

adequate corrective action when fraud is discovered; and imposed sanctions against States for noncompliance. This Final Rule published on May 9, 2011 includes all the OIG's recommendations. Many of the operational procedures suggested by the OIG for carrying out the recommendations have also been adopted.

This information collection supports the DOT Strategic Goal of Safety by requiring that drivers of CMVs are properly licensed according to all applicable Federal requirements.

The 10-year employment history information supplied by the CDL holder to the employer upon application for employment (49 CFR 383.35) is used to assist the employer in meeting his/her responsibilities to ensure that the applicant does not have a history of high safety risk behavior.

State officials use the information collected on the license application form (49 CFR 383.71), the medical certificate information that is posted to the driving record and the conviction and disqualification data posted to the driving record (49 CFR 383.73) to prevent unqualified and/or disqualified CDL holders from operating CMVs on the nation's highways. State officials are also required to administer knowledge and skills tests to CDL driver applicants (49 CFR 384.202). The driver applicant is required to correctly answer at least 80 percent of the questions on each knowledge test to achieve a passing score on that test. To achieve a passing score on the skills test, the driver applicant must demonstrate that he/she can successfully perform all the skills listed in the regulations. During State CDL compliance reviews, FMCSA officials review this information to ensure that the provisions of the regulations are being carried out.

Without the aforementioned requirements, there would be no uniform control over driver licensing practices to prevent unqualified and/or disqualified drivers from being issued a CDL and to prevent unsafe drivers from spreading their convictions among several licenses in several States and remaining behind the wheel of a CMV. Failure to collect this information would render the regulations unenforceable.

This request for renewed approval includes one additional information collection item: "Driver completion of knowledge and skills tests [49 CFR 384.201]." This section is added as a result of a new requirement for States to assure the testing of commercial learner's permits follow a standardized testing procedure.

*Title:* Commercial Driver Licensing and Test Standards.

*OMB Number:* 2126-0011.

*Type of Request:* Revision of a currently-approved information collection.

*Respondents:* Drivers with a commercial learner's permit (CLP) or commercial driver's license (CDL) and State driver licensing agencies.

*Estimated Number of Respondents:* 7,364,972 driver respondents and 4,746 State respondents.

*Estimated Time per Response:* Varies.

*Expiration Date:* October 31, 2018.

*Frequency of Response:* Varies.

*Estimated Total Annual Burden:* 2,825,503 hours, which is the total of four tasks for CDL drivers (2,403,248 hours), added to a total of eight tasks for State driver licensing agency CDL activities (422,255 hours).

Information collection tasks and associated burden hours are as follows:

- IC-1.1 Driver Notification of Convictions/Disqualifications to Employer: 473,577 hours
- IC-1.2 Driver Providing Previous Employment History to New Employer: 297,758 hours
- IC-1.3 Driver Completion of the CDL Application Form: 40,719 hours
- IC-1.4 Driver Completion of Knowledge and Skills Tests: 1,591,194 hours
- IC-2.1 State Recording of Medical Examiner's Certificate Information: 80,344 hours
- IC-2.2 State Recording of the Self Certification of Commercial Motor Vehicle (CMV) Operation: 3,018 hours
- IC-2.3 State Verification of Medical Certification Status: 3,180 hours
- IC-2.4 Annual State Certification of Compliance: 1,632 hours
- IC-2.5 State Preparing for and Participating in Annual Program Review: 10,200 hours
- IC-2.6 CDLIS/PDPS/State Recordkeeping: 214,548 hours
- IC-2.7 Knowledge and Skills Test Recordkeeping: 82,034 hours
- IC-2.8 Knowledge and Skills Test Examiner Certification: 27,299 hours

*Definitions:* Under 49 CFR 383.5:

*Commercial motor vehicle (CMV)* means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle—

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or

- (3) Is designed to transport 16 or more passengers, including the driver; or

- (4) Is of any size and is used in the transportation of hazardous materials as defined in this section.

Hazardous materials means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.

*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: August 2, 2018.

