

ADDRESSES: Schedules may be submitted by email to: 7-AWA-slotadmin@faa.gov; facsimile: 202-267-7277; or by mail to the Slot Administration Office, AGC-200, Office of the Chief Counsel, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Susan Pflugstler, System Operations Services, Air Traffic Organization, Federal Aviation Administration, 600 Independence Avenue SW., Washington, DC 20591; telephone number: 202-267-6462; email: susan.pflugstler@faa.gov.

SUPPLEMENTARY INFORMATION: The FAA has designated EWR, LAX, ORD, and SFO as IATA Level 2 airports and JFK as an IATA Level 3 airport. The FAA currently limits scheduled operations at JFK by Order.¹

The FAA is primarily concerned about scheduled and other regularly conducted commercial operations during peak hours, but carriers may submit schedule plans for the entire day. At ORD, the peak hours are 0700 to 2100 Central Time (1300 to 0300 UTC), at LAX and SFO from 0600 to 2300 Pacific Time (1400 to 0700 UTC), and at EWR and JFK from 0600 to 2300 Eastern Time (1100 to 0400 UTC). Carriers should submit schedule information in sufficient detail, including, at minimum, the operating carrier, flight number, scheduled time of operation, frequency, and effective dates. IATA standard schedule information format and data elements (Standard Schedules Information Manual or SSIM, Chapter 6) may be used. The WSG provides additional information on schedule submissions and updates at Level 2 and Level 3 airports.

The U.S. winter scheduling season for these airports is from October 29, 2017, through March 24, 2018, in recognition of the IATA northern winter period. The FAA understands there may be differences in schedule times due to U.S. daylight saving time dates and will accommodate these differences to the extent possible.

JFK will have construction in 2018 on Runway 13L/31R for rehabilitation of pavement and other airfield improvements. The Port Authority of New York and New Jersey (PANYNJ), the airport operator, is currently developing the construction phasing plans in consultation with FAA, airlines, and other stakeholders. The FAA and the PANYNJ will work

together to minimize operational disruptions to the extent possible, similar to prior runway construction projects. As construction plans are developed, the FAA will review alternative runway configurations and operating procedures and model potential capacity and delay impacts. We expect the PANYNJ will conduct regular meetings with the FAA, airlines, and other stakeholders. Those meetings and other information provided by the PANYNJ will likely be the best source of project updates and potential operational impacts.

LAX will continue rehabilitation on Runway 7L/25R and taxiways during parts of the winter 2017 season. Los Angeles World Airports (LAWA), the airport operator, plans construction that will shorten the runway length through December. The runway will be limited to departing flights. Other airfield construction is not currently estimated to have significant operational impacts. LAWA conducts monthly meetings on construction updates with FAA local air traffic control, airline representatives, and other interested stakeholders. The LAWA meetings may be the best source of project updates and potential operational impacts.

The FAA will use hourly runway capacity throughput for the Level 2 airports in its schedule reviews, considering any differences associated with runway construction or other operational factors. The FAA regularly reviews operational performance metrics and trends to determine if demand, including arrival and departure distribution, during certain time periods may create operational issues and assess whether schedule adjustments or changes to scheduling limits are warranted during those periods.

There are a few cases where the FAA anticipates potential issues for winter 2017. Carriers are encouraged to take these potential issues into consideration before submitting schedules for winter 2017 and should be prepared to adjust schedules to meet available capacity in order to minimize potential congestion and delay. At EWR, the 0700 to 0859 and 1400-2059 Eastern Time (1200 to 1359 and 1900 to 0159 UTC) hours are expected to be the highest demand periods and not all requests for new flights are likely to be accommodated during those times. At LAX and SFO, the 0700 to 1359 Pacific Time (1500 to 2159 UTC) hours are expected to be the highest demand hours. At ORD, the FAA will continue to review cumulative demand and peaking of scheduled operations to identify potential congested periods. As in previous

seasons, at JFK, there is limited availability for new operations outside the mid-morning and late evening periods. Anticipated late winter runway construction could also increase delays above levels normally experienced in that period.

Each Level 2 airport has a separate process adopted by the airport operator for securing terminal/gate availability for certain types of flights. These are primarily for international passenger flights or for flights operating at particular terminals or gates. The processes with the individual airports will continue separately from, and in addition to, the FAA review of schedules based on runway capacity. IATA maintains the schedule facilitator contact information for carriers planning operations at EWR, LAX, ORD, and SFO. There are multiple terminals at JFK and airlines are similarly responsible for securing terminal approval if needed. The FAA may consider the need to harmonize terminal and runway availability. However, this may not always be possible within the various airport and airline constraints.

