

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2017–0040]

Qualification of Drivers; Exemption Applications; Diabetes**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of denials.

SUMMARY: FMCSA announces its denial of 111 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: 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 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 two 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 111 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 17 applicants met the diabetes requirements of 49 CFR 391.41(b)(3) and do not need an exemption:

Javier V. Alonso (CA)
Gerald G. Blacklock (PA)
Nakoo S. Bridgemohan (NY)
Ruben Camacho Nunez (WA)
Norman P. Day, Jr. (NE)
James F. Deig (TX)
Mehmed Dogdic (GA)
Charles P. Doss (AL)
Antonio Hernandez-Mejia (NJ)
Anthony Juarez (NM)
John D. Ladik (PA)
Rickey A. Mills (IA)
Richard W. Shawley (PA)
Randall D. Shiflett (WV)
Hector R. Taveras (NJ)
Javier Vasquez (CA)
James W. Wickham (WA)

The following 43 applicants were not operating CMVs in interstate commerce:

Vincete N. Beltran (CA)
John J. Blankenship (IL)
James W. Brennan (CT)
John C. Bushendorf (WI)
Christopher A. Carmel (WA)
Mark A. Crossley (PA)
Roy S. Decker (KY)
Jeffrey Dockhorn (NJ)
Danny Estrella (NY)
Robert J. Fabbro (MN)
Nicholas A. Fenty (NC)
Eusebio J. Fernandez-Caba (NJ)
Jeffrey D. Firme (CO)
Javier G. Gonzales (CO)
Gregory F. Gradisek (OH)
Jennifer L. Groth (CO)
Matthew S. Helm (PA)
Justin R. Hetherington (MN)
Bryant C. Kongsted (MD)
Joseph V. Kozak (NJ)
Randall A. Mercer (MA)
Alice J. Mitchell (LA)
Pablo G. Montez (TX)
Bruno Morelli (PA)
Thomas L. Nichols (WA)
Terry Nihart (PA)
Gil J. Pablo (CA)
Manuel Perales-Ferretiz (GA)
Berkley Pridgen (NC)
Jose N. Ramirez (TX)
Tommy R. Reeves (AR)
Henry A. Reyenga (CA)
David M. Sheeran (NY)
Linda Smith (WA)
Leonard A.G. Stary (KS)
Gary S. Stasiowski (MA)
Jordan A. Teets (PA)
Steven A. Travers (MA)
Bobby T. Trussell (MO)
Charles T. Watts (TN)
William J. Weber (CO)
John G. Weinhofer (PA)
Charles D. Zahn (FL)

The following 14 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:

Kenneth E. Brogden (NC)
Kevin E. Cooke (NC)
Lawrence G. Difolco (NJ)
Daniel E. Dingley (ME)
Richard S. Feicht (PA)
Raymond J. Freeman (TX)
Dana L. Guest (TN)
Anthony M. Hamilton (MO)
Parkinson B. James (NY)
Kevin R. Kerrigan (MI)
Ryan A. McCorkle (ID)
Russell D. Millican (OK)
Henry H. Rowen (MO)
Joseph A. Silva (MA)

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

Manuel R. Arciniega (NM)
Scott N. Clark (IA)

The following four applicants did not have endocrinologists willing to make statements that they are able to operate CMVs from a diabetes standpoint:

Rodney G. Barber (GA)
Donald L. Russell (MD)
Anthony Sandoval (DE)
Fritz A. Thomas (NY)

Sebastian H. Thomas (ME) is unable or has not demonstrated with willingness to properly monitor and manage his diabetes whether by a personal decision or medical inability.

The following three applicants have peripheral neuropathy or circulatory insufficiency of the extremities likely to interfere with the ability to operate a CMV:

Joseph F. Houska (MI)
Richard B. Maurer (PA)
Keith A. Shaffer (PA)

The following six 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:

Cody M. Burwell (SC)
Michael M. Dunkelberger (PA)
Robert L. Garcia (NM)
Caleb Strong (OR)
Blake A. Wing (MI)
Austin D. Yuill (IL)

The following 21 applicants were exempt from the diabetes standard:

Duane D. Bredin (WA)
Milton Burel (TX)
Jose L. Cortes (TX)
Timothy J. Dryml (IA)

Cindy E. Grimes (NE)
Gregory H. Harris (TX)
Anthony R. Howard (GA)
Kenneth D. Klein (WA)
Richard E. Lomicka (FL)
Kirby G. Lunsford (TX)
Thomas C. McGee (SC)
Henry J. Perry (NJ)
Jimmy D. Pharis (KY)
Michael A. Ralston (OH)
Wesley R. Schmid (CT)
Brett A. Smith (IN)
Kelly R. Toliver (CO)
Richard B. Walker (IN)
Wesley G. Walton (VA)
Anthony J. White (NY)
Spencer D. Wooden (WI)

Issued on: July 19, 2017.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2017-0038]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 47 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before August 28, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2017-0038 using any of the following methods:

- *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:* 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 numbers for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

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

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SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 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 47 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to

drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Miguel A. Alicea

Mr. Alicea, 57, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Alicea understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Alicea meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Connecticut.

Ralph W. Boyatt

Mr. Boyatt, 63, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Boyatt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Boyatt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Eduard Braun

Mr. Braun, 59, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist