

the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.transportation.gov/privacy](http://www.transportation.gov/privacy).

## II. Background

On September 23, 2020, FMCSA published a notice announcing receipt of applications from 21 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (85 FR 59851). The public comment period ended on October 23, 2020, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

## III. Discussion of Comments

FMCSA received no comments in this proceeding.

## IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on current medical information and

literature, and the 2008 Evidence Report, "Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety." The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System, for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in § 391.41(b)(11) is likely to achieve a level of safety equal to that existing without the exemption.

## V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must report any crashes or accidents as defined in § 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR 383 and 49 CFR 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

## VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or

regulation that conflicts with this exemption with respect to a person operating under the exemption.

## VII. Conclusion

Based upon its evaluation of the 21 exemption applications, FMCSA exempts the following drivers from the hearing standard, § 391.41(b)(11), subject to the requirements cited above:

Joel Alfaro (FL)  
 Adrian Almanza (IL)  
 Jimmy Benavides (TX)  
 James Bryan (AR)  
 Richard Clark (ID)  
 Jules Garcia (IL)  
 Calvin Gousby (NV)  
 Nicholas Gramarossa (IN)  
 William Heath (NC)  
 Ryan King (NC)  
 Alexander Lowe (WA)  
 Kenneth Morrison (NY)  
 Darren Norton (MO)  
 Raphael Pittenger (WA)  
 Marty Posey (IN)  
 David Sanders (IL)  
 Muhammad Shafi (IL)  
 Nolen Soler (NE)  
 Donald Taylor (NC)  
 Anthony Vasquez (TX)  
 Daniel Zeolla (PA)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2020-0203]

### Agency Information Collection Activities; New Information Collection

**AGENCY:** Federal Motor Carrier Safety Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, Federal Motor Carrier Safety

Administration (FMCSA) announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This notice invites comment on a proposed information collection project titled *Trucking Fleet Concept of Operations (CONOPS) for Managing Mixed Fleets*. It is a survey study that will assess the self-reports of approximately 2,000 survey respondents, including commercial motor vehicle (CMV) fleet managers, CMV sales personnel, State and Federal government personnel, industry engineers, researchers, and CMV drivers. The questionnaire is designed to collect baseline opinions of automated driving systems (ADS) before and after hands-on demonstrations with ADS technologies.

**DATES:** We must receive your comments on or before January 4, 2021.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA-2020-0203 using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Dockets:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>, and follow the online instructions for accessing the dockets, or go to the street address listed above.

**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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**Public Participation:** The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the “help” section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Kelly, Technology Division, Department of Transportation, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202-480-5240; email [Thomas.Kelly@dot.gov](mailto:Thomas.Kelly@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Background:** Although ADS-equipped trucks hold the promise of increased safety, productivity, and efficiency, it is not clear how these vehicles should be integrated into fleet operations with conventional trucks for mixed-fleet operations. Reflecting this issue is a question frequently asked by trucking executives: *How can I integrate ADS into my fleet operations?* FMCSA needs information from truck industry representatives regarding their opinions and perception of ADS.

The introduction of ADS technology on heavy trucks (Class 8 vehicles) will profoundly affect all commerce in the U.S., as the U.S. moves more than 70% of all goods by truck. However, existing stakeholders in the road freight ecosystem (primarily for-hire and private truck fleets, but also shippers, brokers, truck manufacturers, and service and maintenance providers) do not have a clear picture of how they will implement ADS in their daily operations. At present, technical progress in this nascent but promising technology is outstripping the ability of truck fleets to keep up and plan for ADS deployment. This may adversely affect adoption by truck fleets and associated industries, resulting in the delayed achievement of safety, productivity, and efficiency benefits of ADS-equipped trucks. If ADS technology is to gain traction in the U.S. trucking industry, current stakeholders and new entrants need a rigorous, data driven CONOPS.

This project focuses on the development and demonstration of a CONOPS for ADS-equipped trucks, which will ensure the results translate directly to real-world settings that are of practical importance to the trucking industry, regulators, and the public at large. Part of the development of CONOPS includes a series of outreach events where the public, with a focus on truck drivers and truck fleet managers, will have the opportunity to meet ADS technology developers and original equipment manufacturers. The outreach will also provide opportunities to participate in hands-on technology demonstrations, such as in-vehicle demonstrations and closed-course scenarios. Lessons learned from this demonstration will influence all three phases of the research to ensure the CONOPS developed is true to real-life fleet operations. Thus, the purpose of the hands-on demonstrations: (1) Expose truck fleet managers and other personnel, truck drivers, government officials, insurance and inspection personnel, and the general public to ADS; (2) collect valuable qualitative data on participants’ opinions and perceptions regarding ADS; and (3) use the data to ensure the CONOPS covers major industry concerns.

