

by the Department of Transportation, and, based on comments to the proposed rule finalized on December 17, 2013, as discussed above, the data are no longer used by trucking associations. Insurance companies, consultants, law firms, academia, trade publications and others may use the data to assess industry growth and its impact on the economy, to identify industry changes that may affect national transportation, and to monitor company financial stability. The Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce uses the data to inform the national annual input-output and Gross Domestic Product (GDP) estimates. BEA uses the data to prepare estimates of industry output and provide details on inputs to supplement the information on motor carriers of passengers collected by the U.S. Census Bureau.

*Title:* Annual Report of Class I Motor Carriers of Passengers.

*OMB Control Number:* 2126-0031.

*Type of Request:* Extension of a currently approved information collection.

*Respondents:* Motor Carriers.

*Estimated Number of Respondents:* 408.

*Estimated Time per Response:* 18 minutes.

*Expiration Date:* April 30, 2017.

*Frequency of Response:* Annually.

*Estimated Total Annual Burden:* 122 hours (408 responses × 18 minutes per response/60 = 122.4 rounded to 122).

**PUBLIC COMMENTS INVITED:** You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: March 9, 2017.

**Kelly Regal,**

*Associate Administrator for Office of Research and Information Technology.*

[FR Doc. 2017-05258 Filed 3-15-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0315]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

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

**SUMMARY:** FMCSA announces receipt of applications from eight individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before April 17, 2017.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2016-0315 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online 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., e.t., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

*Instructions:* Each submission must include the Agency name and the docket number(s) 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., e.t., Monday through Friday, except Federal holidays. The 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 online.

*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 <http://www.regulations.gov> as described in the system records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

**FOR FURTHER INFORMATION CONTACT:** Ms. 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 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs 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 statute also allows the Agency to renew exemptions at the end of the two-year period.

The eight individuals listed in this notice have requested an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The advisory criteria state the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Prior to considering certification, it is suggested there be a six-month waiting period from the time of the episode. Following the waiting period, it is suggested that the individual undergo a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers who have had a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for five years or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, in a Notice of Final Disposition entitled, "Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders," (78 FR 3069), FMCSA announced its decision to grant requests from 22 individuals for exemptions

from the regulatory requirement that interstate CMV drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (MEP) (78 FR 3069).

## II. Qualifications of Applicants

### *Brian Justin Brown*

Mr. Brown is a 37 year-old class A CDL holder in Pennsylvania. He has a history of a seizure disorder and his last seizure was October 2008. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Brown receiving an exemption.

### *Adam Cutler*

Mr. Cutler is a 24 year-old driver in Maine. He has a history of epilepsy and his last seizure was in 2008. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Cutler receiving an exemption.

### *Rick L. Gardener*

Mr. Gardener is a 58 year-old class A CDL holder in Wisconsin. He has a history of epilepsy and his last seizure was in 2004. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Gardener receiving an exemption.

### *Nathan J. Hanson*

Mr. Hanson is a 40 year-old driver in Wisconsin. He has a history of a seizure disorder and his last seizure was in 2006. He takes anti-seizure medication with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Hanson receiving an exemption.

### *Larry Henington*

Mr. Henington is a 58 year-old driver in Utah. He has a history of a seizure disorder and his last seizure was in 2003. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Henington receiving an exemption.

### *Jason Speakman*

Mr. Speakman is a 37 year-old driver in Indiana. He has a history of a seizure disorder and his last seizure was in 1999. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Speakman receiving an exemption.

### *Robert Lee Sprouse Jr.*

Mr. Sprouse is a 55 year-old driver in Virginia. He has a history of a seizure disorder and his last seizure was in 2003. He takes anti-seizure medication with the dosage and frequency remaining the same since 2014. His physician states that he is supportive of Mr. Sprouse receiving an exemption.

### *Aaron M. Witt*

Mr. Witt is a 44 year-old driver in Nebraska. He has a history of a seizure disorder and his last seizure was in 1991. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Witt receiving an exemption.

## III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

## 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-2016-0315" 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

<sup>1</sup> See [http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&nnode=pt49.5.391&rgn=div5#ap49.5.391\\_171.a](http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&nnode=pt49.5.391&rgn=div5#ap49.5.391_171.a) and <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination 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-2016-0315 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this notice.

Issued on: March 9, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-05256 Filed 3-15-17; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2016-0131]

#### Pipeline Safety: Deactivation of Threats

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice; issuance of advisory bulletin.

