

CFR 390.5 and as well as in section 390.5T while in effect).

Background

Title 49 of the Code of Federal Regulations, section 390.15(b), requires motor carriers to make certain specified records and information pertaining to CMV accidents available to an authorized representative or special agent of the FMCSA upon request or as part of an inquiry. Motor carriers are required to maintain an “accident register” consisting of information concerning all “accidents” involving their CMVs (49 CFR 390.15(b)(see “Definition: Accident,” above). The following information must be recorded for each accident: Date, location, driver name, number of injuries, number of fatalities, and whether certain dangerous hazardous materials were released. In addition, the motor carrier must maintain copies of all accident reports required by insurers or governmental entities. Motor carriers must maintain this information for three years after the date of the accident. Section 390.15 does not require motor carriers to submit any information or records to FMCSA or any other party.

This ICR supports the DOT strategic goal of safety. By requiring motor carriers to gather and record information concerning CMV accidents, FMCSA is strengthening its ability to assess the safety performance of motor carriers. This information is a valuable resource in Agency initiatives to prevent, and reduce the severity of, CMV crashes.

The Agency increases its burden estimate from 26,700 to 36,157 hours. The regulatory requirement has not changed for accident recordkeeping. The increase is due to two revised estimates: (1) The population of motor carriers subject to the regulation, from 520,000 to 886,122, and (2) the number of reportable accidents, from 89,000 to 120,522. The Agency has amended the population of motor carriers to include the accident recordkeeping burden of intrastate motor carriers. In past estimates, the Agency had taken the position that the accident recordkeeping of intrastate carriers occurred as a result of State law. However, the OMB has directed FMCSA to include such intrastate activities in its IC estimates, so we do so in this burden estimate statement for the first time. The Agency estimates that 886,122 motor carriers are subject to accident register requirements (508,367 interstate and 377,755 intrastate motor carriers). The Agency further estimates that the number of accidents that must be reported by intrastate or interstate motor carriers is 120,522.

The Agency received no comments to the 60-day **Federal Register** notice published on March 22, 2017 (82 FR 14793).

Public Comments Invited

FMCSA requests that you comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its functions, (2) the accuracy of the estimated burden, (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information, and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: June 28, 2017.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-28043]

Hours of Service (HOS) of Drivers; American Pyrotechnics Assn. (APA) Application for Exemption From the 14-Hour Rule; Request To Add New Member to Current APA Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant an exemption to the American Pyrotechnics Association’s (APA) new member-company, Pyro Shows of Alabama, Inc., from the prohibition on driving commercial motor vehicles (CMVs) after the 14th hour after the driver comes on duty. During the 2016 Independence Day period 51 APA members held such an exemption, effective during the period June 28 through July 8 each year through 2020. APA advised FMCSA of the discontinuance of the exemption for one carrier; with the addition of the new member the total remains at 51. The exemption granted to Pyro Shows of Alabama, Inc. will terminate at the same time as the other 50 exempted carriers. FMCSA has determined that the terms and conditions of the exemption ensure a level of safety equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: These exemptions from 49 CFR 395.3(a)(2) are effective from June 28

through July 8, at 11:59 p.m. local time, each year through 2020.

ADDRESSES:

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov at any time or visit Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614-942-6477. Email: MCPSD@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to www.regulations.gov and insert the docket number, “FMCSA-2007-28043” in the “Keyword” box and click “Search.” Next, click “Open Docket Folder” button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR

