

**Justification for Nonmaterial/Nonsubstantive Change for
OMB Control Number 2126-0006 IC**

Medical Qualification Requirements

This justification for a nonmaterial/nonsubstantive change is to request the Office of Management and Budget's (OMB) approval for nonsubstantive changes to the Federal Motor Carrier Safety Administration's (FMCSA) Information Collection (IC) titled *Medical Qualification Requirements*, covered by OMB Control Number 2126-0006. This IC currently contains all information collection requirements for interstate commercial motor vehicle (CMV) drivers, Medical Examiners (MEs) conducting medical examinations of CMV drivers, and motor carriers that are subject to 49 CFR part 391, including the use of certain forms to record medical examinations of CMV drivers, results of medical examinations conducted, and driver qualification decisions. Forms required in 49 CFR part 391 include the Medical Examination Report (MER) Form, MCSA-5875, CMV Driver Medical Examination Results Form, MCSA-5850 (electronic only), and the Medical Examiner's Certificate (MEC), Form MCSA-5876. FMCSA is requesting an expedited review and approval of this ICR to update the attached forms that are included as in 49 CFR 391 as part of the medical certification process for interstate CMV drivers. The requested updates are detailed below.

Changes to the MER Form, MCSA-5875

The Department of Transportation's Chief Privacy Officer and Office of General Counsel reviewed the requirements of the rulemaking and determined that the collection of information maintained and held by Medical Examiners does not constitute information protected by the Privacy Act. Therefore, the provision of the Privacy Act statement on page one of the MER Form, MCSA-5875 is not warranted and has been removed. The instructions regarding the Privacy Act statement have also been removed from page 6 of the MER Form, MCSA-5875.

In addition, in an effort to clarify the term "Medical Examiner's Certificate Expiration Date," the following change has been made to page 8 of the MER Form, MCSA-5875.

Medical Examiner information, signature and date: Provide your name, address, phone number, occupation, license, certificate, or registration number and issuing state, national registry number, Medical Examiner's Certificate expiration date, signature and date.

Medical Examiner's Certificate expiration date was removed from the above and the information below was added as a new paragraph.

Medical Examiner's Certificate expiration date: Enter the date the **driver's** Medical Examiner's Certificate (MEC), Form MCSA-5876 expires.

Change to the MER Form, MCSA-5875 and MEC, Form MCSA-5876

As a privacy best practice to ensure information is maintained securely FMCSA's Chief Privacy Officer determined that the following disclaimer language should be added to the MER Form, MCSA-5875 and MEC, Form MCSA-5876.

****This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information appropriately to prevent inadvertent disclosure by keeping the documents under the control of authorized persons. Properly dispose of this document when no longer required to be maintained by regulatory requirements.****

FMCSA has prepared revised final versions of the MER Form, MCSA-5875 and the MEC, Form MCSA-5876 that include the nonsubstantive changes detailed above and are ready to be posted on the FMCSA and National Registry websites.

There are no changes to the currently approved burden for this ICR as a result of these nonsubstantive changes to the forms.