

or optometrist's report to the medical examiner at the time of the annual medical examination; 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.

## VI. Conclusion

Based upon its evaluation of the 47 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)):

Richard B. Aungier (MT)  
 Christopher R. Barwick (NC)  
 Richard D. Bentley (IN)  
 Jeffrey C. Bergen (MA)  
 Stephen G. Bowen (IL)  
 Christopher J. Burgess (ID)  
 Edward D. Burman (MA)  
 Lynn J. Clark (UT)  
 Jamie A. Davidson (MN)  
 Kenneth W. Day (TN)  
 Horace Dickinson (GA)  
 Roy A. Duering (MN)  
 Howard J. Easter III (VA)  
 James R. Fifield (MI)  
 Scott A. Figert (OH)  
 Christopher E. Francklyn (CO)  
 Larry D. Funk (KS)  
 Mitchell P. Gibson (MI)  
 Steven S. Gray (CT)  
 Donald F. Greel, Jr. (MA)  
 Rosemary M. Holland (TX)  
 John A. Jung (OH)  
 Jerry H. Kahn (MN)  
 James J. Kramer (PA)  
 Sean T. Lewis (NJ)  
 Edwin Lozada (FL)  
 Kevin S. Martin (MN)  
 Allysa B. Meirowith (NY)  
 Darren D. Mish (WI)  
 Brian L. Murray (WA)  
 Thomas V. Noyes (MA)  
 Benny M. Perez (PA)  
 Gregory S. Pethtel (OH)  
 Thomas J. Price (WY)  
 Theodore D. Reagle (PA)  
 Eric A. Richie (AZ)  
 Joseph Romano (NY)  
 Keith E. Shumake (CO)  
 William G. Simpson (CO)  
 Joseph A. Sisk (MS)  
 Elmer L. Sprouse (NV)  
 Stirling H. C. Sowerby (PA)  
 John J. Steele (AL)  
 Ryan M. Stumbaugh (PA)  
 David J. Walker (IA)  
 Shawn D. Weigel (KS)  
 William H. Yocum (MO)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (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. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: September 19, 2016.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2016-23356 Filed 9-27-16; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0244]

#### Hours of Service of Drivers: Transco, Inc.; Application for Exemption

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

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

**SUMMARY:** FMCSA announces that it has received an application from Transco, Inc. (Transco) for an exemption from the 30-minute rest break provision of the Agency's hours-of-service (HOS) regulations for commercial motor vehicle (CMV) drivers. Transco requests that its drivers be permitted to comply with the 30-minute rest break requirement while performing on-duty, not-driving tasks. The requested exemption would apply to all Transco drivers in its grocery and foodservice divisions who provide driving and delivery services to their customers. Due to the nature of their operation, Transco believes that compliance with the 30-minute rest break rule negatively impacts the overall safety and general health of its CMV drivers, and therefore requests this exemption for all of its company drivers. FMCSA requests public comment on Transco's application for exemption.

**DATES:** Comments must be received on or before October 28, 2016.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-

2016-0244 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). See the *Public Participation and Request for Comments* section below for further information.

- *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 or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the *Privacy Act* heading below.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit 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., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

*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](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).

**FOR FURTHER INFORMATION CONTACT:** For information concerning this notice, contact Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (614) 942-6477. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation and Request for Comments

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

##### Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2016-0244), indicate

the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. 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 the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, "FMCSA-2016-0244" in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. 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. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

## II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The

exemption may be renewed (49 CFR 381.300(b)).

## III. Request for Exemption

On December 27, 2011 (76 FR 81133), FMCSA published a final rule amending its hours-of-service (HOS) regulations for drivers of property-carrying CMVs. The final rule adopted several changes to the HOS rules, including a new provision requiring drivers to take a rest break during the work day under certain circumstances. Drivers may drive a CMV only if 8 hours or less have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes. FMCSA did not specify when drivers must take the 30-minute break, but the rule requires that they wait no longer than 8 hours after the last off-duty or sleeper-berth period of that length or longer to take the break if they want to drive.

Transco seeks an exemption from the 30-minute rest break provision in 49 CFR 395.3(a)(3)(ii). Transco operates through McLane Company, Inc., its commonly-owned affiliate, which delivers food products and other goods to various grocery stores and restaurants throughout the United States. McLane's Grocery and Foodservice divisions maintain distribution centers throughout the country, each employing between 100 and 300 drivers. McLane's drivers provide just-in-time food delivery services to its customers, which include convenience stores, mass merchants, and various dining establishments. Transco contends that its drivers/operations differ greatly from the average long-haul CMV driver for the following reasons:

- *Multi-stop daily deliveries:* Its drivers typically make daily multi-stop deliveries to Transco's customers, returning to their originating distribution center at the end of each load, which takes an average of 19 hours. On average, each Transco driver makes nine stops per day;
- *Significant physical activity:* Each delivery requires the driver to get in and out of the CMV on multiple occasions to unload grocery, fresh food, and other products for delivery. Specifically, deliveries to smaller customers, which comprise the majority of each driver's deliveries, include parking the CMV close the customer's store, lowering a ramp from the rear of the CMV to the ground, and off-loading freight using a two-wheeled cart into the store. For larger customers, the driver delivers the freight at the customer's loading dock; and
- *Breaks in the driving routine:* Each delivery effectively breaks up the otherwise uninterrupted driving

routine. The physical activities that Transco drivers engage in on a daily basis differs significantly from those of long-haul truck drivers who often do not engage in vigorous physical activity.

