

52441).<sup>1</sup> The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

#### 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-2016-0042 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-2016-0042 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this notice.

Issued on: June 20, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016-15220 Filed 6-27-16; 8:45 am]

BILLING CODE 4910-EX-P

### DEPARTMENT OF TRANSPORTATION

#### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-2575; FMCSA-2011-0193; FMCSA-2011-0194; FMCSA-2013-0183; FMCSA-2013-0186; FMCSA-2013-0188; FMCSA-2013-0189]

#### Qualification of Drivers; Exemption Applications; Diabetes

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

**ACTION:** Notice of renewal of exemption; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce for 90 individuals. 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.

**FOR FURTHER INFORMATION CONTACT:** Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5:00 p.m. Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### I. Electronic Access

You may submit comments using the following Federal Docket Management System (FDMS) Docket Nos. discussed in this notice 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., 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., 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

<sup>1</sup> Section 4129(a) refers to the 2003 notice as a "final rule." However, the 2003 notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

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 November 6, 2015, FMCSA published a notice of intent to renew the exemptions of drivers who have previously held exemptions, and requested comments from the public (80 FR 68895). The 90 individuals have held exemptions from the Agency's rule prohibiting persons with ITDM from operating CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce, for a two-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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

## III. Request for Comments

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. FMCSA encourages you to participate by submitting comments and related materials.

## IV. Basis for Renewing Exemptions

This notice addresses 90 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 90 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of November and are discussed below.

As of November 1, 2015 the following 17 individuals have satisfied conditions for obtaining a renewed exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate

commerce (78 FR 50482; 78 FR 65754; 80 FR 68895):

John K. Abels (IL)  
Dean A. Bacon (IN)  
Philip E. Banks (OH)  
Anthony M. Bride (NJ)  
Charles E. Dailey (AL)  
Kenneth D. Denny (WA)  
Adam M. Hogue (MS)  
Allen D. LaFave (ND)  
Greg P. Mason (NY)  
Thomas D. Miller (MT)  
Douglas A. Mulligan (KY)  
David G. Peters (PA)  
Robert J. Rispoli, Jr. (NY)  
Mike P. Senn (MN)  
Hames H. Suttles (AL)  
Gregory F. Wendt (NE)  
Michael J. Wickstrom (MI)

The drivers were included in Docket No. FMCSA-2013-0183. Their exemptions are effective as of November 1, 2015 and will expire on November 1, 2017.

As of November 6, 2015, the following individual, George J. Ehnnot (PA), has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 56988; 78 FR 67459; 80 FR 68895).

The driver was included in Docket No. FMCSA-2013-0186. The exemption is effective as of November 6, 2015 and will expire on November 6, 2017.

As of November 9, 2015, 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. (78 FR 55460; 78 FR 69795; 80 FR 68895):

Mark A. Blanton (IN)  
Howard T. Cash (IL)  
Heath J. Chesser (AL)  
Kevin F. Connacher (PA)  
Darryl A. Daniels (OH)  
Carrie L. Frisby (CA)  
Dean M. Keaven (MI)  
Christopher A. Labudde (IL)  
Brian A. Mankowski (IL)  
Robert E. Welling (OH)  
Keith Weymouth (ME)

The drivers were included in Docket No. FMCSA-2011-0193. Their exemptions are effective as of November 9, 2015 and will expire on November 9, 2017. As of November 12, 2015, 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. (78 FR 56988; 78 FR 67459; 80 FR 68895):

Charles E. Andersen (MN)  
Philip B. Blythe (IL)