381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

APA Application for Exemption

The HOS rule in 49 CFR 395.3(a)(2) prohibits the driver of a property-carrying CMV from driving a commercial motor vehicle (CMV) after the 14th hour after coming on duty following 10 consecutive hours off duty. The APA, a trade association representing the domestic fireworks industry, was granted exemptions for 51 member companies through the annual Independence Day periods ending on July 8, 2020 [81 FR 43701, July 5, 2016]. APA has requested an additional exemption for Pyro Shows of Alabama Inc. (USDOT 2859710) and the discontinuance of an exemption for Pyrotechnico, LLC, also known as Wild Dragon Fireworks (USDOT 548303), maintaining the total at 51. Like the other carriers currently operating under the exemption, Pyro Shows of Alabama's exemption will also expire on July 8, 2020. Although this is less than the 5-year exemption period authorized by 49 U.S.C. 31315(b)(2), as amended by section 5206(a)(3) of the FAST Act, FMCSA believes that the interests of the APA members and the Agency would best be served by harmonizing, as far as possible, the expiration dates of all such fireworks-related exemptions. Like the other 50 member-companies, this additional member company would be subject to all of the terms and conditions of the exemption.

The initial APA application for relief from the 14-hour rule was submitted in 2004; a copy is in the docket. That application fully described the nature of

the pyrotechnic operations of the CMV drivers during a typical Independence Day period.

As stated in the 2004 request, the CMV drivers employed by APA member companies are trained pyro-technicians who hold commercial driver's licenses (CDLs) with hazardous materials (HM) endorsements. They transport fireworks and related equipment by CMVs on a very demanding schedule during a brief Independence Day period, often to remote locations. After they arrive, the drivers are responsible for set-up and staging of the fireworks shows.

The APA states that it is seeking an additional exemption for Pyro Shows of Alabama, Inc. because compliance with the current 14-hour rule in 49 CFR 395.3(a)(2) would impose a substantial economic hardship on numerous cities, towns and municipalities, as well as its member companies. To meet the demand for fireworks without the exemptions, APA states that its member companies would be required to hire a second driver for most trips. The APA advises that the result would be a substantial increase in the cost of the fireworks shows—beyond the means of many of its members' customers—and that many Americans would be denied this important component of the celebration of Independence Day. The 50 APA member companies currently exempt (as well as Pyro Shows of Alabama, seeking an exemption for the first time) are listed in an appendix to this notice. Pyro Shows of Alabama is identified with an asterisk. A copy of the request for the exemption is included in the docket referenced at the beginning of this notice.

Method To Ensure an Equivalent or Greater Level of Safety

The APA believes that the exemption would not adversely affect the safety of the fireworks transportation provided by this motor carrier. According to APA, its member-companies have operated under this exemption for 10 previous Independence Day periods without a reported motor carrier safety incident. Moreover, it asserts, without the extra time provided by the exemption, safety would decline because APA drivers would be unable to return to their home base after each show. They would be forced to park the CMVs carrying HM 1.1G, 1.3G and 1.4G products in areas less secure than the motor carrier's home base. As a condition of holding the exemption, each motor carrier will be required to notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5) involving the operation of any its CMVs while under this exemption. To date, FMCSA has

received no accident notifications, nor is the Agency aware of any accidents reportable under terms of the prior APA exemptions.

In its exemption request, APA asserts that the operational demands of this unique industry minimize the risks of CMV crashes. In the last few days before July 4, these drivers transport fireworks over relatively short routes from distribution points to the site of the fireworks display, and normally do so in the early morning when traffic is light. At the site, they spend considerable time installing, wiring, and safety-checking the fireworks displays, followed by several hours off duty in the late afternoon and early evening prior to the event. During this time, the drivers are able to rest and nap, thereby reducing or eliminating the fatigue accumulated during the day. Before beginning another duty day, these drivers must take 10 consecutive hours off duty, the same as other CMV drivers.

Public Comments

On May 15, 2017, FMCSA published notice of this application and requested public comments (82 FR 22375). One comment was submitted by an individual who objected to the exemption, stating "Thank you. I am dead set against this especially with one of the last lines of this article, stating it would mean having to hire 2 drivers. Point being? Hire a second driver and quit it."

