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- **Mail:** Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- **Fax:** Fax comments to the Docket Management Facility at 202-493-2251.

- **Hand Delivery:** Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Privacy:** We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

**Docket:** To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Deana Stedman, ANM-113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057-3356, email [deana.stedman@faa.gov](mailto:deana.stedman@faa.gov), phone (425) 227-2148.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on March 24, 2017.

**Victor Wicklund,**

*Manager, Transport Standards Staff.*

### Petition for Exemption

**Docket No.:** FAA-2017-0133.

**Petitioner:** Erickson Aero Tanker, LLC.

**Section of 14 CFR Affected:** § 25.201(b)(1).

**Description of Relief Sought:** The petitioner seeks an exemption from the requirements of 14 CFR 25.201(b)(1) at Amendment 25-42, with respect to stall characteristics in the flaps 40/landing gear up configuration for its DC-9-87 (MD-87) airplanes. The exemption, if granted, would allow the airplanes to be

used in aerial firefighting retardant drops.

[FR Doc. 2017-06269 Filed 3-29-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0353]

#### Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillators

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

**ACTION:** Notice of denials of exemption applications.

**SUMMARY:** FMCSA announces its decision to deny applications from three individuals seeking exemptions from the Federal cardiovascular standard applicable to interstate truck and bus drivers and discusses the reasons for the denials. The Agency reviewed the medical information of each the individuals who applied for an implantable cardioverter defibrillator (ICD) exemption. Based on a review of the applications and following an opportunity for public comment, FMCSA has concluded that the three individuals in the notice did not demonstrate they could achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation.

**DATES:** Denial letters were sent to each of the individuals listed in this notice on December 7, 2016.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief Medical Programs Division, 202-366-4001, U.S. Department of Transportation, FMCSA, 1200 New Jersey Avenue SE., Room W64-224, 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:

##### Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for up to five years 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.” FMCSA can renew exemptions for up to an additional five

years at the end of each five-year period.<sup>1</sup>

On October 20, 2016, FMCSA published for public notice and comment FMCSA 2016-0353, listing three individuals seeking exemptions for ICDs. Accordingly, the Agency has evaluated each applicant's request to determine whether granting an exemption will achieve the required level of safety mandated by statute.

#### Evaluation Criteria—Cardiovascular Medical Standard and Advisory Criteria

The individuals included in this notice have requested an exemption from the provisions of 49 CFR 391.41(b)(4), which applies to drivers who operate commercial motor vehicles (CMV) in interstate commerce, as defined in 49 CFR 390.5. Section 391.41(b)(4) states that:

A person is physically qualified to drive a commercial motor vehicle if—

\* \* \* \* \*

that person has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope [a temporary loss of consciousness due to a sudden decline in blood flow to the brain], dyspnea [shortness of breath], collapse, or congestive cardiac failure.

The FMCSA provides medical advisory criteria as recommendations for use by medical examiners in determining whether drivers with certain medical conditions and drivers who have undergone certain procedures and/or treatments should be certified to operate CMVs in interstate commerce in accordance with the various physical qualification standards in 49 CFR part 391, subpart E. The advisory criteria are currently set out in Appendix A to 49 CFR part 391. The advisory criteria for section 391.41(b)(4) provide, in part, that:

The term “has no current clinical diagnosis of” is specifically designed to encompass: “a clinical diagnosis of” (1) a current cardiovascular condition, or (2) a cardiovascular condition which has not fully stabilized regardless of the time limit. The term “known to be accompanied by” is designed to include a clinical diagnosis of a cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse, or congestive cardiac failure.

It is the intent of the Federal Motor Carrier Safety Regulations to render unqualified, a driver who has a current cardiovascular

<sup>1</sup> 49 U.S.C. 81315(b), as amend by section 5206(a) of the FAST ACT, Public Law 114-94, div. A, title V, 129 Stat.1537 (Dec. 4, 2015).

disease which is accompanied by and/or likely to cause symptoms of syncope, dyspnea, collapse, or congestive cardiac failure. However, the subjective decision of whether the nature and severity of an individual's condition will likely cause symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the motor carrier.

