Justification for Nonmaterial/Non-substantive Change for
OMB Control Number 2126-0006, the MER, MCSA-5875 Form

Medical Qualification Requirements

This justification for a nonmaterial/non-substantive change is to request the Office of Management and Budget's (OMB) approval for a non-substantive change 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 MER, MCSA-5875 form, IC-6(a), that is included as in 49 CFR 391 as part of the medical certification process for interstate CMV drivers. The requested update is detailed below.

Changes to the MER Form, MCSA-5875

In 49 CFR 391.43(f), FMCSA is changing the Medical Examination Report Form, MCSA-5875, by removing the request for gender information on page 1 in Section 1 pertaining to the personal information provided by the driver and removing "gender," on page 6 of the instructions to Section 1 pertaining to the personal information to be provided by the driver. Many states are now allowing nonbinary citizens to select a third gender on state-issued documents such as a driver's license, causing confusion for the certified Medical Examiners when the Medical Examination Report Form, MCSA-5875 currently only allows for the selection of male or female. Rather than adding to or changing the form, FMCSA has determined that it is unnecessary to collect gender information on the form and is removing it from the collection. The public will be provided sufficient time to make any necessary information technology (IT) changes before use of the revised form becomes effective.

There are no significant changes to the currently approved burden for this ICR as a result of this minor change to the form, which results to a minor removal to a part of the collection.