§ 1329.23 Compliance reviews.
(a) Centers receiving Part C funding shall be subject to periodic reviews, including on-site reviews, in accordance with sections 706(c), 722(g), and 723(g) of the Act and guidance set forth by the Administrator, to verify compliance with the standards and assurances in section 725(b) and (c) of the Act and the grant terms and conditions. The Administrator shall annually conduct reviews of at least 15 percent of the Centers.

(b) A copy of each review under this section shall be provided, in the case of section 723(g), by the director of the DSE to the Administrator and to the SILC, and in the case of section 722(g), by the Administrator to the SILC and the DSE.

§ 1329.24 Training and technical assistance to Centers for Independent Living.

The Administrator shall reserve between 1.8% and 2% of appropriated funds to provide training and technical assistance to Centers through grants, contracts or cooperative agreements, consistent with section 721(b) of the Act. The training and technical assistance funds shall be administered in accordance with section 721(b) of the Act.

[FR Doc. 2016–25918 Filed 10–26–16; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 391

[Docket No. FMCSA–2012–0178]

Physical Qualifications and Examinations: Medical Examination Report and Medical Examiner’s Certificate Forms

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

ACTION: Notice of decision on use of Medical Examination Report and Medical Examiner’s Certificate Forms.

SUMMARY: FMCSA announces its decision to allow certified Medical Examiners (MEs) to use the Medical Examination Report (MER) Form, MCSA–5875, and Medical Examiner’s Certificate (MEC), Form MCSA–5876, with October, November, and December, 2015 revision dates that are located in the top left corner of the forms until existing stocks are depleted. For MEs in an office where these forms have been programmed into an electronic system that will require IT programming, the current approved versions of the forms should be programmed as soon as practicable. FMCSA published sample versions of the forms in October and November 2015 prior to posting fillable Portable Document Format (PDF) versions in December 2015. Based on the fact that the October and November 2015 forms contain minor differences yet collect the same information as the fillable PDF version, FMCSA determined the October and November versions are acceptable. In addition, MEs are also allowed to continue to use the versions of the MEC Form, MCSA–5875, that include the Privacy Act Statement on page one until stocks are depleted. For MEs in an office where these forms have been programmed into an electronic system that will require IT programming, the current approved versions of the forms should be programmed as soon as practicable. The versions of the forms currently posted by FMCSA include nonsubstantive changes that were approved by the Office of Management and Budget (OMB) on April 7, 2016 and September 6, 2016, and no longer include the Privacy Act Statement or a revision date in the top left corner. State Driver’s Licensing Agencies (SDLAs) should not accept versions of the MEC that have not been approved by OMB, and do not display both the FMCSA form number (MCSA–5876) and the OMB expiration date of August 31, 2018.

DATES: This decision is in effect on October 27, 2016.

ADDRESSES: You may search background documents or comments to the docket for this rule, identified by docket number FMCSA–2012–0178, by visiting the:

• Federal eRulemaking Portal: http://www.regulations.gov. Follow the online instructions for reviewing documents and comments. Regulations.gov is available electronically 24 hours each day, 365 days a year; or


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.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, Office of Policy, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4001; fmcsamedical@dot.gov. If you have questions about viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

On April 23, 2015, FMCSA published a final rule adopting regulations to facilitate the electronic transmission of MEC information from FMCSA’s National Registry system to SDLAs for holders of Commercial Driver’s Licenses (CDL) and Commercial Learner’s Permits (CLP). The final rule also requires the use of the prescribed MER Form, MCSA–5875, in place of the MER and the prescribed MEC, Form MCSA–5876, in place of the MEC. Medical Examiner’s Certification Integration (80 FR 22790, April 23, 2015). On August 5, 2015, FMCSA received approval from OMB, for use of the MER Form, MCSA–5875, and MEC, Form MCSA–5876, in a fillable Adobe Acrobat™ format.

FMCSA published sample versions of the MER Form, MCSA–5875, and MEC, Form MCSA–5876, with October and November, 2015 revision dates on the National Registry Web site with the intent and purpose of educating MEs regarding the use of new categories on the forms and assisting MEs in programming electronic medical records prior to the Agency’s posting of the fillable Adobe Acrobat™ versions. At that time, at least one company that produces regulatory compliance publications and forms began printing and selling the MER Form, MCSA–5875, and MEC, Form MCSA–5876, with October and November, 2015 revision dates. On December 14, 2015, FMCSA posted the fillable Adobe Acrobat™ versions of the MER Form, MCSA–5875, and MEC, Form MCSA–5876, with December 2015 revision dates on the FMCSA and National Registry Web sites. Based on the fact that the October and November, 2015 forms contain minor differences yet collect the same information as the fillable Adobe Acrobat™ versions posted by FMCSA on December 14, 2015, FMCSA made the decision to allow MEs to use any previously purchased existing stock of the MER Form, MCSA–5875, and MEC, Form MCSA–5876, with October or November, 2015 revision dates until stocks are depleted. For MEs in an office where these forms have been...
programmed into an electronic system that will require IT programming, the current approved versions of the forms should be programmed as soon as practicable. On December 21, 2015, FMCSA published guidance providing a 120-day grace period during which MEs were allowed to use either the old MER and MEC or the newly prescribed MER Form, MCSA–5875, and MEC, Form MCSA–5876, until April 20, 2016 (80 FR 79273).

Subsequently, after receiving OMB approval for nonsubstantive changes to the forms, FMCSA posted the current versions of the MER Form, MCSA–5875, and MEC, Form MCSA–5876, on the FMCSA and National Registry Web sites on April 13, 2016. The current versions include several OMB approved nonsubstantive and functional changes but no longer include a revision date in the top left corner of the form. The specific OMB approved non-substantive and functional changes can be found on the Office of Information and Regulatory Affairs Web site by selecting the following link, http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201604-2126-006, and then selecting the link for “Justification of Nonmaterial/Non-substantive Change.”

On June 7, 2016, the Department of Transportation’s Chief Privacy Officer and Office of General Counsel reviewed the requirements of the rulemaking and determined that the collection of information maintained and held by MEs does not constitute information protected by the Privacy Act. Therefore, FMCSA submitted to OMB for approval a request for additional nonsubstantive changes including removal of the Privacy Act statement on page one of the MER Form, MCSA–5875, and the addition of disclaimer language regarding the protection of sensitive information that was approved on September 6, 2016. FMCSA has posted the current versions of the MER Form, MCSA–5875 and MEC, Form MCSA–5876 on the FMCSA and National Registry Web sites. The additional OMB-approved non-substantive changes can be found on the Office of Information and Regulatory Affairs Web site by selecting the following link http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201604-2126-006, and then selecting the link for “Justification of Nonmaterial/Non-substantive Change.”

II. Acceptable Versions of Forms

All changes to the MER and MEC forms since the August 5, 2015, date on which OMB provided approval for use of the forms were nonsubstantive in nature. Therefore, MEs are allowed to use MER Form, MCSA–5875, and MEC, Form MCSA–5876, with October, November, and December, 2015 revision dates until existing stocks are depleted. This includes forms produced by the private sector with an October or November, 2015 revision date. In view of the clarification in this document of the status of the MER Form, MCSA–5875, that was posted on April 13, 2016, on the FMCSA and National Registry Web sites that no longer include a revision date in the top left corner and the current version of the MER Form, MCSA–5875, that is posted on the FMCSA and National Registry Web sites that no longer includes the Privacy Act Statement on page one. On the other hand, SDLAs should not accept versions of the MEC that have not been approved by OMB and do not display both the FMCSA form number (MCSA–5876) and the OMB expiration date of August 31, 2018. The final versions of the forms published on the FMCSA and National Registry Web sites are shown below for your reference.

BILLING CODE 4910-EX-P
Medical Examination Report Form, MCSA-5875 Posted September 20, 2016

SECTION 1. Driver Information (to be filled out by the driver)

PERSONAL INFORMATION

Last Name: __________________ First Name: __________________ Middle Initial: ______ Date of Birth: ______ Age: ______

Street Address: __________________ City: __________________ State/Province: __________ Zip Code: ______

Driver's License Number: __________ Issuing State/Province: __________ Phone: __________

E-mail (optional): __________ CLP/CDL Applicant/Holder*: Yes No

Driver ID Verified By**: __________

Has your USDOT/FMCSA medical certificate ever been denied or issued for less than 2 years? Yes No Not Sure

*CDL Applicant/Holder: See instructions for definitions.

**Driver ID Verified by: Record what type of photo ID was used to verify the identity of the driver, e.g., CDL license, passport.

DRIVER HEALTH HISTORY

Have you ever had surgery? If "yes," please list and explain below. Yes No Not Sure

Are you currently taking medications (prescription, over-the-counter, herbal remedies, diet supplements)?

If "yes," please describe below.

(Attach additional sheets if necessary)

**This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information appropriately to prevent inadvertent disclosure by keeping the documents under the control of authorized persons. Properly dispose of this document when no longer required to be maintained by regulatory requirements."
**DRIVER HEALTH HISTORY**

<table>
<thead>
<tr>
<th>Condition Description</th>
<th>Yes</th>
<th>No</th>
<th>Not Sure</th>
<th>Yes</th>
<th>No</th>
<th>Not Sure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head/brain injuries or illnesses (e.g., concussion)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seizures, epilepsy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eye problems (except glasses or contacts)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ear and/or hearing problems</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heart disease, heart attack, bypass, or other heart problems</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pacemaker, stents, implantable devices, or other heart procedures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High blood pressure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High cholesterol</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chronic (long-term) cough, shortness of breath, or other breathing problems</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lung disease (e.g., asthma)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kidney problems, kidney stones, or pain/problems with urination</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stomach, liver, or digestive problems</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diabetes or blood sugar problems</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insulin used</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anxiety, depression, nervousness, other mental health problems</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fainting or passing out</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other health condition(s) not described above:**

**Did you answer “yes” to any of questions 1-32? If so, please comment further on those health conditions below.**

<table>
<thead>
<tr>
<th>Additional comments</th>
</tr>
</thead>
</table>

**CMV DRIVER’S SIGNATURE**

I certify that the above information is accurate and complete. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate, that submission of fraudulent or intentionally false information is a violation of 49 CFR 390.33, and that submission of fraudulent or intentionally false information may subject me to civil or criminal penalties under 49 CFR 390.37 and 49 CFR 386 Appendices A and B.

Driver’s Signature: ___________________________ Date: ____________

**SECTION 2. Examination Report**

To be filled out by the medical examiner.

**DRIVER HEALTH HISTORY REVIEW**

Review and discuss pertinent driver answers and any available medical records. Comment on the driver’s responses to the “health history” questions that may affect the driver’s safe operation of a commercial motor vehicle (CMV).

(Attach additional sheets if necessary)
### TESTING

<table>
<thead>
<tr>
<th>Pulse rate:</th>
<th>Pulse rhythm regular: Yes No</th>
<th>Height: __ feet __ inches</th>
<th>Weight: __ pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blood Pressure</td>
<td>Systolic</td>
<td>Diastolic</td>
<td>Urinalysis</td>
</tr>
<tr>
<td>Sitting</td>
<td></td>
<td></td>
<td>Urinalysis is required.</td>
</tr>
<tr>
<td>Second reading</td>
<td>(optional)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other testing if indicated</td>
<td></td>
<td></td>
<td>Protein, blood, or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.</td>
</tr>
</tbody>
</table>

**Vision**

Standard is at least 20/40 acuity (Snellen) in each eye with or without correction. At least 120° field of vision in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner’s Certificate.

<table>
<thead>
<tr>
<th>Acuity</th>
<th>Uncorrected</th>
<th>Corrected</th>
<th>Horizontal Field of Vision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right Eye: 20/</td>
<td>20/</td>
<td>Right Eye: ___ degrees</td>
<td></td>
</tr>
<tr>
<td>Left Eye: 20/</td>
<td>20/</td>
<td>Left Eye: ___ degrees</td>
<td></td>
</tr>
<tr>
<td>Both Eyes: 20/</td>
<td>20/</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Applicant can recognize and distinguish among traffic control signals and devices showing red, green, and amber colors.

Monocular vision

- Referred to ophthalmologist or optometrist?
- Received documentation from ophthalmologist or optometrist?

**Hearing**

Standard: Must first perceive whispered voice at not less than 5 feet OR average hearing loss of less than or equal to 40 dB, in better ear (with or without hearing aid).

<table>
<thead>
<tr>
<th>Whisper Test Results</th>
<th>Right Ear</th>
<th>Left Ear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Record distance (in feet) from driver at which a forced whispered voice can first be heard</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Audiometric Test Results</th>
<th>Right Ear</th>
<th>Left Ear</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 Hz</td>
<td>1000 Hz</td>
<td>2000 Hz</td>
</tr>
<tr>
<td>500 Hz</td>
<td>1000 Hz</td>
<td>2000 Hz</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Average (right):</th>
<th>Average (left):</th>
</tr>
</thead>
</table>

**PHYSICAL EXAMINATION**

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen, or is readily amenable to treatment. Even if a condition does not disqualify a driver, the Medical Examiner may consider deferring the driver temporarily.

Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible, particularly if neglecting the condition could result in a more serious illness that might affect driving.

Check the body systems for abnormalities.

**Body System**

1. General
2. Skin
3. Eyes
4. Ears
5. Mouth/throat
6. Cardiovascular
7. Lungs/chest
8. Abdomen
9. Genito-urinary system including hernias
10. Back/Spine
11. Extremities/joints
12. Neurological system including reflexes
13. Gait
14. Vascular system

Discuss any abnormal answers in detail in the space below and indicate whether it would affect the driver’s ability to operate a CMV.

Enter applicable item number before each comment:

(Attach additional sheets if necessary)

Page 3
MEDICAL EXAMINER DETERMINATION (Federal)

Use this section for examinations performed in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.69):

☐ Does not meet standards (specify reason):

☐ Meets standards in 49 CFR 391.41; qualifies for 2-year certificate

☐ Meets standards, but periodic monitoring required (specify reason):

☐ Wearing corrective lenses ☐ Wearing hearing aid ☐ Accompanied by a waiver/exemption (specify type):

☐ Accompanied by a Skill Performance Evaluation (SPE) Certificate ☐ Qualified by operation of 49 CFR 391.64 (federal)

☐ Driving within an exempt intracity zone (see 49 CFR 391.62 (federal)

☐ Determination pending (specify reason):

☐ Return to medical exam office for follow-up (must be 45 days or less) ☐ Medical Examination Report amended (specify reason):

☐ Incomplete examination (specify reason):

☐ Return to medical exam office for follow-up on (must be 45 days or less) ☐ Medical Examination Report amended (specify reason):

☐ Incomplete examination (specify reason):

☐ If the driver meets the standards outlined in 49 CFR 391.41, then complete a Medical Examiner's Certificate as stated in 49 CFR 391.43(b), as appropriate.

I have performed this evaluation for certification. I have personally reviewed all available records and recorded information pertaining to this evaluation, and attest that to the best of my knowledge, I believe it to be true and correct.

Medical Examiner's Signature: ___________________________
Medical Examiner's Name: ___________________________
Medical Examiner's Address: ___________________________
Medical Examiner's Telephone Number: __________________
Medical Examiner's State License, Certificate, or Registration Number: __________________
Issuing State: __________________

☐ MD ☐ DO ☐ Physician Assistant ☐ Chiropractor ☐ Advanced Practice Nurse
☐ Other Practitioner (specify):
National Registry Number: ___________________________
Medical Examiner's Certificate Expiration Date: ___________________________
<table>
<thead>
<tr>
<th>Medical Examiner Determination (State)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use this section for examinations performed in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) with any applicable State variances (which will only be valid for intrastate operations):</td>
</tr>
<tr>
<td>☐ Does not meet standards in 49 CFR 391.41 with any applicable State variances (specify reason):</td>
</tr>
<tr>
<td>☐ Meets standards in 49 CFR 391.41 with any applicable State variances:</td>
</tr>
<tr>
<td>☐ Meets standards, but periodic monitoring required (specify reason):</td>
</tr>
<tr>
<td>☐ Driver qualified for: 3 months ☐ 6 months ☐ 1 year ☐ other (specify):</td>
</tr>
<tr>
<td>☐ Wearing corrective lenses ☐ Wearing hearing aid ☐ Accompanied by a waiver/exemption (specify type):</td>
</tr>
<tr>
<td>☐ Accompanied by a Skill Performance Evaluation (SPE) Certificate ☐ Grandfathered from State requirements (State):</td>
</tr>
</tbody>
</table>

*If the driver meets the standards outlined in 49 CFR 391.41, with applicable State variances, then complete a Medical Examiner's Certificate, as appropriate.*

I have performed this evaluation for certification. I have personally reviewed all available records and recorded information pertaining to this evaluation, and attest that to the best of my knowledge, I believe it to be true and correct.

Medical Examiner's Signature: ________________________________

Medical Examiner's Name (please print or type): ________________________________

Medical Examiner's Address: ________________________________ City: ________________________________ State: ________________________________ Zip Code: ________________________________

Medical Examiner's Telephone Number: ________________________________ Date Certificate Signed: ________________________________

Medical Examiner's State License, Certificate, or Registration Number: ________________________________ Issuing State: ________________________________

☐ MD ☐ DO ☐ Physician Assistant ☐ Chiropractor ☐ Advanced Practice Nurse

☐ Other Practitioner (specify): ________________________________

National Registry Number: ________________________________ Medical Examiner's Certificate Expiration Date: ________________________________
Instructions for Completing the Medical Examination Report Form (MCSA-5875)

I. Step-By-Step Instructions

Driver:

Section 1: Driver information

- **Personal Information:** Please complete this section using your name as written on your driver's license, your current address and phone number, your date of birth, age, gender, driver's license number and issuing state.
  
  - CLP/CDL Applicant/Holder: Check "yes" if you are a commercial learner's permit (CLP) or commercial driver's license (CDL) holder, or are applying for a CLP or CDL. CDL means a license issued by a State or the District of Columbia which authorizes the individual to operate a class of a commercial motor vehicle (CMV). A CMV that requires a CDL is one that: (1) has a gross combination weight rating or gross combination weight of 26,001 pounds or more inclusive of a towed unit with a gross vehicle weight rating (GVWR) or gross vehicle weight (GVW) of more than 10,000 pounds; or (2) has a GVWR or GVW of 26,001 pounds or more; or (3) is designed to transport 16 or more passengers, including the driver; or (4) is used to transport either hazardous materials requiring hazardous materials placards on the vehicle or any quantity of a select agent or toxin.
  
  - Driver ID Verified By: The Medical Examiner/staff completes this item and notes the type of photo ID used to verify the driver's identity such as, commercial driver's license, driver's license, or passport, etc.
  
  - Question: Has your USDOT/FMCSA medical certificate ever been denied or issued for less than two years? Please check the correct box “yes” or “no” and if you aren't sure check the “not sure” box.

- **Driver Health History:**
  
  - Have you ever had surgery: Please check “yes” if you have ever had surgery and provide a written explanation of the details (type of surgery, date of surgery, etc.)
  
  - Are you currently taking medications (prescription, over-the-counter, herbal remedies, diet supplements): Please check “yes” if you are taking any diet supplements, herbal remedies, or prescription or over the counter medications. In the box below the question, indicate the name of the medication and the dosage.
  
  - #1-32: Please complete this section by checking the “yes” box to indicate that you have, or have ever had, the health condition listed or the “No” box if you have not. Check the “not sure” box if you are unsure.
  
  - Other Health Conditions not described above: If you have, or have had, any other health conditions not listed in the section above, check “Yes” and in the box provided and list those condition(s).
  
  - Any yes answers to questions #1-32 above: If you have answered “yes” to any of the questions in the Driver Health History section above, please explain your answers further in the box below the question. For example, if you answered “yes” to question #5 regarding heart disease, heart attack, bypass, or other heart problem, indicate which type of heart condition. If you checked “yes” to question #23 regarding cancer, indicate the type of cancer. Please add any information that will be helpful to the Medical Examiner.