According to Transco, as a result of these operational differences, the 30-minute rest break requirement does not increase safety when applied to its drivers; instead, the applicant claims the requirement may very well decrease road safety for its drivers. For the typical long-haul CMV driver, the 30-minute rest break serves as an opportunity to break the monotony of driving and relieve some of the stress of continuous driving, but for Transco's drivers, by the nature of the work they currently have breaks—which includes physical exercise—several times each day.

Additionally, Transco states that the 30-minute rest break requirement causes its drivers to travel over 8.2 million additional miles each year on more than 18,000 additional loads. This increase in miles traveled results in eight additional reportable accidents per year, and also requires Transco CMVs to use over 1.3 million more gallons of fuel each year. This influx of CMVs on public highways also increases congestion, and wear on critical infrastructure. The 30-minute rest-break requirement also degrades the health of Transco's drivers as leading clinical studies reveal sedentary activities substantially increase the risk of cardiovascular disease among adults. By insisting that the rest-break requirement be performed off-duty, it essentially forces Transco's drivers to stop physical activity and become sedentary.

Transco believes that the granting of this exemption would offer two benefits—(1) the exemption would reduce the number of motor vehicle accidents and congestion on public roads by reducing the overall miles travelled to serve its customers; and (2) the exemption would increase the health of their drivers by increasing their physical activity through the course of their deliveries and substantially reducing any sedentary periods. Transco contends that under the exemption, its operations would maintain a level of safety equivalent to, if not greater than, that achieved by complying with the regulation. In its application, Transco lists a number of on-going company safety activities already in place to provide continuous training to drivers about both safety policy violations and driving behaviors that increase risk. These activities include on-board visual monitoring systems, Automatic On-Board Recording Devices, driver training, weekly safety

inspections, full compliance assessments, and periodic safety committee meetings, which Transco contends would ensure an equivalent level of safety if the requested exemption is granted.

A copy of the Transco's application for exemption is available for review in the docket for this notice.

Issued on: September 15, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016-23364 Filed 9-27-16; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2016-0086]

#### Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Grant of petitions.

**SUMMARY:** This document announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards or because they have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

**DATES:** These decisions became effective on the dates specified in Annex A.

**ADDRESSES:** For further information contact Mr. George Stevens, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and/or sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as

the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions.

*Comments:* No substantive comments were received in response to the petitions identified in Appendix A.

*NHTSA Decision:* Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable FMVSS, is either substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable FMVSS or has safety features that comply with, or are capable of being altered to comply with, all applicable Federal Motor Vehicle Safety Standards.

*Vehicle Eligibility Number for Subject Vehicles:* The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. Vehicle eligibility numbers assigned to

vehicles admissible under this decision are specified in Annex A.

**Authority:** 49 U.S.C. 30141(a)(1)(A), (a)(1)(B) and (b)(1); 49 CFR 593.7; delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

#### Annex A—Nonconforming Motor Vehicles Decided To Be Eligible For Importation

##### 1. Docket No. NHTSA-2014-0058

Nonconforming Vehicles: 2008 Aston Martin Vantage V8 passenger vehicles.  
Substantially Similar U.S. Certified Vehicles: 2008 Aston Martin Vantage V8 passenger vehicles.  
Notice of Petition Published at: 81 FR 26867 (May 4, 2016)  
Vehicle Eligibility Number: VSP-582 (effective date July 1, 2016)

##### 2. Docket No. NHTSA-2015-0082

Nonconforming Vehicles: 2009 Mercedes-Benz G Class Long Wheelbase (LWB) (463 Chassis) multipurpose passenger vehicles.  
Substantially Similar U.S. Certified Vehicles: 2009 Mercedes-Benz G Class Long Wheelbase (LWB) (463 Chassis) multipurpose passenger vehicles.  
Notice of Petition Published at: 81 FR 26869 (May 4, 2016)  
Vehicle Eligibility Number: VSP-583 (effective date July 1, 2016)

##### 3. Docket No. NHTSA-2015-0084

Nonconforming Vehicles: 2012 Jeep Wrangler multipurpose passenger vehicles manufactured for the Mexican market.  
Substantially Similar U.S. Certified Vehicles: 2012 Jeep Wrangler multipurpose passenger vehicles.  
Notice of Petition Published at: 81 FR 29616 (May 12, 2016)  
Vehicle Eligibility Number: VSP-584 (effective date July 1, 2016)

##### 4. Docket No. NHTSA-2016-0060

Nonconforming Vehicles: 2011 Ducati Multistrada motorcycles.  
Substantially Similar U.S. Certified Vehicles: 2011 Ducati Multistrada motorcycles.  
Notice of Petition Published at: 81 FR 46998 (July 19, 2016)  
Vehicle Eligibility Number: VSP-585 (effective date August 26, 2016)

##### 5. Docket No. NHTSA-2016-0005

Nonconforming Vehicles: 1994-1995 Lamborghini Diablo SE30 passenger cars.  
Substantially Similar U.S. Certified Vehicles: 1994-1995 Lamborghini Diablo SE30 passenger cars.  
Notice of Petition Published at: 81 FR 47490 (July 21, 2016)  
Vehicle Eligibility Number: VSP-586 (effective date September 1, 2016)

##### 6. Docket No. NHTSA-2016-0055

Nonconforming Vehicles: 2008-2011 Ferrari 599 passenger cars.  
Substantially Similar U.S. Certified Vehicles: 2008-2011 Ferrari 599 passenger cars.  
Notice of Petition Published at: 81 FR 47491 (July 21, 2016)