

Country	FY2024 TRQ allocations (metric tons raw value)
Taiwan .....	12,910
Thailand .....	15,061
Trinidad-Tobago .....	7,531
Uruguay .....	7,258
Zimbabwe .....	12,910

The allocations of the in-quota quantities of the raw cane sugar TRQ to countries that are net importers of sugar are conditioned on receipt of the appropriate verifications of origin. Certificates for quota eligibility must accompany imports from any country for which an allocation has been provided.

On July 5, 2023, the Administrator also announced the establishment of the in-quota quantity of the FY2024 refined sugar TRQ at 232,000 MTRV, for which the sucrose content, by weight in the dry state, must have a polarimeter reading of 99.5 degrees or more. This amount includes the minimum level to which the United States is committed under the WTO Agreement (22,000 MTRV of which 1,656 MTRV is reserved for specialty sugar) and an additional 210,000 MTRV for specialty sugars. The U.S. Trade Representative is allocating the refined sugar TRQ as follows: 10,300 MTRV to Canada, 2,954 MTRV to Mexico, and 7,090 MTRV to be administered on a first-come, first-served basis.

Imports of all specialty sugar will be administered on a first-come, first-served basis in five tranches. The Administrator has announced that the total in-quota quantity of specialty sugar will be the 1,656 MTRV reserved within the WTO minimum commitment plus an additional 210,000 MTRV. The first tranche of 1,656 MTRV will open on October 2, 2023. All types of specialty sugars are eligible for entry under this tranche. The second tranche of 60,000 MTRV will open on October 10, 2023. The third tranche of 60,000 MTRV will open on January 19, 2024. The fourth tranche of 45,000 MTRV will open on April 15, 2024. The fifth tranche of 45,000 MTRV will open on July 15, 2024. The second, third, fourth, and fifth tranches will be reserved for organic sugar and other specialty sugars not currently produced commercially in the United States or reasonably available from domestic sources.

With respect to the in-quota quantity of 64,709 metric tons of the TRQ for imports of certain sugar-containing products maintained under Additional U.S. Note 8 to chapter 17 of the HTSUS, the U.S. Trade Representative is allocating 59,250 metric tons to Canada.

The remainder of the in-quota quantity, 5,459 metric tons, is available for other countries on a first-come, first-served basis.

Raw cane sugar, refined and specialty sugar, and sugar-containing products for FY2024 TRQs may enter the United States as of October 2, 2023.

**Douglas McKalip,**

*Chief Agricultural Negotiator, Office of the United States Trade Representative.*

[FR Doc. 2023-15295 Filed 7-18-23; 8:45 am]

**BILLING CODE 3390-F3-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

[Docket No. FAA-2023-0944]

**Agency Information Collection Activities: Request for Comments; Clearance of a New Approval for Information Collection: Safety Management System Voluntary Program**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Federal Aviation Administration (FAA) invites public comments about our intention to request the Office of Management and Budget (OMB) approval for an information collection to support the analysis of safety data as part of the Safety Management System Voluntary Program (SMSVP). The data collected will be used by the FAA Flight Standards Service, Safety Management System Program Office (SMSPO) to evaluate certificate holders participating in the voluntary program. This Information Collection will enable the FAA to ensure conformity with the SMSVP Standard (voluntary program guidelines and performance measures).

**DATES:** Written comments should be submitted by September 18, 2023.

**ADDRESSES:** Please send written comments:

*By Electronic Docket:* [www.regulations.gov](http://www.regulations.gov) (Enter docket number into search field)

*By mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Sean C. Denniston, Flight Standards Safety Management System Program Office (AFS-910), Federal Aviation

Administration, 800 Independence Ave. SW, 8W-624, Washington, DC 20591; by email at: [sean.denniston@faa.gov](mailto:sean.denniston@faa.gov); phone: 571-758-7362.

**SUPPLEMENTARY INFORMATION:**

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*OMB Control Number:* 2120-XXXX.

*Title:* Safety Management System Voluntary Program.

*Form Numbers:* None.

*Type of Review:* New Information Collection.

*Background:* The International Civil Aviation Organization (ICAO) in its March 2006 Amendment No. 30 to Annex 6, Part I, International Commercial Air Transport—Aeroplanes, established an international standard requiring member states to mandate Safety Management Systems (SMS) for commercial operators. In July 2013, SMS requirements were transferred to a new ICAO Annex 19 Safety Management. (An Annex 19 second edition was issued in July 2016.) This Annex provided Member States the means to address safety risk proactively; support application of safety management in regulatory and infrastructure developments; and reinforce the role of the State in managing safety and in coordination with aviation product and service providers. The *Aviation Safety and Federal Aviation Extension Act (2010)* directed the FAA to initiate rulemaking requiring all certificate holders under 14 Code of Federal Regulations (CFR) part 119 authorized to conduct operations in accordance with the requirements of 14 CFR part 121 implement an SMS. On March 9, 2015, the final rule, Safety Management Systems for Domestic, Flag, and Supplemental Operations Certificate Holders, became effective (80 FR 1307; January 8, 2015) (hereafter "the 2015 final rule"). Three years later, on March 9, 2018, all air carriers authorized to conduct operations under 14 CFR part 121 met the final compliance date to have an SMS acceptable to the Administrator.

In 2018, the Flight Standards Service Safety Management System Voluntary

Program (SMSVP) replaced an earlier SMS Pilot Project. While created concurrently with the 2015 final rule, SMSVP is a separate SMS initiative. Part 5 requires an SMS for air carriers authorized to conduct operations under part 121, while the SMSVP allows those not required by FAA to have an SMS to develop one. The reasons for this latter group developing an SMS include improving the safety of their aviation-related activities, facilitating

international operations, reducing insurance premiums, client requirements, and enhanced organizational safety. The SMSVP has its own standard (voluntary program guidelines and performance measures) that must be successfully completed for an FAA accepted SMS.<sup>1</sup>

The largest group of SMSVP certificate holders are those conducting operations under 14 CFR part 135, Operating Requirements: Commuter and

On Demand Operations and Rules Governing Persons on Board Such Aircraft. However, there are other certificate holders that participate, as indicated in Table 1 below.

*Respondents:* As of September 2022, holders of the following operating certificates are participating in Safety Management System Voluntary Program:

TABLE 1—OPERATING CERTIFICATES IN SMSVP

Operating certificate	Number of certificate holders
Part 133/137—Rotorcraft External Load/Agricultural Aircraft Operations .....	5
Part 135—Commuter and On Demand .....	126
Part 141/142—Pilot Schools/Training Centers .....	6
Part 145—Repair Stations .....	73
Number of Participants .....	<sup>2</sup> 214

*Frequency:* A certificate holder taking part in the SMSVP may develop and implement an SMS in any manner it deems appropriate, but specific requirements and steps must be successfully completed for FAA SMS acceptance (“acceptance process”). A commitment letter is submitted with the application and is a statement of the company’s top management to establish an SMS within the organization. A schedule of events (SOE) must be submitted by the certificate holder within 90 days of the commitment letter. The SOE commits certificate

holder and FAA resources to the acceptance process. The certificate holder must also submit a compliance statement within 90 days of its commitment letter. The compliance statement addresses the SMSVP Standard and where its requirements are located in the certificate holder’s manual system or documentation. The certificate holder may also utilize FAA SMS Custom Data Collection Tools (C DCT) to perform a self-assessment of its SMS development. The FAA uses both design validation (how SMS is planned) and design demonstration (how SMS

functions) C DCTs for agency SMS acceptance.

Upon successful completion of the validations and demonstrations, the FAA will issue a letter acknowledging applicant has an accepted SMS recognized by the FAA. FAA recognition also prepares an operator who aspires to meet the ICAO SMS requirements of a foreign civil aviation authority.

*Estimated Average Burden per Response:*

**Respondents**

TABLE 2—SUMMARY OF ANNUAL BURDEN FOR 14 CFR 133 AND 137<sup>3</sup>

Summary (annual numbers)	Reporting	Recordkeeping	Disclosure
# Of Respondents .....	0	5	0
# Of Responses per respondent .....	0	2	0
Time per Response (hours) .....	0	8	0
Total # of responses .....	0	10	0
Total burden (hours) .....	0	160	0

TABLE 3—SUMMARY OF ANNUAL BURDEN FOR 14 CFR 135

Summary (annual numbers)	Reporting	Recordkeeping	Disclosure
# Of Respondents .....	0	126	0
# Of Responses per respondent .....	0	2	0
Time per Response (hours) .....	0	8	0
Total # of responses .....	0	252	0
Total burden (hours) .....	0	2,016	0

<sup>1</sup> SMSVP guidance and requirements is found in Order 8900.1, Volume 17, Chapter 2 Voluntary Program.

<sup>2</sup> Three SMSVP participants possess more than one operating certificates totaling 214 certificates for 210 participants.

<sup>3</sup> Calculated as burden hours × average labor rate including benefits. The FAA used an average wage including benefits of \$65.81, which is the mean average wage for Operations Research Analyst (\$46.07) divided by the percent of total employer costs of employee compensation represented by

wages (70%) to account for benefits. (30%). Wages and benefits information available at: <https://www.bls.gov/oes/current/oes152031.htm>.