**Kelly Regal,**

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

[FR Doc. 2018-17064 Filed 8-8-18; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2018-0246]

#### Hours of Service of Drivers: HEPACO, LLC; Heritage Environmental Services, LLC; Lewis Environmental, Inc.; and Moran Environmental Recovery, LLC; Application for Exemption

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

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

**SUMMARY:** FMCSA announces that it has received a joint application from HEPACO, LLC; Heritage Environmental Services, LLC; Lewis Environmental, Inc.; and Moran Environmental Recovery, LLC, for exemption from the hours-of-service (HOS) regulations for drivers engaged in providing direct assistance in environmental emergencies or potential environmental emergencies. The applicants request a

five-year exemption from the “14-hour rule” for their drivers engaged in responding to environmental emergencies. FMCSA requests public comment on this application for exemption.

**DATES:** Comments must be received on or before September 10, 2018.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA–2018–0246 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). See the *Public Participation and Request for Comments* section below for further information.

- *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, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](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 [www.regulations.gov](http://www.regulations.gov) at any time or visit 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., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

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

**FOR FURTHER INFORMATION CONTACT:** For information concerning this notice, please contact Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Telephone: (202) 366–2722; Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

### I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

#### *Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2018–0246), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. 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 the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, “FMCSA–2018–0246” in the “Keyword” box, and click “Search.” When the new screen appears, click on “Comment Now!” button and type your comment into the text box in 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 grant or not grant this application based on your comments.

### II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). 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 (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

### III. Request for Exemption

The following companies are the applicants for this exemption: HEPACO, LLC; Heritage Environmental Services, LLC; Lewis Environmental, Inc. and Moran Environmental Recovery, LLC. The applicants’ total number of commercial driver’s license (CDL) holders is approximately 758, and their total number of commercial motor vehicles (CMVs) is approximately 840. All of these applicants are members of the Spill Control Association of America (SCAA). In responding to emergency incidents, SCAA members work alongside a mix of both private industry and public agencies, and their work often has a direct impact on protection of both public safety and the environment. SCAA advises that the applicants are contractually required to provide direct assistance to responsible parties who are experiencing environmental emergencies or potential environmental emergencies. The applicants define an environmental emergency as a sudden threat to the public health or the well-being of the environment, arising from the release or potential release of oil, radioactive materials, or hazardous chemicals into the air, land, or water. The applicants’ employees are hybrid driver/operator/technicians, so the total on-duty time can be a challenge, especially after hours. Other job duties include industrial maintenance, spill response, sampling, lab packing and waste management. With the current driver shortage, obtaining drivers with these additional skills and experience is becoming more problematic.

The applicants are requesting relief from 49 CFR 395.3(a)(2), commonly known as the “14-hour rule.” The applicants state that the HOS rules have always been an issue for emergency response companies. The national shortage of drivers, and in their case, drivers with specialized safety and environmental training, has been worsening over the last few years, making this a critical issue. They are requesting this exemption to allow their companies to respond to a release or

threat of a release of oil and other hazardous materials. The applicants are requesting relief from this regulation with the following conditions:

- On-duty period would not exceed 4.5 additional hours for initial response;
- Any driver who exceeds the 14-hour period would in no case exceed a total of 8 hours drive time;
- Drivers would not exceed 70 hours on duty in 8 days;
- Drivers would be required to take 10 hours off duty, subsequent to the duty day; and
- All activities would be subject to the electronic logging device (ELD) rule.

According to the applicants, there would be a significant challenge in responding to environmental emergencies if the exemption was not granted. The initial response hours are the most critical in an environmental emergency and the ability to quickly respond is vital. They believe that a tightly managed exemption actually provides a risk averse situation by discouraging potentially unmanaged risk taking. If the exemption is not granted, there could be a disruption of nation/regional commerce activities, including power restoration activities and protection of interstate commerce and infrastructure. Granting the exemption would mitigate public transportation disruptions, much as tow trucks do when moving wrecked or disabled vehicles under 49 CFR 390.23(a)(ii)(3).

