 to 30 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 the medical condition of each applicant were stated and discussed in detail in the April 12, 2017, **Federal Register** notice and they will not be repeated in this notice.

**III. Discussion of Comments**

FMCSA received one comment in this proceeding. Mark Skubik stated that he believes “FMCSA should err on the side of safety” when making an exemption determination. He also stated that he

believes drivers should be required to carry “at least \$2,000,000 in liability insurance beyond the minimal insurance requirements for commercial drivers,” citing safety concerns. FMCSA sets minimum financial responsibility levels for carriers, based on their operations (general freight, passenger, hazmat, etc.). If a carrier obtains additional insurance, above and beyond the minimum requirements, that is decided by the carrier. FMCSA does not regulate insurance levels of drivers, just the companies and their operations, based on their granted authority. The Agency doesn’t feel that drivers should carry additional insurance. FMCSA has reviewed the medical records for each driver in this document and has determined that granting the exemptions will likely achieve a level of safety equal to or greater than that existing without the exemption.

**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-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.

## VI. Conclusion

Based upon its evaluation of the 43 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(3):

Lucas L.R. Adams (NE)  
 Ronald E. Allen, Jr. (CA)  
 Kevin N. Blair (KS)  
 Justin D. Bodily (ID)  
 George C. Burbach (CA)  
 Paul T. Caputo (IN)  
 Frederic J. Conti (PA)  
 Joshua L. Crider (MN)  
 Culley R. Despain (MO)  
 Mitchell F. Durkan (CO)  
 Ray A. Espinoza (CA)  
 Christopher J. Fisher (OR)  
 Jacob L. Flatt (OK)  
 Terry Fleharty (NM)  
 Kevin P. Fulcher (MA)  
 Michael F. Fulton (AZ)  
 Ivan R. Grove (PA)  
 Nathaniel M.I. Hicks (OR)  
 Daniel J. Lacroix (MA)  
 Kenneth S. LeColst (MA)  
 John G. Liebl (MN)  
 William E. McClain (IL)  
 Kevon T. McCray (NC)  
 Rodney G. Moore (WA)  
 Brian M. Morel (NJ)  
 Keith E. Newbauer (IN)  
 Herbert L. Redd (IN)  
 Quentin M. Rembert (WI)  
 Philip J. Richard (PA)  
 Lars A. Sandaker (MN)  
 John E. Sargent, Jr. (MA)  
 Kevin R. Sewell (NC)  
 Donald J. Smith (VT)  
 Larry D. Smith (TN)  
 Warren A. Smith (NJ)  
 Daniel J. Spauling (ID)  
 Russell D. Swanson (SD)  
 Scot D. Thompson (NY)  
 Wayne F. Todd (NE)  
 Harold W. Trombly, III (MA)  
 Steven L. Welker (IA)  
 Christopher U. Williams (LA)  
 Craig L. Woodard (OH)

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: July 18, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2017-0045]

#### Agency Information Collection Activities; Extension of a Currently-Approved Information Collection Request; Revocation of Authority Granted

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. FMCSA requests approval to extend an ICR titled, "Request Extension for Revocation of Authority Granted." This information collection supports the DOT strategic goal of safety by enabling registrants to voluntarily request revocation of operating authority, or some part of that authority. A completed Form OCE-46 is filed with FMCSA by the registrant for requesting that all, or a part, of its operating authority be revoked. The information contained on the form is used by FMCSA in deciding on the revocation request. The use of Form OCE-46 has proven to be an easy and effective means by which a registrant can request revocation of its operating authority. No comments were received in response to the 60-day notice published in the **Federal Register** on March 22, 2017 (82 FR 14792).

**DATES:** Please send your comments by August 24, 2017. OMB must receive your comments by this date to act quickly on the ICR.

**ADDRESSES:** All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA-2017-0045. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov), or faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Tura Gatling, Office of Registration, Information and Licensing, Department of Transportation, OA, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202-385-2412; email [tura.gatling@dot.gov](mailto:tura.gatling@dot.gov). Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

#### SUPPLEMENTARY INFORMATION:

*Title:* Request for Extension for Revocation of Authority Granted.

*OMB Control Number:* 2126-0018.

*Type of Request:* Extension of a currently approved collection.

*Respondents:* For-hire motor carriers or regulated commodities, surface freight forwarders, and property brokers.

*Estimated Number of Respondents:* 3,501.

*Estimated Time per Response:* 0.25 hours.

*Expiration Date:* July 31, 2017.

*Frequency of Response:* On occasion.

*Estimated Total Annual Burden:* 875 hours [3,501 responses × 0.25 hour = 875].

#### Background

FMCSA registers for-hire motor carriers of regulated commodities under 49 U.S.C. 13902, surface freight forwarders under 49 U.S.C. 13903, and property brokers under 49 U.S.C. 13904. Each registration is effective from the date specified under 49 U.S.C. 13905(c). Subsection (d) of 49 U.S.C. 13905 also provides that on application of the registrant, the Secretary may amend or revoke a registration, and hence the registrant's operating authority. Form OCE-46 allows registrants to apply voluntarily for revocation of their operating authority or parts thereof. If the registrant fails to maintain evidence of the required level of insurance coverage on file with FMCSA, its