Issued in Washington, DC, on April 21, 2017.

Michael C. Artist,

Acting Vice President, System Operations Services.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2017-0029]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 44 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on April 7, 2017. The exemptions expire on April 7, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200

¹ Operating Limitations at John F. Kennedy International Airport, 73 FR 3510 (Jan. 18, 2008) as most recently amended 81 FR 40167 (June 21, 2016).

New Jersey Avenue SE., Room W64–113, 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:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/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.

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, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

On March 7, 2017, FMCSA published a notice of receipt of Federal diabetes exemption applications from 44 individuals and requested comments from the public (82 FR 12891). The public comment period closed on April 6, 2017, and one comment was received.

FMCSA has evaluated the eligibility of the 44 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that “A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control” (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency’s July 2000 study entitled “A Report to Congress on the Feasibility of a Program to Qualify Individuals with

Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.” The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 44 applicants have had ITDM over a range of 1 to 25 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the March 7, 2017, **Federal Register** notice and they will not be repeated in this notice.

III. Discussion of Comments

FMCSA received one comment in this proceeding. Wesley Collier stated that he believes he “would refrain from passing a general rule” allowing drivers with ITDM to operate CMVs in interstate commerce, but allow exceptions for drivers who fit certain medical criteria. FMCSA has reviewed the medical histories of all drivers in this document and has determined that granting the exemptions will create a level of safety equal to or greater than what would be achieved without granting the exemptions.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants’ ITDM and vision, and reviewed the treating endocrinologists’ medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist’s 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 44 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(3):

M. Rafael Allen (CT)
 Roger L. Anderson (IL)
 Joseph S. Bernier (MA)
 Davarus L. Bouknight (SC)
 Everett L. Brashears (MA)
 Thomas G. Brown, II (IN)
 Sequoyah S. Browning (AR)
 Alfred B. Cardwell (ND)
 Gregg J. Chase (NJ)
 Michael R. Chrisman (NE)
 Joseph A. Czanstowski (MN)
 Daniel G. Durbin (IN)
 Charles E. Fennington (DE)
 Craig D. Furlough (NC)

Jeffrey D. Griffin (NC)
 Daryll A. Grinkey (IL)
 Daniel J. Irving (MD)
 Charles B. Jesness (CO)
 Derrick Johnson (IL)
 Robert F. King (NY)
 Henry D. Lyons (CT)
 Owen L. MacDonald (KS)
 Edwin Martinez, Jr. (DE)
 Joseph Murray (KS)
 Bryan J. Orcutt (ID)
 Jesus H. Oseguera (ID)
 Eugenio J. Pereira (NJ)
 Brian R. Repp (WI)
 Michael W. Robinson (MD)
 Reynaldo Roman (NY)
 David A. Rosen (PA)
 Joseph C. Schulte (OH)
 Byron L. Short (CO)
 George W. Sparrow (RI)
 Gabriel S. Stevens (CT)
 Stanford A. Tilghman (PA)
 Joshua F. Tolman (UT)
 Thomas W. Truitt (WY)
 Joseph G. Volz (WI)
 David B. Watson (FL)
 Curtis D. Weinman (WA)
 Charlie A. Williams (NC)
 Timothy J. Williamson (GA)
 Mark E. Wisecarver (PA)

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: April 19, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-08497 Filed 4-26-17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2005-22177; FMCSA-2005-22905; FMCSA-2006-26600; FMCSA-2008-0009; FMCSA-2008-0399; FMCSA-2009-0055; FMCSA-2011-0011; FMCSA-2011-0025; FMCSA-2013-0011; FMCSA-2013-0013; FMCSA-2014-0314]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions of 135 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. FMCSA has statutory authority to exempt individuals from this rule if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: Each group of renewed exemptions are effective from the dates stated in the discussions below. Comments must be received on or before May 30, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. FMCSA-2005-22177; FMCSA-2005-22905; FMCSA-2006-26600; FMCSA-2008-0009; FMCSA-2008-0399; FMCSA-2009-0055; FMCSA-2011-0011; FMCSA-2011-0025; FMCSA-2013-0011; FMCSA-2013-0013; FMCSA-2014-0314 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line 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 or Courier:* 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 for this notice. Note that DOT posts all comments received without change to <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 <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 Federal Docket Management System (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 on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-113, Washington, DC 20590-0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations 2-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 2-year period. The 135 individuals listed in this notice have recently become eligible for a renewed exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. The drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

II. Exemption Decision

This notice addresses 135 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. These 135 drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise