

Cemeteries, Claims, Courts, Crime, Flags, Freedom of information, Government contracts, Government employees, Government property, Infants and children, Inventions and patents, Parking, Penalties, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, Wages.

Dated: January 12, 2018.

**Janet Coleman,**

*Chief, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.*

For the reasons set out in the preamble, Department of Veterans Affairs proposes to amend 38 CFR part 1 as follows:

## PART 1—GENERAL PROVISIONS

■ 1. The authority citation for part 1 continues to read as follows:

**Authority:** 38 U.S.C. 501, and as noted in specific sections.

■ 2. Amend § 1.460 by adding, in alphabetical order, definitions for “health information exchange” and “health information exchange community partner.”

### § 1.460 Definitions.

\* \* \* \* \*

*Health information exchange.* The term “health information exchange” means the electronic transfer of health information among health care professionals, health plans, governmental agencies providing benefits, and other persons and entities according to nationally recognized standards that allow the participants to appropriately access and securely share patients’ vital medical information to improve the quality, safety, and efficiency of health care delivery.

*Health information exchange community partner.* The term “health information exchange community partner” means a health care provider, health plan, governmental agency providing benefits, or other person or entity with whom VA shares patients’ vital medical information according to nationally recognized standards.

\* \* \* \* \*

■ 3. Amend § 1.475 by redesignating paragraph (d) as paragraph (e), adding a new paragraph (d) and revising newly redesignated paragraph (e) to read as follows:

### § 1.475 Form of written consent.

\* \* \* \* \*

(d) *Establishing written consent.* A written consent authorizing the disclosure may be demonstrated by:

(1) A written consent meeting the criteria set forth in paragraph (a) of this

section that is presented to VA in physical form; or

(2) A written attestation by a health information exchange community partner that the patient submitted legally sufficient consent meeting the criteria set forth in paragraph (a), provided that:

(i) Within 10 business days of the health information exchange community partner’s attestation, the partner either makes the written consent form available for electronic retrieval by VA or produces the written consent form to VA; or

(ii) The health information exchange community partner complies with a memorandum of understanding signed by the partner and VA that outlines:

(A) How the written consent will be retained in accordance with VHA Records Control Schedule (RCS) 10–1;

(B) How VA can request the consent form from the partner; and

(C) How the partner can send the consent form to VA.

(e) *Required Form.* It is not necessary to use any particular form to establish a consent referred to in paragraph (a) of this section, however, VA Form 10–5345, titled Request for and Authorization to Release Medical Records or Health Information, complies with all applicable legal requirements and may be used for such purpose.

[FR Doc. 2018–00758 Filed 1–18–18; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 395

[Docket No. FMCSA–2017–0360]

### Hours of Service of Drivers of Commercial Motor Vehicles; Proposed Regulatory Guidance Concerning the Transportation of Agricultural Commodities; Extension of Comment Period

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

**ACTION:** Proposed regulatory guidance; extension of comment period.

**SUMMARY:** FMCSA extends the public comment period for the Agency’s December 20, 2017, notice announcing the proposed regulatory guidance concerning the transportation of agricultural commodities. On December 22, 2017, the American Trucking Associations, Inc. (ATA) requested a 30-day extension of the comment period.

Additional requests for extension of the comment period have been received. The Agency extends the January 19, 2018, deadline for the submission of public comments to February 20, 2018.

**DATES:** FMCSA extends the comment period for the notice of proposed regulatory guidance published on December 20, 2017 at 82 FR 60360. You must submit comments on or before February 20, 2018.

**ADDRESSES:** You may insert comments identified by Federal Docket Management System Number FMCSA–2017–0360 by any of the following methods:

- *Federal eRulemaking Portal:* <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 or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the

**SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, phone (614) 942–6477, email [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

### SUPPLEMENTARY INFORMATION:

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

##### A. Submitting Comments

If you submit a comment, please include the docket number listed above, indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery. 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>, put the

docket number, FMCSA–2017–0360, in the keyword box, and click “Search.” When the new screen appears, click on the “Comment Now!” button and type your comment into the text box on 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 change this guidance based on your comments.

#### *B. Viewing Comments and Documents*

To view comments, go to <http://www.regulations.gov>. Insert the docket number, FMCSA–2017–0360, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

#### *C. Privacy Act*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory 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.transportation.gov/privacy](http://www.transportation.gov/privacy).

#### **II. Background**

On December 20, 2017 (82 FR 60360), FMCSA published a notice of proposed regulatory guidance concerning the transportation of agricultural commodities. That proposed guidance provides clarity to the agricultural exception in 49 CFR 395.1(k)(1) and specifically addresses two scenarios: (1) Driving an unladen commercial motor vehicle to either pick up an agricultural community or on a return trip following the delivery of an agricultural commodity; and (2) application of the agricultural commodity exemption to trips involving transportation of the commodity more than 150 air-miles from its source. In addition, the Agency requested comment on scenarios where a trip involves the loading of agricultural commodities at multiple sources and the meaning of the term “source” in connection with the loading of certain commodities. Finally, the Agency requested comment on what segments of the industry that would take advantage of the proposed change, how would the flexibility provided impact the need for electronic logging

devices, and what is the population of carriers and drivers transporting various categories of agricultural commodities.

In the December 20, 2017, notice the Agency proposed new regulatory guidance question and answer numbers 34 and 35 to 49 CFR 395.1. A copy of the proposed regulatory guidance is available for review in the docket referenced at the beginning of this notice.

#### **Requests for Extension of the Comment Period**

On December 22, 2017, the American Trucking Associations, Inc. (ATA), asked that the Agency provide a 30-day extension of the comment period. ATA expressed concern that end-of-year tasks and holiday periods might make it difficult for many interested parties to prepare comments by the original January 19 deadline. A copy of the ATA request is in the docket identified at the beginning of this notice. Similar requests were subsequently submitted by other organizations.

FMCSA acknowledges the concerns of ATA and others. After reviewing the requests, FMCSA hereby grants a 30-day extension of the comment period to February 20, 2018, to provide all interested parties additional time to respond to the notice of proposed regulatory guidance.

Issued on: January 12, 2018.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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