

5-23-89

Vol. 54

No. 98

federal register

Tuesday
May 23, 1989

COMMERCIAL DRIVER'S LICENSE RECIPROCITY
WITH CANADA

Notice and Technical Amendment to Part 383

United States
Government
Printing Office

SUPERINTENDENT
OF DOCUMENTS
Washington DC 20402

OFFICIAL BUSINESS
Penalty for private use \$300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(SSN 0097-6326)

project and hereby rescinds the previous Notice of Intent. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: May 12, 1989.

Robert L. Lee,

District Engineer, Raleigh, North Carolina.

[FR Doc. 89-12342 Filed 5-22-89; 8:45 am]

BILLING CODE 4910-22-M

Commercial Driver's License Reciprocity With Canada

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Federal Highway Administrator has determined that commercial drivers' licenses issued by Canadian jurisdictions under the Canadian National Safety Code meet the commercial driver testing and licensing standards contained in 49 CFR Part 383. Accordingly, a commercial driver's license issued by a Canadian jurisdiction in conformity with the Canadian National Safety Code will be considered to be the single commercial driver's license for operation in the United States by Canadian drivers. Also, a Canadian driver holding a commercial driver's license issued under the Canadian National Safety Code will be prohibited from obtaining any driver's license from a State or other licensing jurisdiction of the United States.

DATE: The enabling agreement between the Governments of Canada and the United States took effect on December 29, 1988.

FOR FURTHER INFORMATION CONTACT:

Ms. Jill L. Hochman, Office of Motor Carrier Standards, (202)366-4001, or Mr. Paul L. Brennan, Office of Chief Counsel, (202)366-1350, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The Federal Highway Administrator (Administrator) has authority under 49 CFR Part 383 to determine the compatibility of the commercial driver testing and licensing standards of jurisdictions of foreign countries (foreign jurisdictions) with those of the United States. Specifically, § 383.23(b) requires that a commercial motor vehicle (CMV)

operator who is domiciled in a foreign jurisdiction which, as determined by the Administrator, does not test drivers and issue a commercial driver's license (CDL) in accordance with, or similar to, the standards in Subparts F, G, and H of Part 383, obtains a Nonresident CDL from a State which does comply with those standards. Section 383.73(e) likewise allows a State to issue a Nonresident CDL to a person domiciled in a foreign country if the Administrator has determined that the CMV testing and licensing standards in the foreign jurisdiction of domicile do not meet the standards contained in Part 383.

On the basis of an examination of the Canadian classified license system and related implementing regulations, as set forth in the Canadian National Safety Code, the Administrator has determined that Canadian provinces and territories in conformance with the Canadian National Safety Code do, indeed, test drivers and issue a CDL in accordance with, or similar to, the standards contained in Subparts F, G, and H of Part 383. Also, the Administrator has determined that the CMV testing and licensing standards in the Canadian jurisdictions in conformance with the Canadian National Safety Code meet the standards contained in Part 383.

Therefore, CDLs issued by Canadian jurisdictions in conformance with the licensing standards established in the Canadian National Safety Code will be honored in the United States. Canadian drivers will not be required to obtain a Nonresident CDL in order to operate commercial vehicles in this country. Moreover, to ensure the single license concept, Canadian drivers holding a commercial driver's license issued by a Canadian jurisdiction will be prohibited from obtaining a driver's license, commercial or noncommercial, from a State or other licensing jurisdiction of the United States. Appendix A contains the text of the Administrator's determination, as made in a letter to the Canadian Government on December 23, 1988.

By letter of December 29, 1988, the Canadian Government has made an analogous determination with respect to 49 CFR 383, and thus, once implementation at the State level is complete, is extending similar reciprocity to CDLs issued by the States in conformity with the United States standards. The complete letter from the Canadian Government appears as Appendix B. Taken together, Appendices A and B constitute an understanding between the United States and Canada relating to the reciprocal recognition of CDLs.

The FHWA is continuing its review of the commercial driver testing and licensing standards of other foreign jurisdictions. Until this review is complete, or until April 1, 1992, whichever is earlier, the foreign license or other license issued by a State in keeping with State requirements, can continue to be accepted as the single license while the operator drives a CMV in the United States.

The substance of this notice is incorporated as a footnote in the regulatory text of 49 CFR Part 383 by means of a technical amendment published in today's Federal Register, entitled "Commercial Driver Testing and Licensing Standards."

Issued on May 16, 1989.

R.D. Morgan,

Executive Director.

Appendix A—Letter of December 23, 1988, from the Administrator to the Government of Canada

Mr. Leonard H. Legault,
Minister (Economic) and Deputy Head of
Mission, Embassy of Canada, 1748
Massachusetts Avenue, NW.,
Washington, DC 20036-1985

Dear Mr. Legault: I have the honor to refer to discussions among representatives of our Governments relating to the Commercial Motor Vehicle Safety Act of 1986 (Title XII) of Public Law 99-570, which requires the United States Department of Transportation to issue minimum testing and licensing standards to ensure the competence of commercial motor vehicle operators. To comply with the Act, the Federal Highway Administration recently completed a rulemaking (49 C.F.R. Part 383) that establishes a classified license system for commercial motor vehicles; details the knowledge, skills, and abilities that drivers of different types of commercial vehicles must possess; and outlines licensing and testing procedures. The states will issue commercial driver's licenses in accordance with the Federal standards.

