

(annual burden) + 35,537 (first year burden of 5,077 + 30,460)].

Activity	Burden Hours
Annual Certification form for new entry level drivers	10,153
Certification form for drivers <i>not</i> eligible to be grandfathered (following training) (first year only)	5,077
Grandfathering certificate for those eligible (first year only) Total	30,460 45,690

The information collection burden for subsequent years would drop to 10,153 hours [45,690 – 35,537 (first year only burden hours)].

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.

You may submit comments on this *information collection burden* directly to OMB. The OMB must receive your comments by October 14, 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.

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations)

The agency evaluated the environmental effects of the proposed action and alternatives in accordance with Executive Order 12898 and determined that there were no environmental justice issues associated with this proposed rule. Environmental justice issues would be raised if there were a “disproportionate” and “high and adverse impact” on minority or low-income populations. The agency determined that there were no high and adverse impacts associated with the proposal. In addition, the agency analyzed the demographic makeup of the trucking industry, potentially affected, and determined that there was

no disproportionate impact on minority or low-income populations. This is based on the finding that low-income and minority populations are generally underrepresented in the trucking occupation.

Executive Order 13045 (Protection of Children)

Executive Order 13045, “Protection of Children from Environmental Health Risks and Safety Risks” (April 23, 1997, 62 FR 19885), requires that agencies issuing “economically significant” rules that also concern an environmental health or safety risk, or that an agency has reason to believe may disproportionately affect children, must include an evaluation of these effects on children. Section 5 of Executive Order 13045 directs an agency to submit for a “covered regulatory action” an evaluation of its environmental health or safety effects on children.

The agency evaluated the possible effects of the proposed action and determined that they would not create disproportionate environmental health risks or safety risks to children.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 12630 (Taking of Private Property)

This rule will not effect a taking of private property or otherwise have taking implications under E. O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number of 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.

National Environmental Policy Act

The agency has analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have an adverse effect on the quality of the environment.

List of Subjects in 49 CFR Part 380

Driver Training, instructor requirements.

In consideration of the foregoing, the FMCSA hereby proposes to amend title 49, Code of Federal Regulations, chapter III, subchapter B, part 380 as set forth below:

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

Authority: 49 U.S.C. 31136, 31307, and 31502; and Sec. 4007(b) of Pub. L. 102–240 (105 Stat. 2152); and 49 CFR 1.73.

2. Part 380 is revised by adding a new subpart E to read as follows.

PART 380—SPECIAL TRAINING REQUIREMENTS

Subpart E—Entry-Level Driver Training Requirements

Sec.	
380.501	Applicability.
380.502	Definitions.
380.503	Entry-level driver training requirements.
380.505	Substitute for driver training.
380.507	Proof of training.
380.509	Driver responsibilities.
380.511	Employer responsibilities.
380.513	Employer recordkeeping responsibilities.
380.515	Required information on the training certificate.

Subpart E—Entry-Level Driver Training Requirements

§ 380.501 Applicability.

All entry-level drivers who drive in interstate commerce and are subject to the CDL requirements of part 383 of this subchapter must comply with the rules of this subpart, except drivers who are subject to the jurisdiction of the Federal Transit Administration.

§ 380.502 Definitions.

(a) The definitions in part 383 of this subchapter apply to this part, except where otherwise specifically noted.

(b) As used in this subpart:

Entry-level driver is a driver with less than 2 years experience operating a CMV with a CDL.

Entry-level driver training is training the CDL driver receives in driver qualification requirements, hours of service of drivers, driver wellness, and whistle blower protection as appropriate to the entry-level driver's current position in addition to passing the CDL test.

§ 380.503 Entry-level driver training requirements.

Entry-level driver training must include instruction addressing the following four areas:

(1) Driver qualification requirements: The federal rules on medical