TABLE 4—SUMMARY OF ANNUAL BURDEN FOR 14 CFR 141 AND 142

Summary (annual numbers)	Reporting	Recordkeeping	Disclosure
# Of Respondents .....	0	6	0
# Of Responses per respondent .....	0	2	0
Time per Response (hours) .....	0	8	0
Total # of responses .....	0	12	0
Total burden (hours) .....	0	96	0

TABLE 5—SUMMARY OF ANNUAL BURDEN FOR 14 CFR 145

Summary (annual numbers)	Reporting	Recordkeeping	Disclosure
# Of Respondents .....	0	73	0
# Of Responses per respondent .....	0	2	0
Time per Response (hours) .....	0	8	0
Total # of responses .....	0	146	0
Total burden (hours) .....	0	1,168	0

**Labor Costs**

TABLE 6—ESTIMATED LABOR COST FOR IMPLEMENTATION OF SMS IN VOLUNTARY PROGRAM

Hourly Wage .....	\$65.81
Hours Year 1 .....	16
Hours Year 2 .....	8

TABLE 7—SUMMARY OF ANNUAL LABOR COST

Develop initial implementation—Analysis labor cost	Year 1	Year 2 (or completion)
14 CFR 133/137 .....	\$5,265	\$2,632
14 CFR 135 .....	132,673	66,336
14 CFR 141/142 .....	6,318	3,159
14 CFR 145 .....	76,866	38,433

Total capital and start-up components for a certificate holder in the SMSVP (90 days and until completion, on average two years) includes commitment letter, schedule of events, and compliance statement. These are necessary for a functioning Safety Management System. Certificate holders in the SMSVP need

not start their SMS development from scratch. They are encouraged to conduct an analysis of their existing systems for possible integration into the SMS. The FAA sponsored Web-based Application Tool (WBAT) provides a platform to submit, manage, and analyze SMS related reports.

**Material Costs**

Estimated cost of schedule of events, compliance statement, and SMS documentation for an individual certificate holder participating in SMSVP:<sup>4</sup>

TABLE 8—COST TO DEVELOP SMS PROGRAM DOCUMENTATION

Develop documentation	Year 1	2-Year (to completion) cost
Part 133/137 .....	\$8,000	\$16,000 2 years, and \$8,000 each additional year.
Part 135 .....	8,000	\$16,000 2 years, and \$8,000 each additional year.
Part 141/142 .....	8,000	\$16,000 2 years, and \$8,000 each additional year.
Part 145 .....	8,000	\$16,000 2 years, and \$8,000 each additional year.

<sup>4</sup> Based on data requirements and methods described in Order 8900.1, Volume 17, Safety Management System.

The FAA sponsors a Web-Based Application Tool (WBAT) certificate holders have the option of using for

SMS development, data analysis, submitting information, and records

management. WBAT offers three categories of service:

TABLE 9—WEB-BASED APPLICATION TOOL <sup>5</sup>

Category	Services	Cost
Platform .....	WBAT System delivery to Operator for purpose of supporting safety and reporting programs.	No cost.
Platform Plus (+) .....	WBAT System delivery to Operator: <ul style="list-style-type: none"> <li>• Unlimited help desk support during business hours.</li> <li>• Unlimited scheduled training by webinar and video on demand.</li> <li>• Discounted rates for user conferences.</li> <li>• Discounted rates for customization services.</li> <li>• Semiannual executive review of Operator's WBAT platform.</li> </ul>	Four level pricing tier based on number of active users.
Enterprise Services .....	Platform Plus (+) subscribers can purchase support for one or more of the following services: <ul style="list-style-type: none"> <li>• Aviation Safety Action Program (ASAP).</li> <li>• Flight Operational Quality Assurance (FOQA).</li> <li>• SMS Services (safety assurance, safety risk management, report processing).</li> <li>• Customization services at discounted rate (e.g., onsite training, networking engineering/web customization).</li> </ul> WBAT services include analysis, tracking, documentation, and consultation.	From unlimited no cost support to 50% discount, depending on requested service.

Most certificate holders in the SMSVP have opted for WBAT Platform Plus (+) support.

TABLE 10—WBAT COSTS

WBAT cost	Annual cost	Notes
Small Certificate Holder Tier 1 (1–100 active users).	\$5,965/year .....	\$3,000 discount if operator has a fully executed FAA Aviation System Action program (ASAP) Memorandum of Understanding (MOU).
Medium Certificate Holder Tier 2 (101–250 active users).	\$8,675/year .....	\$3,000 discount if operator has a fully executed FAA ASAP MOU.
Medium Certificate Holder Tier 3 (251–700 active users).	\$15,180/year .....	\$3,000 discount if operator has a fully executed FAA ASAP MOU.
Large Certificate Holder Tier 4 (>700 active users).	\$15,180 + \$10 additional user/year .....	\$3,000 discount if operator has a fully executed FAA ASAP MOU.