- **CMV Driver Signature and Date:** Please read the certification statement, sign and date it, indicating that the information you provided in Section 1 is accurate and complete.
Medical Examiner:

Section 2: Examination Report

- Driver Health History Review: Review answers provided by the driver in the driver health history section and discuss any “yes” and “not sure” responses. In addition, be sure to compare the medication list to the health history responses ensuring that the medication list matches the medical conditions noted. Explore with the driver any responses that seem unclear. Record any information that the driver omitted. As the Medical Examiner conducting the driver's physical examination you are required to complete the entire medical examination even if you detect a medical condition that you consider disqualifying, such as deafness. Medical Examiners are expected to determine the driver's physical qualification for operating a commercial vehicle safely. Thus, if you find a disqualifying condition for which a driver may receive a Federal Motor Carrier Safety Administration medical exemption, please record that on the driver's Medical Examiner's Certificate, Form MCSA-5876, as well as on the Medical Examination Report Form, MCSA-5875.

- Testing:
  o Pulse rate and rhythm, height, and weight: record these as indicated on the form.
  o Blood Pressure: record the blood pressure (systolic and diastolic) of the driver being examined. A second reading is optional and should be recorded if found to be necessary.
  o Urinalysis: record the numerical readings for the specific gravity, protein, blood and sugar.
  o Vision: The current vision standard is provided on the form. When other than the Snellen chart is used, give test results in Snellen-comparable values. When recording distance vision, use 20 feet as normal. Record the vision acuity results and indicate if the driver can recognize and distinguish among traffic control signals and devices showing red, green, and amber colors; has monocular vision; has been referred to an ophthalmologist or optometrist; and if documentation has been received from an ophthalmologist or optometrist.
  o Hearing: The current hearing standard is provided on the form. Hearing can be tested using either a whisper test or audiometric test. Record the test results in the corresponding section for the test used.

- Physical Examination: Check the body systems for abnormalities and indicate normal or abnormal for each body system listed. Discuss any abnormal answers in detail in the space provided and indicate whether it would affect the driver's ability to safely operate a commercial motor vehicle.

In this next section, you will be completing either the Federal or State determination, not both.

- Medical Examiner Determination (Federal): Use this section for examinations performed in accordance with the FMCSR (49 CFR 391.41-391.49). Complete the medical examiner determination section completely. When determining a driver's physical qualification, please note that English language proficiency (49 CFR part 391.11: General qualifications of drivers) is not factored into that determination.
  o Does not meet standards: Select this option when a driver is determined to be not qualified and provide an explanation of why the driver does not meet the standards in 49 CFR 391.41.
  o Meets standards in 49 CFR 391.41; qualifies for 2-year certification: Select this option when a driver is determined to be qualified and will be issued a 2-year Medical Examiner's Certificate.
- **Meets standards, but periodic monitoring is required:** Select this option when a driver is determined to be qualified but needs periodic monitoring and provide an explanation of why periodic monitoring is required. Select the corresponding time frame that the driver is qualified and if selecting other, specify the time frame.

  - **Determination that driver meets standards:** Select all categories that apply to the driver's certification (e.g., wearing corrective lenses, accompanied by a waiver/exemption, driving within an exempt intracity zone, etc.).

- **Determination pending:** Select this option when more information is needed to make a qualification decision and specify a date, or on before the 45 day expiration date, for the driver to return to the medical exam office for follow-up. This will allow for a delay of the qualification decision for as many as 45 days. If the disposition of the pending examination is not updated via the National Registry on or before the 45 day expiration date, FMCSA will notify the examining medical examiner and the driver in writing that the examination is no longer valid and that the driver is required to be re-examined.

  - **MER amended:** A Medical Examination Report Form (MER), MCSA-5875, may only be amended while in determination pending status for situations where new information (e.g., test results, etc.) has been received or there has been a change in the driver's medical status since the initial examination, but prior to a final qualification determination. Select this option when a Medical Examination Report Form, MCSA-5875, is being amended; provide the reason for the amendment, sign and date. In addition, initial and date any changes made on the Medical Examination Report Form, MCSA-5875. A Medical Examination Report Form, MCSA-5875, cannot be amended after an examination has been in determination pending status for more than 45 days or after a final qualification determination has been made. The driver is required to obtain a new physical examination and a new Medical Examination Report Form, MCSA-5875, should be completed.

- **Incomplete examination:** Select this when the physical examination is not completed for any reason (e.g., driver decides they do not want to continue with the examination and leaves) other than situations outlined under determination pending.