The commercial driver's license regulations require the Federal Highway Administrator to make a determination as to whether the commercial vehicle operator testing and licensing standards of foreign jurisdictions meet the United States requirements. When the Administrator determines that the standards of a foreign jurisdiction do not meet those of the United States, a foreign driver will be required to obtain a nonresident commercial driver's license in order to operate a commercial vehicle in the United States.

We have completed our examination of the Canadian classified license system and related implementing regulations, as set forth in the Canadian National Safety Code, and have determined that they are equivalent to those of the United States. Accordingly, commercial driver's licenses issued by Canadian jurisdictions in conformance with the licensing standards established in the

Canadian National Safety Code will be honored in the United States. Canadian drivers will not be required to obtain a nonresident commercial driver's license in order to operate commercial vehicles in this country. Moreover, to ensure the single license concept, Canadian drivers holding a commercial driver's license issued by a Canadian jurisdiction will be prohibited from obtaining a driver's license, commercial or noncommercial, from a state or other licensing jurisdiction of the United States.

I propose that, if the foregoing is acceptable to the Government of Canada, this letter and your confirmatory reply constitute an understanding between our Governments. The agreement will be effective upon receipt of your reply. I look forward to a continued cooperative relationship with Canada concerning the compatibility of Canadian and United States commercial driver information systems, as well as all other aspects of commercial motor vehicle safety.

Sincerely yours,

(signed)

Robert E. Farris,

Federal Highway Administrator.

Appendix B—Letter of December 29, 1988, From the Government of Canada to the Administrator

Mr. Robert E. Farris,

Federal Highway Administrator,
U.S. Department of Transportation,
Washington, DC 20590

Dear Mr. Farris: I refer to your letter dated December 23, 1988 concerning discussion among representatives of our two Governments relating to the United States' implementation of the licensing provisions of the Commercial Motor Vehicle Safety Act of 1986. After consultation among the appropriate Canadian provincial, territorial and federal authorities, I wish to confirm that the Canadian authorities welcome your extension of reciprocity to Canadian commercial drivers' licenses issued by the provinces and territories in accordance with the Canadian National Safety Code.

It is our understanding that implementation by U.S. states of the classified license system established by the recently completed Federal Highway Administration regulations will be phased in over the next several years, with driver coverage not required until April 1, 1992. During this implementation period, the Canadian jurisdictions will continue to accept drivers' licenses issued by the individual states of the United States.

Following examination of the classified license regulations issued by your agency, the appropriate Canadian authorities have determined that the standards set forth in those regulations are equivalent to those of the Canadian National Safety Code. Accordingly, once implementation at the state level is complete, the Canadian jurisdictions will extend full reciprocity to commercial drivers' licenses issued by the states in conformity with U.S. standards. Consistent with the single license concept, American drivers holding a commercial driver's license issued by a U.S. state will be prohibited from obtaining a driver's license, commercial or non-commercial, from a Canadian licensing jurisdiction.

I have the honour to confirm that your letter and this reply constitute an understanding between our two Governments relating to the reciprocal recognition of commercial drivers' licenses. This understanding shall be effective as of the date of this reply.

My authorities share your commitment to commercial vehicle safety. The Government of Canada looks forward to further exchanges of information and continued cooperation in working towards greater compatibility in our respective approaches to transportation regulatory matters.

Yours sincerely,

(signed)

L.H. Logault

Minister (Economic) and Deputy Head of Mission.

[FR Doc. 89-12258 Filed 5-22-89; 8:45 am]

MAILING CODE 4914-22-0

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(b) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (203C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 720 Jackson Place, NW., Washington, DC 20503, (202) 395-7318.

DATE: Comments on the information collection should be directed to the

OMB Desk Officer on or before June 22, 1989.

Dated: May 15, 1989.

By direction of the Secretary,

Frank E. Lally,

Director, Office of Information Management and Statistics.

Extension

1. Veterans Benefits Administration
2. Supplement to VA Forms 21-526, 21-534, and 21-635 (For Philippine Claims).
3. VA Form 21-4189.
4. Disability Compensation, Veterans' Pension, Veterans' Benefits 38 USC 101 and 3504 requires the VA to ascertain from certain applicants service information, place of residence, and evidence held by applicant, to prove service and whether individual was a member of pro-Japanese, pro-German or anti American-Filipino organizations.
5. On occasion.
6. Individuals or households.
7. 1,000 responses.
8. 1 hour.
9. Not applicable.

