

within the meaning of E.O. 12866, and is significant within the meaning of the Department of Transportation's regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034, February 26, 1979) because of significant public interest in the issues relating to CMV safety and training of certain CMV drivers. This proposed rule has been reviewed by the Office of Management and Budget under E.O. 12866.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), an agency is required to evaluate proposed rulemakings to determine the effects of its action upon small entities. FMCSA does not believe that these proposals meet the threshold values for requiring a full-blown regulatory analysis, since the anticipated impact is relatively small. Nonetheless, because of the public interest in these proposals, we have prepared a regulatory analysis and placed a copy in the docket to this IFR. The mandatory topics to be considered in a Regulatory Flexibility Analysis and agency findings are as follows.

(1) A description of the reasons why the action by the Agency is being considered. This action is being considered in response to Congressional direction. Specifically, section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 directed the Secretary of Transportation to promulgate regulations requiring training for LCV drivers.

(2) A succinct statement of the objectives of, and legal basis for, the proposed rule. The objective for this action is to reduce the number of crashes caused by drivers of LCVs. Congress was specifically concerned about the number of LCV crashes caused by inadequate driver training, and believes that better training will reduce these types of crashes. As noted above, the legal basis for this rule is section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991.

(3) A description and, where feasible, an estimate of the number of small entities to which the proposed rule will apply. This action would apply to relatively few small entities that own or operate LCVs, and to drivers that drive LCVs.

(4) A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the types of professional skills necessary for preparation of the report or record. This action would impose a very modest

burden on small entities, since it largely regulates the actions of drivers rather than motor carriers. Nonetheless, this action does impose some reporting and recordkeeping requirements on motor carriers. The primary carrier requirement would be to verify drivers' eligibility before allowing them to operate an LCV. In addition, carriers must maintain in the driver qualification (DQ) file a copy of the required driver-training certificate. Carriers are currently required to maintain a DQ file for each driver, as outlined in Part 391 of the FMCSRs. No special skills are required to verify eligibility to operate an LCV or to place a driver training certificate in a DQ file.

(5) An identification, to the extent practicable, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule. The FMCSA is not aware of any other rules which duplicate, overlap, or conflict with the proposed action.

Accordingly, the FMCSA hereby certifies that the proposed action discussed in this document will not have a significant economic impact on a substantial number of small entities.

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132. It has been determined that this rulemaking does not have a substantial direct effect on States, nor would it limit the policy-making discretion of the States. Nothing in this document preempts any State law or regulation.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. An analysis of this proposal was made by the FMCSA, and it has determined that the final rule, when promulgated, would create a new collection of information requiring OMB's approval. This PRA section addresses the information collection burden for certifying new LCV drivers, as well as the burden

associated with grandfathering, via certification, most current LCV drivers.

The FMCSA estimates that there are 35,000 LCV drivers currently operating, the vast majority of whom would be eligible to be grandfathered under the new training requirements set forth in this NPRM. The agency also estimates that approximately 1,200 new LCV drivers would require training each year. There would be a burden to the motor carrier or other training entity to complete, photocopy, and file the certification form. FMCSA estimates this will take 10 minutes, resulting in an annual burden of 200 hours [1,200 drivers × 10 minutes per motor carrier/training entity, divided by 60 minutes = 200].

For grandfathering the current 35,000 drivers, there would be a one-time burden, since drivers could only be grandfathered during the first year after the rule becomes effective. There are two parts to the burden for these 35,000 drivers: the burden for the driver to collect and provide the information to the motor carrier and the burden for the motor carrier to review the documents, complete, duplicate, and file the certification form. FMCSA estimates that it would take approximately 15 minutes for a driver to collect the necessary information and provide the document to the motor carrier, and 15 minutes for the motor carrier to review the information, complete the certification, and duplicate and file the document. Therefore, the burden associated with grandfathering the 35,000 drivers would be 17,500 burden hours [(35,000 × 15 minutes per driver, divided by 60 minutes = 8,750) + (35,000 × 15 minutes per motor carrier, divided by 60 minutes = 8,750) = 17,500].

The first-year burden associated with this rule, when promulgated, is 17,700 burden hours [200 + 17,500]. After the first year, the burden would drop to 200 burden hours per year.

Interested parties are invited to send comments regarding any aspect of these information collection requirements, including, but not limited to: (1) Whether the collection of information is necessary for the performance of the functions of the FMCSA, including whether the information has practical utility, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the collected information, and (4) ways to minimize the collection burden without reducing the quality of the information collected.

National Environmental Policy Act

The FMCSA is a new administration within the Department of