Data will be collected from CMV drivers, CMV fleet managers, industry engineers, CMV sales personnel, researchers, and State and Federal government personnel at four roadshows. The roadshows will coincide with large conferences, such as the Technology Maintenance Council (TMC) Annual Meeting, North American Commercial Vehicle Show, SAE COMVEC, and Automated Vehicle Symposium. The questionnaire data collected in Phase I of the study (pre-roadshow) will allow us to gather baseline opinions regarding ADS technologies. Once they participate in the hands-on demonstrations at the roadshow, we will see if their opinions on the technologies have changed (Phase 2 or post-roadshow).

The research team will use cell phones to collect participant data (adhering to cleaning procedures between each participant). The pre- and post-study questionnaires will be loaded onto a cell phone which will be distributed to participants at the beginning (and end) of the roadshow. Each questionnaire will be loaded in an app format. Once the participants submit their answers, the data will be stored on the phone and will not be accessible until researchers download the data to a computer.

FMCSA conducted a pilot test with some of the proposed end-users. This

pilot test included six end users, two researchers, one government employee, one commercial/motor vehicle fleet representative, and two commercial driver's license holders. Participants completed the Pre-Roadshow Questionnaire and Post-Roadshow Questionnaire, timing completion of each and reviewing for content and/or comprehension issues. Based on this pilot test, FMCSA revised the Pre-Roadshow Questionnaire and Post-Roadshow Questionnaire. Pilot test participants indicated mean completion times of 3.5 minutes and 4.4 minutes for

the Pre-Roadshow Questionnaire and Post Roadshow Questionnaire, respectively.

*Title:* Trucking Fleet Concept of Operations (CONOPS) for Managing Mixed Fleets.

*OMB Control Number:* 2126-00XX.

*Type of Request:* New collection.

*Respondents:* CMV fleet managers, CMV sales personnel, State and Federal government personnel, industry engineers, researchers, and CMV drivers.

*Estimated Number of Respondents:* 2,000 total respondents (675 CMV fleet

managers, 150 CMV sales personnel, 600 Industry Engineers, 100 CMV Drivers, 325 State and Federal government, and 150 Researchers).

*Estimated Time per Response:* 3.5 minutes for the Pre-Roadshow Questionnaire and 4.4 minutes for the Post-Roadshow Questionnaire.

*Expiration Date:* This is a new ICR.

*Frequency of Response:* On occasion (if attending one of four roadshows).

*Estimated Total Annual Burden:* 175 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Task	Respondents	Responses per respondent	Annualized total responses	Burden per response (minutes)	Annualized total burden hours *
Pre-roadshow Questionnaire: CMV Fleet Managers .....	675	1	455.5	3.5	26.6
Post-roadshow Questionnaire: CMV Fleet Managers .....	675	1	455.5	4.4	33.4
Pre-roadshow Questionnaire: Industry Engineers .....	600	1	396	3.5	23.1
Post-roadshow Questionnaire: Industry Engineers .....	600	1	396	4.4	29
Pre-roadshow Questionnaire: CMV Sales Personnel .....	150	1	99	3.5	5.8
Post-roadshow Questionnaire: CMV Sales Personnel .....	150	1	99	4.4	7.3
Pre-roadshow Questionnaire: CMV Drivers .....	100	1	66	3.5	3.9
Post-roadshow Questionnaire: CMV Drivers .....	100	1	66	4.4	4.8
Pre-roadshow Questionnaire: State and Federal Personnel .....	325	1	214.5	3.5	12.5
Post-roadshow Questionnaire: State and Federal Personnel .....	325	1	214.5	4.4	15.7
Pre-roadshow Questionnaire: Researchers .....	150	1	99	3.5	5.8
Post-roadshow Questionnaire: Researchers .....	150	1	99	4.4	7.3
Annualized Total * .....			2,660		175
Study Total ** .....			3,990		263

\* Total may not equal the sum of previous items due to rounding.

\*\* The research team plans to collect data from a maximum of 2,000 respondents over 18 months.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for 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. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87.

**Tom Keane,**

Associate Administrator, Office of Research, Technology and Registration.

[FR Doc. 2020-24247 Filed 11-2-20; 8:45 am]

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**DEPARTMENT OF THE TREASURY**

**Alcohol and Tobacco Tax and Trade Bureau**

[Docket No. TTB-2020-0001]

**Proposed Information Collections; Comment Request (No. 81)**

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau (TTB); Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this notice.

**DATES:** We must receive your written comments on or before January 4, 2021.

**ADDRESSES:** You may send comments on the information collections described in this document using one of the two methods described below—

- *Internet:* To submit comments electronically, use the comment form for this document posted on the "Regulations.gov" e-rulemaking website at <https://www.regulations.gov> within Docket No. TTB-2019-0001.

- *Mail:* Send comments to the Paperwork Reduction Act Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.

Please submit separate comments for each specific information collection described in this document. You must reference the information collection's title, form or recordkeeping requirement number, and OMB control number (if any) in your comment.

You may view copies of this document, the listed TTB forms, and all comments received at <https://www.regulations.gov> within Docket No. TTB-2019-0001. TTB has posted a link to that docket on its website at <https://www.ttb.gov/forms/comment-on-form.shtml>. You also may obtain paper copies of this document, the listed