

The agency believes that the industry will respond to this HOS requirement for property-carrying CMV drivers by employing, over a period of time, an estimated 48,000 fewer property-carrying CMV drivers, compared to the current rules with full compliance. Thus, this final rule will bring about a small decrease in the estimated 4.2 million drivers required to complete and maintain the RODS. This final rule and a supporting statement reflecting this small decrease in burden hours have been submitted to OMB.

You may submit comments on this adjustment in the *information collection burden* directly to OMB. The OMB must receive your comments by July 28, 2003.

You must mail or hand deliver your comments to: Attention: Desk Officer for the Department of Transportation, Docket Library, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, 725 17th Street, NW., Washington, DC 20503.

#### *National Environmental Policy Act*

The FMCSA analyzed the three alternatives in the RIA as required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOT Order 5610.1C. The FMCSA evaluated impacts in terms of the percent change from the *status quo* (No Action Alternative). "Minor" is defined

here as a 0 to 1 percent change from the *status quo* (0 plus/minus 1 percent), while "Moderate" is defined as a plus/minus 10 percent or greater change. Note that the FMCSA measured these impacts as change from the No Action Alternative (*i.e.* not from the Full Compliance Alternative). As shown in Table 25 (Environmental Assessment Table 22), none of the Alternatives would have a significant adverse impact on the human environment and all of the Alternatives would have beneficial impacts in some impact areas. None of the Alternatives stands out as environmentally preferable, when compared to the other Alternatives.

TABLE 25.—COMPARISON OF ALTERNATIVES

Impact area	No action	Full compliance	PATT alternative	ATA alternative	FMCSA alternative
Air Pollutant Emissions from Affected CMVs.	No Change .....	Minor Benefit (0.5 percent decrease).	Moderate Impact (2 percent increase).	Minor Benefit (1 percent decrease).	Minor Impact (0.6 percent increase).
Air Pollutant Emissions from Transportation.	No Change .....	Minor Benefit (0.02 percent decrease).	Moderate Impact (0.09 percent increase).	Minor Benefit (0.01 percent decrease).	Minor Impact (0.03 percent increase).
Land Use .....	No Change .....	Minor Induced Impact (2,350 acres).	Minor Induced Impact (3,408 acres).	No Impact .....	No Impact.
Sensitive Resources ..	No Change .....	Minor Potential Impact.	Minor Potential Impact.	No Impact .....	No Impact.
Noise .....	No Change .....	No Change .....	Minor Impact (unquantifiable).	Minor Benefit (unquantifiable).	Minor Impact (unquantifiable).
Safety .....	No Change .....	Major Benefit (\$443 million per year).	Major Benefit (\$783 million per year).	Major Benefit (\$170 million per year).	Major Benefit (\$671 million per year).
Socioeconomic Effects	No Change .....	Minor Impact (unquantifiable).	Minor Impact (unquantifiable).	Minor Impact (unquantifiable).	Minor Impact (unquantifiable).
Transportation Energy Consumption.	No Change .....	Minor Benefit (less than 0.1 percent decrease).	Minor Impact (0.1 percent increase).	Minor Benefit (0.1 percent decrease).	Minor Impact (0.1 percent increase).
Environmental Justice	No Impact .....	No Impact .....	No Impact .....	No Impact .....	No Impact.

Source: Environmental Assessment for Hours of Service (HOS) Rule, Table 22.

This final rule's environmental assessment and finding of no significant impact (FONSI) are in the docket.

#### *Executive Order 13211 (Energy Supply, Distribution, or Use)*

We have analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. As a part of the environmental assessment, the FMCSA analyzed the three alternatives discussed earlier in this final rule.

The greatest reduction in energy consumption would occur under the

ATA alternative and the greatest increase would occur under the PATT alternative. The FMCSA alternative would increase consumption, but to a lesser degree than the PATT alternative. Energy consumption would decrease under the Full Compliance alternative, but to a lesser degree than the ATA alternative. Table 26 shows that the energy consumption effects of the alternatives would range from a reduction of 1 percent to an increase of 2 percent in energy consumption for the affected CMV operations. Effects on energy consumption by all medium and

heavy-duty trucks would range from a 0.3 percent reduction to a 1.2 percent increase. Effects of the alternatives on energy consumption from all transportation sources would range from a 0.1 percent reduction to a 0.2 percent increase. From a national energy consumption perspective, the PATT alternative has a net increase in energy consumption of about one tenth of one percent. All other alternatives have essentially a zero effect on national energy consumption. The FMCSA does not consider these effects to be significant.

TABLE 26.—NET CHANGE IN ENERGY CONSUMPTION BY CONSUMER BY ALTERNATIVE

Energy consumer	No action alternative	Full compliance baseline	PATT alternative	ATA alternative	FMCSA alternative
Affected CMV Operations .....	0	(0.05 percent) .....	2.0 percent .....	(1.0 percent) .....	0.6 percent.
Medium and Heavy Duty Trucks .....	0	(0.03 percent) .....	1.2 percent .....	(0.6 percent) .....	0.4 percent.
Total Transportation .....	0	(0.01 percent) .....	0.2 percent .....	(0.1 percent) .....	0.1 percent.