  - **Medical Examiner information, signature and date:** Provide your name, address, phone number, occupation, license, certificate, or registration number and issuing state, national registry number, signature and date.

  - **Medical Examiner’s Certificate Expiration Date:** Enter the date the driver’s Medical Examiner’s Certificate (MEC) expires.

- **Medical Examiner Determination (State):** Use this section for examinations performed in accordance with the FMCSRs (49 CFR 391.41-391.49) with any applicable State variances (which will only be valid for intrastate operations). Complete the medical examiner determination section completely.

  - **Does not meet standards in 49 CFR 391.41 with any applicable State variances:** Select this option when a driver is determined to be not qualified and provide an explanation of why the driver does not meet the standards in 49 CFR 391.41 with any applicable State variances.

  - **Meets standards in 49 CFR 391.41 with any applicable State variances:** Select this option when a driver is determined to be qualified and will be issued a 2-year Medical Examiner’s Certificate.

  - **Meets standards, but periodic monitoring is required:** Select this option when a driver is determined to be qualified but needs periodic monitoring and provide an explanation of why periodic monitoring is required. Select the corresponding time frame that the driver is qualified and if selecting other, specify the time frame.

    - **Determination that driver meets standards:** Select all categories that apply to the driver's certification (e.g., wearing corrective lenses, accompanied by a waiver/exemption, etc.).
o Medical Examiner information, signature and date: Provide your name, address, phone number, occupation, license, certificate, or registration number and issuing state, national registry number, signature and date.

o Medical Examiner's Certificate Expiration Date: Enter the date the driver's Medical Examiner's Certificate (MEC) expires.

II. If updating an existing exam, you must resubmit the new exam results, via the Medical Examination Results Form, MCSA-5850, to the National Registry, and the most recent dated exam will take precedence.

III. To obtain additional information regarding this form go to the Medical Program's page on the Federal Motor Carrier Safety Administration's website at http://www.fmcsa.dot.gov/regulations/medical.
DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

50 CFR Part 216
[Docket No. 151113999–6950–02]
RIN 0648–BF55

Designating the Sakhalin Bay-Nikolaya Bay-Amur River Stock of Beluga Whales as a Depleted Stock Under the Marine Mammal Protection Act (MMPA)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: We, NMFS, issue a final determination to designate the Sakhalin Bay-Nikolaya Bay-Amur River Stock of beluga whales (Delphinapterus leucas) as a depleted stock of marine mammals pursuant to the Marine Mammal Protection Act (MMPA). This action is being taken as a result of a status review conducted by NMFS in response to a petition to designate a group of beluga whales in the western Sea of Okhotsk as a depleted stock. The biological evidence indicates that the group is a population stock as defined by the MMPA, and the stock is depleted as defined by the MMPA.

DATES: This final rule is effective November 28, 2016.

ADDRESSES: Copies of supporting documents, including the status review, the proposed rule, and a list of references cited in the final rule, are available via the Federal e-rulemaking Portal, at www.regulations.gov (search for Docket ID NOAA–NMFS–2015–0154), or at http://www.fisheries.noaa.gov/pr/species/mammals/whales/beluga-whale.html. Those documents are also available from NMFS at the following address: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226.

FOR FURTHER INFORMATION CONTACT: Shannon Bettridge, Shannon.Bettridge@noaa.gov, Office of Protected Resources, 301–427–8402.

SUPPLEMENTARY INFORMATION:
Background

Section 115(a) of the MMPA (16 U.S.C. 1383b(a)) allows interested parties to petition NMFS to initiate a status review to determine whether a species or stock of marine mammals should be designated as depleted. On April 23, 2014, we received a petition from the Animal Welfare Institute, Whale and Dolphin Conservation, Cetacean Society International, and Earth Island Institute (petitioners) to “designate the Sakhalin Bay-Amur River stock of beluga whales as depleted under the MMPA.” We published a notification that the petition was available (79 FR 28879; May 20, 2014). After evaluating the petition, we determined that the petition contained substantial information indicating that the petitioned action may be warranted (79 FR 44733; August 1, 2014). Following the determination that the petitioned action may be warranted, we convened a status review team and conducted a status review to evaluate