**SUMMARY:** PHMSA is issuing this Advisory Bulletin to inform owners and operators of gas transmission pipelines that PHMSA has developed guidance on threat identification and the minimum criteria for deactivation of threats, as established by a previously issued rule. This Advisory Bulletin also provides guidance to gas transmission pipeline operators regarding documenting their rationale of analyses, justifications, determinations, and decisions related to threat deactivation.

**FOR FURTHER INFORMATION CONTACT:** Allan Beshore by phone at (816) 329-3811 or email at [allan.beshore@dot.gov](mailto:allan.beshore@dot.gov). All materials in this docket may be accessed electronically at <http://www.regulations.gov>. Information about PHMSA may be found at <http://www.phmsa.dot.gov>.

#### SUPPLEMENTARY INFORMATION:

### I. Background

A critical element in an integrity management (IM) program is the identification of threats to pipeline integrity. As required by section

192.911(c), an IM program must contain "[a]n identification of threats to each covered pipeline segment, which must include data integration and a risk assessment. An operator must use the threat identification and risk assessment to prioritize covered segments for assessment (section 192.917) and to evaluate the merits of additional preventive measures and mitigative measures (section 192.935) for each covered segment." Further requirements detailed in section 192.921(a) state, "[a]n operator must select the [assessment] method or methods best suited to address the threats identified to the covered segment." The threats to a particular pipeline segment dictate the type of assessments the operator must perform to fulfill the requirements of section 192.921(a).

According to the Standard established by the American Society of Mechanical Engineers (ASME), ASME B31.8S-2004, Section 2.2, an operator must consider nine individual threat categories as part of an IM program. As stated by ASME B31.8S-2004, Section 5.10, an IM program should provide criteria for eliminating a threat from consideration during a risk assessment; however, 49 CFR part 192—Subpart O does not include provisions for the permanent elimination of threats. An operator, therefore, must continually consider all threats in the evaluation of their IM program through periodic reviews and assessments, as required by section 192.937.

PHMSA acknowledges that threats may be categorized as active, requiring an integrity assessment, or inactive, meaning that during a specific assessment cycle the threat does not trigger an integrity assessment, per section 192.921(a). Operators, however, must understand that threats to a pipeline are not static, but vary over time. Changes in threats can occur suddenly, as in the case of catastrophic outside forces like hurricanes, earthquakes, or down-slope land movements, or they can be gradual changes, such as the introduction of new wet-production gas sources into a previously dry gas environment. Issues may also develop into active threats over time, such as coating degradation that allows stress corrosion cracking or external corrosion to develop. In other cases, threats may become inactive over time due to pipeline replacement programs, the implementation of effective preventative actions, or other improvements to systems.

The periodic review required by section 192.937 for a mature IM plan must include the re-analysis of the nine threat categories to determine status

changes for active or inactive threats. An operator must continually monitor operations and maintenance (O&M) and other activities, integrating relevant information during a threat analysis that might indicate a change in the status of a threat. Some operators inappropriately label threats as inactive after they are eliminated from consideration during prior reviews and assessments, ignoring the continuous supply of new information provided during routine O&M activities.

Some operators have opted to eliminate threats from consideration based on a lack of data, including missing, incomplete, or unsubstantiated data. Using insufficient data to eliminate a threat is not technically justified and is contrary to the guidance in ASME B31.8S-2004, Appendices A1-A9. Each of these appendices includes language that states, "[w]here the operator is missing data, conservative assumptions shall be used when performing the risk assessment or, alternatively, the segment shall be prioritized higher." Additionally, section 192.947(d) requires that operators maintain, "[d]ocuments to support any decision, analysis and process developed and used to implement and evaluate each element of the baseline assessment plan and integrity management program." Section 192.947(d) further states, "[d]ocuments include those developed and used in support of any identification, calculation, amendment, modification, justification, deviation and determination made, and any action taken to implement and evaluate any of the program elements."

PHMSA provides the following guidance for determining the active or inactive status of the nine threat categories, with the understanding that the status of a threat will change over time:

#### Time-Dependent Threats

##### 1. External Corrosion

For steel pipelines, the threat of external corrosion may never be eliminated.

##### 2. Internal Corrosion

An operator should consider the past operational history of the pipeline, including, but not limited to: Upset conditions, gas monitoring (including partial-pressure analysis), bacterial culture tests, flow direction and rates, gas sources, solid and liquid analyses, critical angles and liquid holdup points, pigging and other cleaning history, the presence of internal coatings, chemical