FMCSA Response

FMCSA has determined that granting an exemption to Pyro Shows of Alabama, Inc. will achieve a level of safety equivalent to or greater than the level that compliance with the 14-hour rule would ensure. Prior to publishing the **Federal Register** notice announcing the receipt of APA's application to add Pyro Shows of Alabama to the current list of carriers operating under the exemption, FMCSA ensured that the motor carrier possessed an active USDOT registration, minimum required levels of insurance, and was not subject to any "imminent hazard" or other out-of-service (OOS) orders. The Agency conducted a comprehensive investigation of the safety performance history on each of the motor carriers listed in the appendix table during the review process. As part of this process, FMCSA reviewed its Motor Carrier Management Information System safety records, including inspection and accident reports submitted to FMCSA by State agencies.

With regard to safety statistics, none of the carriers, including Pyro Shows of Alabama, was under an imminent

hazard or OOS order, had any alerts in the Safety Management System (SMS), or was under investigation by the Pipeline and Hazardous Materials Safety Administration. All had “satisfactory” safety ratings based on compliance reviews, and all had valid Hazardous Materials Safety Permits.

Terms and Conditions of the Exemption Period of the Exemption

The exemption from 49 CFR 395.3(a)(2) is effective from June 28 through July 8, at 11:59 p.m. local time, each year through 2020 for the 51 carriers identified in this notice.

Terms and Conditions of the Exemption

The exemptions from 49 CFR 395.3(a)(2) will be limited to drivers employed by the 50 motor carriers already covered by the exemption, and drivers employed by Pyro Shows of Alabama, which is identified by an asterisk in the appendix table of this notice. Section 395.3(a)(2) prohibits a driver from driving a CMV after the 14th hour after coming on duty and does not permit off-duty periods to extend the 14-hour limit. Drivers covered by this exemption may exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour limit. This exemption is contingent on each driver driving no more than 11 hours in the 14-hour period after coming on duty, as extended by any off-duty or sleeper-berth time in accordance with this exception. The exemption is further contingent on each driver having a full 10 consecutive hours off duty following 14 hours on duty prior to beginning a

new driving period. The carriers and drivers must comply with all other requirements of the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399) and Hazardous Materials Regulations (49 CFR parts 105–180).

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

FMCSA Notification

Exempt motor carriers are required to notify FMCSA within 5 business days of any accidents (as defined by 49 CFR 390.5) involving the operation of any of their CMVs while under this exemption. The notification must be by email to *MCPSP@DOT.GOV* and include the following information:

- a. Name of the Exemption: “APA”
- b. Date of the accident,
- c. City or town, and State, in which the accident occurred, or which is closest to the scene of the accident,
- d. Driver’s name and driver’s license State, number, and class,
- e. Co-Driver’s name and driver’s license State, number, and class,
- f. Vehicle company number and power unit license plate State and number,

g. Number of individuals suffering physical injury,

h. Number of fatalities,

i. The police-reported cause of the accident,

j. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations, and

k. The total driving time and the total on-duty time of the CMV driver at the time of the accident.

In addition, if there are any injuries or fatalities, the carrier must forward the police accident report to *MCPSP@DOT.GOV* as soon as available.

Termination

The FMCSA does not believe the motor carriers and drivers covered by this exemption will experience any deterioration of their safety record.

However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA will immediately revoke the exemption for failure to comply with its terms and conditions. Exempt motor carriers and drivers would be subject to FMCSA monitoring while operating under this exemption.

Issued on: June 29, 2017.

Randi F. Hutchinson,
Chief Counsel.

Appendix to Notice of Application for Approval of Motor Carriers To Utilize American Pyrotechnics Association’s (APA) Exemption From the 14-Hour Rule During 2017 Independence Day Celebrations

