

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. 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

CRST is one of the nation's largest transportation companies with a fleet of more than 4,500 commercial motor vehicles (CMVs). CRST seeks an exemption from 49 CFR 383.25(a)(1) that would allow CLP holders who have successfully passed a CDL skills test and are thus eligible to receive a CDL, to be able to drive without having a CDL holder seated beside them in the vehicle. CRST, however, indicates in their exemption request that the CDL holder will remain in the vehicle at all times while the CLP holder is driving—just not in the front seat. CRST further requests that the exemption include that the CLP holder could drive for the remainder of the time available on the driver's CLP before expiration, provided the driver can supply evidence of passing the CDL exam to law enforcement personnel. This would allow such a driver to operate more freely and in a way that benefits the driver, the carrier, and the economy as a whole.

CRST states that FMCSA is aware that the trucking industry is facing a shortage of qualified and well-trained drivers to meet the ever-growing shipping demands. CRST believes that 49 CFR 383.25(a)(1) limits its ability to

effectively recruit, train, and employ new entrants to the trucking industry. Prior to the implementation of section 383.25(a)(1), States routinely issued temporary CDLs to drivers who passed the CDL skills test. The temporary CDL allowed CRST time to route the new driver to his or her State of domicile to obtain a CDL, and to place the new driver into an on-the-job training position with a driver-trainer. In this scenario, a more experienced driver could mentor and observe the new driver, but was not required to be on duty and in the front seat at all times. Thus, the new driver could become productive immediately, allowing more freight movement for CRST and compensation for the new driver.

CRST contends that compliance with the CDL rule places them in a very difficult position regarding how they return the CLP holder who has passed his or her skills testing back to their State of domicile to obtain their CDL. According to CRST, the two possible courses of action in this scenario are simple, yet costly: (1) CRST sends CLP holders to their home State by public transportation to obtain the CDL and hopes the drivers return to CRST for employment; and (2) CRST sends CLP holders back to their home State as passengers on one of its trucks. CRST goes on to detail the negative consequences of these courses of action, including: (1) The new drivers would suffer financially because it could be several days or even weeks before they obtain their home State CDL and are available to return to work; (2) safety would also be degraded in these situations because there will be a break in driving for CLP holders who have passed the skills test until they can receive their CDL and return to CRST to start work; (3) increased costs to CRST for public transportation to return CLP holders who have passed the skills test in another State to their home State for issuance of the CDL; (4) further financial loss as CRST would undoubtedly lose control of some CLP holders once they returned home and obtained their CDL—as they may find employment elsewhere, or in a different industry; and (5) if CRST elected to send CLP holders who have passed their skills test home on a CRST truck, CRST must operate at double the cost for half of the productivity.

CRST asserts that the exemption is consistent with FMCSA's comments in the preamble to the final rule published on May 9, 2011, that promulgated 49 CFR 383.25(a). The Agency said: "FMCSA does not believe that it is safe to permit inexperienced drivers who have not yet passed the CDL skills test

to drive unaccompanied." (76 FR 26861). The exemption sought would apply only to those CRST drivers who have passed the CDL skills test and hold a CLP.

IV. Method To Ensure an Equivalent or Greater Level of Safety

CRST states that granting this exemption will result in a level of safety that is equal to or greater than the level of safety of the rule without the exemption. The practical result of the exemption is that a CLP holder who has passed a CDL skills test would be able to drive without the requirements of § 383.25(a)(1) and begin immediate and productive on-the-job training. This allows these drivers to continue to use and sharpen their recently acquired driving skills and put them to work—in addition to immediately earning an income—under the mentoring and observation of a more experienced driver until they can return to their home State to be issued a CDL.

In the June 11, 2015, **Federal Register**, FMCSA granted a similar exemption from 49 CFR 383.25(a)(1) to C.R. England, Inc. Under the terms and conditions of that exemption, a CLP holder who has documentation of passing the CDL skills test may drive a CMV for C.R. England without being accompanied by a CDL holder in the front seat. The Agency believed that C.R. England's request for exemption would achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (80 FR 33329).

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

Issued on: December 18, 2015.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. DOT–NHTSA–2015–0051]

Notice and Request for Comments

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

ACTION: Notice and Request for Comments.

SUMMARY: The DOT invites public comments about our intention to request the Office of Management and Budget (OMB) approval for new information

collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

In compliance with these requirements, this notice announces that the following information collection request has been forwarded to OMB. A **Federal Register** Notice with a 60 day comment period soliciting comments on the following information collection was published on June 17, 2015 (79 CFR14922). No comments were received on this matter during the first public review on that notice. OMB will accept comments from the public during the 30 day review and approval period.

DATES: Written comments should be submitted by February 4, 2016.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503. (Identify by Docket No. DOT-NHTSA-2015-0051).

FOR FURTHER INFORMATION CONTACT: Susan McHenry, (202) 366-6540, Office of Emergency Medical Services, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: New.

Title: National Emergency Medical Services Information System (NEMSIS)—State Submission to National Emergency Medical Services (EMS) Database.

Type of Review: New Information Collection.

Abstract: NHTSA supports and funds NEMSIS to further its goal of reducing death and disability on the Nation's roadways. The NEMSIS Technical

Assistance Center (TAC) assists State and local EMS agencies and software vendors in implementing NEMSIS Version 3.0 (and higher)-compliant EMS data systems and the corresponding XML standard to support data transmission and interoperability. NHTSA also maintains the National EMS Database and a national reporting system. NHTSA supported the initial development of the National EMS Information System, including the supporting Data Dictionary and technology infrastructure, at the request of the National Association of State EMS Officials. This effort developed the first-ever standardized EMS patient care reporting mechanism, which would provide essential information that could lead to improved patient care at local, State and national levels. Both the Senate and House included NEMSIS language in FY05 NHTSA Appropriations, directing NHTSA to continue implementation of NEMSIS and the National EMS Database. Congress has continued to support funding for the NEMSIS TAC and the National EMS Database.

The information collected in the National EMS Database will be used to: (1) Better describe EMS across the country, (2) provide information that will help NHTSA better understand the serious injuries sustained as a result of motor vehicle crashes, (3) inform the NHTSA Office of EMS on changes in clinical practices/protocols, medications and other factors that impact National EMS Education Standards, developed by NHTSA, (4) support EMS research, and (5) support a comprehensive set of local and State EMS Performance Measures that are currently under development, with support of NHTSA.

The National EMS Database is populated by collecting data from State EMS databases. State EMS databases are populated with patient care records from local or regional EMS agencies. The most complete report is the local EMS electronic patient care report completed for each EMS response. A

subset of each the local EMS report is submitted electronically to the State EMS database and the State EMS office electronically transmits a smaller subset of all the local data to the NEMSIS TAC for inclusion in the National EMS Database. The data at the national level contains no personally identifiable information, and is reported in the aggregate.

Affected Public: State and territory EMS offices, and, in some cases, EMS software vendors.

Estimated number of Respondents: 56.

Frequency: Through web services, within a few hours of when the State receives the local record.

Number of Responses: Depends on each State and how many patient calls are responded to. All transmissions are machine to machine.

Total Annual Burden: Estimate total annual burden to be approximately 12 hours per respondent and cumulative total of 672 hours.

Form Numbers: No forms.

Public Comments Invited: You Are Asked To Comment On Any Aspect Of This information collection, including (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued on: December 29, 2015.

Jeffrey P. Michael,

Associate Administrator, Research and Program Development.

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