Extension

1. Veterans Benefits Administration
2. Request to Lender for Information RE: Status of Loan—Veteran Applied for Subsequent Loan.
3. VA Form Letter 28-247.
4. Completed by holders of guaranteed home loans. Essential to VA in processing of requests for restoration of entitlement based on payments in full of previous loan or substitution of entitlement.
5. On occasion.
6. Businesses or other for-profit.
7. 66,100 responses.
8. ½ hour.
9. Not applicable.

[FR Doc. 89-12223 Filed 5-22-89; 8:46 am]

MAILING CODE 4914-22-0

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if

of a program, the railroad shall implement its approved random testing program not later than the expiration of 60 days from approval by the Administrator or by the pertinent date set forth in this paragraph, whichever is later.

5. Section 219.701 is amended by revising paragraph (a) to read as follows:

§ 219.701 Standards for urine drug testing.

(a) On and after October 2, 1989, the conduct of urine drug testing under Subparts D, F, and G of this part shall be governed by this subpart and Part 40 of Subtitle A of this title. Laboratories employed for these purposes must be certified by the Department of Health and Human Services under that Department's Mandatory Guidelines for Federal Workplace Drug Testing Programs.

6. Section 219.711 is amended by revising paragraph (c)(1) to read as follows:

§ 219.711 Confidentiality of test results.

(c)(1) Effective October 2, 1989, results of post-accident toxicological testing under Subpart C of this part are reported to the railroad's Medical Review Officer, and the railroad shall treat the test results as subject to paragraph (b) of this section, except where publicly disclosed by FRA or the National Transportation Safety Board.

Issued in Washington, DC, on May 18, 1989.

Susan M. Coughlin,
Acting Administrator.

[FR Doc. 89-12490 Filed 5-19-89; 4:58 pm]
BILLING CODE 4910-22-0

Federal Highway Administration

49 CFR Part 383

RIN 2125-AC33

Commercial Driver Testing and Licensing Standards, Canadian Provinces and Territories

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Final rule; technical amendment.

SUMMARY: This technical amendment inserts into regulatory text the Federal Highway Administrator's determination that commercial drivers' licenses issued by Canadian jurisdictions under the Canadian National Safety Code meet the commercial driver testing and

licensing standards contained in 49 CFR Part 383. Accordingly, a commercial driver's license issued by a Canadian jurisdiction in conformity with the Canadian National Safety Code will be considered to be the single commercial driver's license for operation in the United States by Canadian drivers. Also, a Canadian driver will be prohibited from obtaining any driver's license from a State or other licensing jurisdiction of the United States.

EFFECTIVE DATE: December 29, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Jill L. Hochman, Office of Motor Carrier Standards, (202) 368-4071, or Mr. Paul L. Brennan, Office of Chief Counsel, (202) 368-1350, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The Notice entitled "Commercial Driver's License Reciprocity With Canada," published elsewhere in today's Federal Register, provides detailed background information on the agreement between the United States and Canada and on the Federal Highway Administrator's determination as codified herein.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The amendment in this document is primarily technical in nature and is needed solely to update the regulations to include an enabling agreement between the government of Canada and the United States. For these reasons and since this rule imposes no additional burdens on the States or other Federal agencies, the FHWA finds good cause to make this regulation final without prior notice and opportunity for comments and without a 30-day delay in effective date under the Administrative Procedure Act. For the same reasons, notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Accordingly, this final rule is effective as of December 29, 1988.

Since the changes in this document are primarily technical in nature, the anticipated economic impact, if any, is minimal. Therefore, a full regulatory evaluation is not required. For the above reasons and under the criteria of the Regulatory Flexibility Act, the FHWA certifies that this final rule will not have

significant economic impact on a substantial number of small entities.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 383

Commercial driver's license documents, Commercial motor vehicles, Highways and roads, Motor carriers licensing and testing procedures, and Motor vehicle safety.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: May 18, 1989.

R.D. Morgan,
Executive Director.

In consideration of the foregoing, the FHWA hereby amends Title 49, Code of Federal Regulations, Chapter III, Subchapter B, as set forth below.

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES [AMENDED]

1. The authority citation for 49 CFR Part 383 continues to read as follows:

Authority: Title XII of Pub. L. 99-570, 100 Stat. 3207-170; 49 U.S.C. 3102; 49 U.S.C. App. 2506; 49 CFR 1.48.

2. Section 383.23 is amended by adding a footnote to the end of paragraph (b) to read as follows:

§ 383.23 Commercial driver's license.

(b) Exception. . . .¹

[FR Doc. 89-12259 Filed 5-22-89; 8:45 am]
BILLING CODE 4910-22-0

¹ Effective December 29, 1988, the Administrator determined that commercial drivers' licenses issued by Canadian Provinces and Territories in conformity with the Canadian National Safety Code are in accordance with the standards of this part. Therefore, under the single license provision of § 383.21, a driver holding a commercial driver's license issued under the Canadian National Safety Code is prohibited from obtaining a Nonresident CDL or any other type of driver's license from a State or other jurisdiction in the United States.