Motor carrier	Street address	City, state, zip code	DOT No.
1 American Fireworks Company	7041 Darrow Road	Hudson, OH 44236	103972
2 American Fireworks Display, LLC	P.O. Box 980	Oxford, NY 13830	2115608
3 AM Pyrotechnics, LLC	2429 East 535th Rd	Buffalo, MO 65622	1034961
4 Arthur Rozzi Pyrotechnics	6607 Red Hawk Ct	Maineville, OH 45039	2008107
5 Atlas PyroVision Entertainment Group, Inc	136 Old Sharon Rd	Jaffrey, NH 03452	789777
6 Central States Fireworks, Inc	18034 Kincaid Street	Athens, IL 62613	1022659
7 East Coast Pyrotechnics, Inc	4652 Catawba River Rd	Catawba, SC 29704	545033
8 Entertainment Fireworks, Inc	13313 Reeder Road SW	Tenino, WA 98589	680942
9 Falcon Fireworks	3411 Courthouse Road	Guyton, GA 31312	1037954
10 Fireworks & Stage FX America	12650 Hwy 67S, Suite B	Lakeside, CA 92040	908304
11 Fireworks by Grucci, Inc	20 Pinehurst Drive	Bellport, NY 11713	324490
12 Flashing Thunder Fireworks dba Legal Aluminum King Mtg.	700 E Van Buren Street	Mitchell, IA 50461	420413
13 J&J Computing dba Fireworks Extravaganza	174 Route 17 North	Rochelle Park, NJ 07662	2064141
14 Gateway Fireworks Displays	P.O. Box 39327	St Louis, MO 63139	1325301
15 Great Lakes Fireworks	24805 Marine	Eastpointe, MI 48021	1011216
16 Hamburg Fireworks Display, Inc	2240 Horns Mill Road SE	Lancaster, OH	395079
17 Hawaii Explosives & Pyrotechnics, Inc	17–7850 N. Kulani Road	Mountain View, HI 96771	1375918
18 Hollywood Pyrotechnics, Inc	1567 Antler Point	Eagan, MN 55122	1061068
19 Homeland Fireworks, Inc	P.O. Box 7	Jamieson, OR 97909	1377525
20 Island Fireworks Co., Inc	N1597 County Rd VV	Hager City, WI 54014	414583
21 J&M Displays, Inc	18064 170th Ave	Yarmouth, IA 52660	377461
22 Lantis Fireworks, Inc	130 Sodrac Dr., Box 229	N. Sioux City, SD 57049	534052
23 Legion Fireworks Co., Inc	10 Legion Lane	Wappingers Falls, NY 12590	554391
24 Miand Inc. dba Planet Productions (Mad Bomber)	P.O. Box 294, 3999 Hupp Road R31.	Kingsbury, IN 46345	777176

Motor carrier	Street address	City, state, zip code	DOT No.
25 Martin & Ware Inc. dba Pyro City Maine & Central Maine Pyrotechnics.	P.P. Box 322	Hallowell, ME 04347	734974
26 Melrose Pyrotechnics, Inc	1 Kingsbury Industrial Park ..	Kingsbury, IN 46345	434586
27 Precocious Pyrotechnics, Inc	4420-278th Ave NW	Belgrade, MN 56312	435931
28 Pyro Shows, Inc	115 N 1st Street	LaFollette, TN 37766	456818
29 *Pyro Shows of Alabama, Inc	3325 Poplar Lane	Adamsville, AL 35005	2859710
30 Pyro Shows of Texas, Inc	6601 9 Mile Azle Rd	Fort Worth, TX 76135	2432196
31 Pyro Engineering Inc., dba/Bay Fireworks	400 Broadhollow Rd. Ste #3 ..	Farmindale, NY 11735	530262
32 Pyro Spectaculars, Inc	3196 N Locust Ave	Rialto, CA 92376	029329
33 Pyro Spectaculars North, Inc	5301 Lang Avenue	McClellan, CA 95652	1671438
34 Pyrotechnic Display, Inc	8450 W. St. Francis Rd	Frankfort, IL 60423	1929883
35 Pyrotecnico (S. Vitale Pyrotechnic Industries, Inc.)	302 Wilson Rd	New Castle, PA 16105	526749
36 Pyrotecnico FX	6965 Speedway Blvd. Suite 115.	Las Vegas, NV 89115	1610728
37 Rainbow Fireworks, Inc	76 Plum Ave	Inman, KS 67546	1139643
38 RES Specialty Pyrotechnics	21595 286th St	Belle Plaine, MN 56011	523981
39 Rozzi's Famous Fireworks, Inc	11605 North Lebanon Rd	Loveland, OH 45140	0483686
40 Sky Wonder Pyrotechnics, LLC	3626 CR 203	Liverpool, TX 77577	1324580
41 Skyworks, Ltd	13513 W. Carrier Rd	Carrier, OK 73727	1421047
42 Sorgi American Fireworks Michigan, LLC	935 Wales Ridge Rd	Wales, MI 48027	2475727
43 Spielbauer Fireworks Co, Inc	220 Roselawn Blvd	Green Bay, WI 54301	046479
44 Spirit of 76	6401 West Hwy 40	Columbia, MO 65202	2138948
45 Starfire Corporation	682 Cole Road	Carrolltown, PA 15722	554645
46 Vermont Fireworks Co., Inc./Northstar Fireworks Co., Inc	2235 Vermont Route 14 South	East Montpelier, VT 05651	310632
47 Western Display Fireworks, Ltd	10946 S. New Era Rd	Canby, OR 97013	498941
48 Western Enterprises, Inc	P.O. Box 160	Carrier, OK 73727	203517
49 Wolverine Fireworks Display, Inc	205 W Seidlers	Kawkawlin, MI	376857
50 Young Explosives Corp	P.O. Box 18653	Rochester, NY 14618	450304
51 Zambelli Fireworks MFG, Co., Inc	P.O. Box 1463	New Castle, PA 16103	033167