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

The applicants believe that the proposed relief, and the parameters in which their drivers operate, would continue to provide the highest level of safety and compliance, while prudently responding to incidents that threaten public safety and the environment. Safety is always the primary objective and guiding principle of all of the applicant's business activities as demonstrated by the following:

- All applicants have specific policies on "fatigue and journey management."
- Health and safety is paramount for all operations dealing with environmental emergencies and would remain the case when utilizing the exemption.
- Drivers who utilize this exemption may come back into compliance and restart the computation of maximum driving time only after 10 hours off duty which starts at the end of their extended hours period.
- The exemption would not exempt drivers/carriers from the requirements relating to the CDL, drug/alcohol testing, hazardous materials, size and

weight, or State/Federal registration and tax requirements.

- The applicants understand the concepts of risk management and mitigation.
- The applicants maintain a multitude of safety, security, annual medical surveillance, and training plans, as well as comprehensive drug and alcohol programs compliant with multiple DOT departments.
- Robust preventative maintenance programs specific to the equipment are in place with each of the requesting applicants.

The applicants believe an equivalent level of safety will be achieved if their drivers/companies are exempt from the requirements as described in this notice. The requested exemption is for 5 years. A copy of the application for exemption is available for review in the docket for this notice.

Issued on: August 2, 2018.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2018-17062 Filed 8-8-18; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### National Hazardous Materials Route Registry

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

**ACTION:** Notice; revisions to the listing of designated and restricted routes for hazardous materials.

**SUMMARY:** This notice provides revisions to the National Hazardous Materials Route Registry (NHMRR) reported to the FMCSA as of March 31, 2018. The NHMRR is a listing, as reported by States and Tribal governments, of all designated and restricted roads and preferred highway routes for transportation of highway route controlled quantities (HRCQ) of Class 7 radioactive materials (RAM) (HRCQ/RAM) and non-radioactive hazardous materials (NRHMs).

**DATES:** Applicable date: August 9, 2018.

**FOR FURTHER INFORMATION CONTACT:** Mr. Vincent Babich (202) 366-4871, or [vincent.babich@dot.gov](mailto:vincent.babich@dot.gov), Hazardous Materials Division, Office of Enforcement and Compliance, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE, Washington, DC 20590. Office hours are from 9 a.m. to 5 p.m., ET., Monday through Friday, except for Federal holidays.

### Legal Basis and Background

Under 49 United States Code (U.S.C.) 5112, sections (a)(2) and (b), States and Tribal governments are permitted to designate and limit highway routes over which hazardous materials (HM) may be transported, provided the State or Tribal government complies with standards prescribed by the Secretary of Transportation (the Secretary) and meets publication requirements in section 5112(c). To establish standards under section (b), the Secretary must consult with the States, and, under section (c), coordinate with the States to "update and publish periodically" a list of currently effective HM highway routing designations and restrictions. The requirements that States and Tribal governments must follow to establish, maintain, or enforce routing designations for the transport of placardable quantities of NRHMs are set forth in title 49 of the Code of Federal Regulations (CFR) part 397, subpart C. Subpart D of part 397 sets forth the requirements for designating preferred routes for HRCQ/RAM shipments as an alternative, or in addition, to Interstate System highways. For HRCQ/RAM shipments, section 397.101(b)(1) defines a preferred route as an Interstate Highway for which no alternative route is designated by the State, a route specifically designated by the State, or both. (See section 397.65 for the definition of "NRHM" and "routing designations.")

Under a delegation from the Secretary,<sup>1</sup> FMCSA has authority to implement 49 U.S.C. 5112.

Currently, 49 CFR 397.73 establishes public information and reporting requirements for NRHM. States or Tribal governments are required to furnish information regarding any new or changed routes to FMCSA within 60 days after establishment. Under 49 CFR 397.103, a State routing designation for HRCQ/RAM routes (preferred routes) as an alternative, or in addition, to an Interstate System highway, is effective when the authorized routing agency provides FMCSA with written notification, FMCSA acknowledges receipt in writing, and the route is published in FMCSA's National Hazardous Material Route Registry. The Office of Management and Budget has approved these collections of information under control number 2126-0014, Transportation of Hazardous Materials, Highway Routing.

In this notice, FMCSA is merely performing the ministerial function of updating and publishing the NHMRR

<sup>1</sup> 49 CFR 1.87(d)(2).