TABLE 11—WBAT COST IF ASAP IS REQUIRED

Tier 1 (1–50 participants) .....	\$3,000/year .....	Additional one-time \$750 ASAP Service set-up fee.
Tier 2 (51–100 participants) .....	\$6,000 + \$50 per participant >100/year .....	Additional one-time \$750 ASAP Service set-up fee.

TABLE 12—WBAT COST IF FOQA IS REQUIRED

Tier 1 (Basic) .....	\$15,000/year .....	Cost does not include initial data mapping.
Tier 2 (Premium) .....	\$40,000/year .....	Cost does not include initial data mapping.

WBAT premium support is charged by number of active users in the operator's organization.

The cost burden in implementing an SMS in the SMSVP depends on the organization's operating certificate and

number of aviation related employees. The FAA estimates that the initial cost burden for a new part 133/137, part 135,

<sup>5</sup> Universal Technical Resource Services (UTRS) manages WBAT platform on behalf of FAA ([www.wbatsafety.com](http://www.wbatsafety.com)).

part 141/142, part 145 ranges between \$31,695 and \$69,180. The initial cost burden is related to commitment letter/entry into program, schedule of events, compliance statement, and related documentation (e.g., manuals, training, self-assessment, and validation).

Issued in Washington, DC.

**Wesley L. Mooty,**

*Acting Deputy Executive Director, Flight Standards Service.*

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BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0180]

#### Entry-Level Driver Training: Robert Towle; Application for Exemption

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

**ACTION:** Notice of final disposition; denial of application for exemption.

**SUMMARY:** FMCSA announces its decision to deny the exemption application from Robert Towle, who sought an exemption on behalf of graduating students of the commercial driver's license (CDL) Prep Class of the New Hampshire Department of Corrections Special School District Granite State High School (GSHS) from two requirements in the entry-level driver training (ELDT) regulations. Mr. Towle requested an exemption from the requirement that a training provider use instructors who meet the definition of "theory instructor." Mr. Towle also requested an exemption from the requirement that an individual who applies for the first time for a Class A or B CDL, or who upgrades to a Class A or B CDL, complete training from a provider listed on the Training Provider Registry (TPR). FMCSA analyzed the exemption application and public comments and determined that the application lacked evidence that the exemption would likely achieve an equivalent or greater level of safety than would be achieved absent such exemption.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202-366-2722 or [richard.clemente@dot.gov](mailto:richard.clemente@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, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number "FMCSA-2022-0180" in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "View Related Comments."

To view documents mentioned in this notice as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number "FMCSA-2022-0180" in the keyword box, click "Search," and chose the document to review.

If you do not have access to the internet, you may view the docket by visiting Dockets Operations 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., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

## II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). 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 safety analyses and public comments submitted, 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 reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

## III. Background

### Current Regulatory Requirements

The entry-level driver training (ELDT) regulations, implemented on February

7, 2022, and set forth in 49 CFR 380, subparts F and G, established minimum training standards for individuals applying for certain CDLs and defined curriculum standards for theory (i.e., classroom) and behind-the-wheel (BTW) training. These regulations also established an online training provider registry (TPR), eligibility requirements for providers to be listed on the TPR, and requirements for training instructors.

Under 49 CFR 380.703(a)(4), a training provider must use instructors who meet the definitions of "Theory instructor" and "BTW instructor," set forth in 49 CFR 380.605, to be eligible for listing on the TPR. The core definitions of "Theory instructor" and "BTW instructor" in 49 CFR 380.605 require that instructors hold a CDL of the same (or higher) class, with all endorsements necessary to operate the commercial motor vehicle (CMV) for which training is to be provided, and have either: (1) a minimum of 2 years of experience driving a CMV requiring a CDL of the same or higher class and/or the same endorsement; or (2) at least 2 years of experience as a BTW CMV instructor, and meet all applicable State qualification requirements for CMV instructors.

There are exceptions to these requirements for theory instructors: (1) an instructor is not required to hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, if the instructor previously held a CDL of the same (or higher) class and complies with the other requirements set forth in the definition; and (2) training providers offering online content exclusively are not required to meet State qualification requirements for theory instructors. In addition, if an instructor's CDL has been cancelled, suspended, or revoked due to any of the disqualifying offenses identified in 49 CFR 383.51, the instructor is prohibited from engaging in theory instruction for 2 years following the date his or her CDL is reinstated.

Under 49 CFR 380.609, an individual who applies, for the first time, for a Class A or Class B CDL, who upgrades to a Class A or B CDL, or is seeking to obtain a passenger (P), school bus (S), or hazardous materials (H) endorsement for the first time must complete driver training from a provider listed on the TPR, as set forth in 49 CFR part 380, subpart G.

### Applicant's Request

Mr. Towle seeks an exemption from two provisions in the ELDT regulations: (1) the definition of "theory instructor"