

believes that an important safety factor is that these drivers be capable of operating commercial vehicles that have the steering wheel on the left side of the vehicle. Commercial vehicles manufactured in Japan are equipped with steering wheels that are operated from the right side of the vehicle. Mr. Millard stated that the need to train and qualify these drivers in left-side steering maneuvers should be emphasized, since the vehicles being driven could cause a great deal of damage to the public and to private property if involved in an accident. Mr. Millard further stated that Isuzu could hire experienced U.S. drivers to operate its test vehicles, or take the necessary measures to train the Japanese drivers to obtain a CDL issued in the U.S.

#### FMCSA Response to Comments

Although the commenter opposed granting the exemption, the FMCSA believes that granting the exemption to Isuzu would achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved by complying with the FMCSRs.

The FMCSA believes the drivers for Isuzu have the knowledge and skills necessary to safely operate CMVs in the U.S. The FMCSA determined that the Japanese CDLs are comparable to the CDLs that are issued from the various State licensing agencies in the U.S. CMV drivers in both Japan and the U.S. are given extensive and comprehensive knowledge and skills tests and must be medically qualified before a commercial license is issued. There is no data to suggest that a driver's ability to control and maneuver a vehicle in traffic would be contingent upon the placement of the steering wheel in the vehicle. These drivers have demonstrated that they can safely operate a CMV with the steering wheel on the right-side of the vehicle and there is no data to indicate they would be less safe operating CMVs with the steering wheel on the left-side of the vehicle. Alternatively, drivers of certain types of refuse trucks operated in residential neighborhoods in the U.S. drive vehicles with dual steering wheels to enable them to steer from either the left- or the right-side to expedite the collection of garbage. There has been no indication that U.S. drivers are less safe when they operate refuse trucks from the right-side driving position versus the left-side.

#### Basis for FMCSA's Determination

The agency has determined that it is in the public's interest to grant these exemptions because the drivers are over the age of 21 years, hold currently valid Japanese CDLs that allow them to drive

such vehicles in their home country, and have passed medical examinations that are compatible with the agency's medical standards. The exemptions are likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemptions because the drivers will meet all applicable FMCSRs, except for having a State-issued CDL. Drivers, who meet license testing and driver qualification standards, including medical examinations that are compatible with U.S. standards and have behind-the-wheel experience operating these vehicles, will operate the vehicles.

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the agency to renew exemptions at the end of the 2-year period. Accordingly, the FMCSA has evaluated the exemption request on its merit, and made a determination to grant the exemption to all of the drivers.

#### Terms and Conditions for the Exemption

After considering the comments to the docket and based upon its evaluation of the application for an exemption, the FMCSA grants Isuzu an exemption from the Federal commercial driver's license requirement in 49 CFR 383.23 for 31 drivers—Shintaro Moroi, Shigeru Takamatsu, Norio Takeda, Takeshi Yamagishi, Satoru Amemiya, Toshiya Asari, Yasunori Fujita, Shiro Fukuda, Tetsuya Hiromatsu, Kazunori Ligo, Masao Inoue, Akihuro Kashiwakura, Kinya Kitamura, Tsuyoshi Koyama, Takao Kudo, Wataru Kumakura, Yoshihiko Matsubara, Nobuyuki Miyazaki, Ryo Natsume, Motoki Nishi, Takuo Nishi, Fumio Oota, Masuru Otsu, Toshimitsu Sato, Kazuyoshi Shimamura, Masahito Suzuki, Yasuhito Tahara, Hiroyoshi Takahashi, Takashi Tanabe, Takehito Yaguchi, and Tsutomu Yamazaki—to test-drive CMVs within the United States, subject to the following terms and conditions: (1) That these drivers will be subject to drug and alcohol testing, (2) that these drivers are subject to the same driver disqualification rules under 49 CFR 383 and 391 that apply to other CMV drivers in the U.S., (3) that these drivers keep a copy of the exemption on the vehicle at all times, (4) that Isuzu notify FMCSA in writing of any accident involvement by a driver as defined in 49 CFR 390.5 and, (5) that Isuzu notify FMCSA in writing if any driver is convicted of

disqualification offenses in §§ 383.51 or 391.15 of the FMCSRs.

In accordance with 49 U.S.C. 31315 and 31136(e), the exemption will be valid for 2 years unless revoked earlier by the FMCSA. The exemption will be revoked if: (1) the drivers for Isuzu fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136.

Issued on: October 10, 2003.

**Pamela M. Pelcovits,**

*Office Director, Policy, Plans, and Regulation.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2003-16162]

### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (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.

This document describes an existing collection of information for Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child restraint systems," for which NHTSA intends to seek OMB approval.

**DATES:** You should submit your comments early enough to ensure that Docket Management receives them not later than December 15, 2003.

**ADDRESSES:** You may submit comments [identified by DOT DMS Docket Number NHTSA-2003-16162] by any of the following methods:

- Web site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.