In the case of persons with ICDs, the underlying condition for which the ICD was implanted places the individual at high risk for syncope (a transient loss of consciousness) or other unpredictable events known to result in gradual or sudden incapacitation. ICDs may discharge, which could result in loss of ability to safely control a CMV. See the Evidence Report on "Cardiovascular Disease and Commercial Motor Vehicle Driver Safety," April 2007.<sup>2</sup> A focused research report entitled "Implantable Cardioverter Defibrillators and the Impact of a Shock on a Patient When Deployed," completed for the FMCSA in December 2014, indicates that the available scientific data on persons with ICDs and CMV driving does not support that persons with ICDs who operate CMVs are able to meet an equal or greater level of safety and upholds the findings of the April 2007 report. Copies of the April 2007 report and the December 2014 report are included in the docket for this notice.

#### Discussion of Public Comments

On October 20, 2016, FMCSA published in a **Federal Register** Notice the names of three individuals seeking ICD exemption and requested public comment. The public comment period closed on November 21, 2016. One comment was received that was out of scope for this notice.

#### Conclusion

FMCSA evaluated the three individual exemption requests on their merits, available data from Evidence Reports and Medical Expert Panel opinions on the impact of ICDs on CMV driving, and the public comments received. The Agency has determined that the available medical literature and data does not support a conclusion that granting these exemptions would achieve a level of safety equivalent to or greater than the level of safety maintained without the exemptions. Each applicant has, prior to this notice, received a letter of final disposition on his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published today

summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4).

The following three applicants are denied exemptions from the cardiovascular standard:

Gary Francher  
Henry McGuire  
Matthew Wilson

Issued on: March 23, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-06271 Filed 3-29-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Bureau of Transportation Statistics

**[Docket Number DOT-OST-2017-0043]**

#### Agency Information Collection Activity; Notice of Request for Approval To Continue To Collect Information: Barrier Failure Reporting in Oil and Gas Operations on the Outer Continental Shelf

**AGENCY:** Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology (OST-R), U.S. Department of Transportation.

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

**SUMMARY:** In accordance with the requirements of the Paperwork Reduction Act of 1995, this notice announces the intention of BTS to request the Office of Management and Budget (OMB) to approve continuation of the following information collection: Barrier Failure Reporting in Oil and Gas Operations on the Outer Continental Shelf (OCS). In August 2013, the Bureau of Safety and Environmental Enforcement (BSEE) and BTS signed an Interagency Agreement (IAA) to develop and implement SafeOCS, a voluntary program for confidential reporting of 'near misses' occurring on the OCS. BTS has entered into a memorandum of understanding (MOU) with BSEE to expand the scope of SafeOCS to include an industry-wide repository of equipment failure data, analyze and aggregate information provided under this program, and publish reports that will provide BSEE, the industry, and all OCS stakeholders with essential information about failure types and modes of critical safety barriers for offshore operations related to well control. The data collection effort that is the subject of this notice addresses the collection of failure data as referenced in recently issued BSEE regulations (81 FR 25887, April 29, 2016) and (81 FR

61834, September 7, 2016). BTS received permission to collect the data under an emergency OMB control number on September 29, 2016. Through this notice, BTS is requesting permission to continue this previously approved data collection. This information collection is necessary to aid BSEE, the oil and gas industry, and other stakeholders in identifying barrier failure trends and causes of critical safety barrier failure events.

**DATES:** Written comments should be submitted by May 30, 2017.

**ADDRESSES:** To ensure that your comments are not entered more than once into the docket, submit comments by only one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically. Docket Number: DOT-OST-2017-0043.

- *Mail:* Docket Services, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* Deliver to mail address above between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.

Identify all transmissions with "Docket Number DOT-OST-2017-0043" at the beginning of each page of the document.

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**FOR FURTHER INFORMATION CONTACT:** Demetra V. Colia, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, U.S. Department of

<sup>2</sup> Now available at [http://ntl.bts.gov/lib/30000/30100/30123/Final\\_CVD\\_Evidence\\_Report\\_v2.pdf](http://ntl.bts.gov/lib/30000/30100/30123/Final_CVD_Evidence_Report_v2.pdf).