Ryan T. Byndas (AZ)  
Winfred G. Clemenson (WA)  
Michael C. Crewse (IL)  
James D. Crosson, Jr. (MN)  
Bruce E. Feltenbarger (MI)  
Charles A. Fleming (VA)  
Brian W. Hannah (UT)  
Michael P. Huck (MI)  
Van K. Jarrett (KY)  
Keith W. Lewis (MO)  
Eugene M. Mikell (NH)  
Ronny J. Moreau (NH)  
James M. O'Rourke (MA)  
Joshua T. Paumer (MT)  
Vladimir B. Petkov (MO)  
Luther S. Pickell (KS)  
Robert J. Pulliam (AZ)  
Andrew W. Sprester (ND)  
Vincent J. Terrizzi, Sr. (PA)  
Daniel C. Theis (FL)  
Richard A. White (TN)  
Mark A. Winning (IL)

The drivers were included in Docket No. FMCSA-2013-0186. Their exemptions are effective as of November 12, 2015 and will expire on November 12, 2017.

As of November 16, 2015, the following 13 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 61140; 76 FR 71111; 80 FR 68895):

Mark D. Andersen (IA)  
David A. Basher (MA)  
Brian H. Berthiaume (VT)  
Eric D. Blocker, Sr. (NC)  
Berry W. Campbell (WI)  
Raymond A. Jack (WA)  
Quency T. Johnson (WI)  
Kenny B. Keels, Jr. (SC)  
Jason M. Pritchett (MI)  
Steven R. Sibert (MN)  
Cassie J. Silbernagel (SD)  
Lewis B. Taylor (IL)  
James A. Terilli (NY)

The drivers were included in Docket No. FMCSA-2011-0194. Their exemptions are effective as of November 16, 2015 and will expire on November 16, 2017.

As of November 19, 2015, the following individual, Marshall H. Evans (IL), has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 63280; 76 FR 76398; 80 FR 68895).

The driver was included in Docket No. FMCSA-2013-0188. The exemption is effective as of November 19, 2015 and will expire on November 19, 2017.

As of November 20, 2015, the following 22 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting

drivers with ITDM from driving CMVs in interstate commerce (71 FR 58464; 71 FR 67201; 80 FR 68895):

John N. Anderson (MN)  
Allan C. Boyum (MN)  
Terry L. Brantley (NC)  
Steven E. Brechting (MI)  
Scott A. Carlson (WI)  
Joseph L. Coggins (SC)  
Stephanie D. Fry (WY)  
Robert W. Gaultney, Jr. (MD)  
Paul T. Kubish (WI)  
David M. Levy (NY)  
Sterling C. Madsen (UT)  
David F. Morin (CA)  
Jeffrey J. Morinelli (NE)  
Ronald D. Murphy (WV)  
Charles B. Page (PA)  
John A. Remaklus (OH)  
Michael D. Schooler (IN)  
Arthur L. Stapleton, Jr. (OH)  
Carolyn J. Taylor (IN)  
Jeffrey M. Thew (WA)  
Barney J. Wade (MS)  
Dennis D. Wade (IL)

The drivers were included in Docket No. FMCSA–2006–2575. Their exemptions are effective as of November 20, 2015 and will expire on November 20, 2017.

As of November 22, 2015, the following individual, Steven R. Auger (NH), has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 63295; 76 FR 76400; 80 FR 68895).

The driver was included in Docket No. FMCSA–2013–0189. The exemption is effective as of November 22, 2015 and will expire on November 22, 2017.

Each of these 90 drivers 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 90 drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

## V. Conditions and Requirements

The exemptions are extended 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. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (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.

## VI. Conclusion

Based upon its evaluation of the 90 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (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 and 31315.

If the exemption is still effective at the end of the 2-year period and the drivers remain in good standing with the program, have maintained their required medical monitoring, and have not exhibited any medical issues that would compromise their ability to safely operate a CMV, they are eligible to receive a renewal from FMCSA under procedures in effect at that time.

Issued on: June 20, 2016.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0029]

### Qualification of Drivers; Exemption Applications; Vision

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

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

**SUMMARY:** FMCSA announces receipt of applications from 23 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

**DATES:** Comments must be received on or before July 28, 2016. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2016–0029 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., 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