* Not included in 2016 list of approved carriers.

[FR Doc. 2017-14262 Filed 7-3-17; 8:45 am]

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DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Comment Request; Renewal Without Change of Bank Secrecy Act Recordkeeping Requirements

AGENCY: Financial Crimes Enforcement Network (“FinCEN”), U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN, a bureau of the U.S. Department of the Treasury (“Treasury”), invites all interested parties to comment on its proposed renewal without change of the Bank Secrecy Act (“BSA”) recordkeeping requirements addressed in this notice. FinCEN intends to submit these requirements for approval by the Office of Management and Budget (“OMB”) of a three-year extension of Control Numbers 1506-0050 through 1506-0059. This request for comments is made pursuant to the Paperwork Reduction Act (“PRA”) of 1995. In addition, FinCEN is seeking comment on 31 CFR 1010.430, the nature of records and retention period, which is not subject to the PRA because there is

no information collection associated with it.¹

DATES: Written comments should be received on or before September 5, 2017 to be assured of consideration.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number FINCEN-2017-0008 and the specific OMB control number the comment applies to.
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN-2017-0008 and the specific OMB control number.

Please submit comments by one method only. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800-767-2825 or electronically at frc@fincen.gov.

SUPPLEMENTARY INFORMATION: The BSA, Titles I and II of Public Law 91-508, as

¹This section applies to all the BSA recordkeeping rules; it imposes a 5-year record retention period for all BSA recordkeeping rules and includes a brief discussion of how to make the records. This paragraph is not subject to the PRA because it only deals with the retention time-period.

amended, codified at 12 U.S.C. 1829(b), 12 U.S.C. 1951-1959, and 31 U.S.C. *et seq.*, authorizes the Secretary of the Treasury, *inter alia*, to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax and regulatory matters. Title III of the USA PATRIOT Act of 2001, Pub. L. 107-56, included certain amendments to the anti-money laundering provisions of Title II of the BSA, 31 U.S.C. 5311 *et seq.*, which are intended to aid in the prevention, detection and prosecution of international money laundering and terrorist financing. Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary of the Treasury to administer Title II of the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assists Federal, state, and local law enforcement as well as regulatory authorities in the identification, investigation, and prosecution of money laundering and other matters. In accordance with the requirements of the PRA, 44 U.S.C. 3506(c)(2)(A), and its implementing regulations, the following information is presented concerning the recordkeeping requirements listed below.

Title: BSA Recordkeeping Requirements.