

These part-time drivers will remain subject to the general knowledge and skills testing required by the CDL for the class of vehicle they will be operating, as well as to alcohol and controlled substances testing. Drivers will not be limited to the 300-mile radius outlined in the proposed waiver, since they will, for all purposes, hold a valid CDL without restriction as to distance.

The FHWA has determined that this limited action is consistent with the two-pronged statutory test required for issuance of a waiver. The hazardous materials endorsement test currently administered by State licensing agencies provides no assurances that tested individuals have acquired any knowledge or skills specific to the handling of fireworks. In fact, review of samples of such tests revealed an absence of any material specific to fireworks. The FHWA believes that the training required under the RSPA regulations would provide sufficient assurances that the driver has received pertinent instruction in the requirements of the specific materials he or she is called upon to handle.

Any State opting to use this alternate method of complying with the hazardous materials endorsement

requirement may issue a CDL with the following limitations clearly imprinted on its face: "For use as a CDL only during the period from June 30 through July 6 for purposes of transporting less than 500 pounds of fireworks classified as DOT Class 1.3G explosives in a vehicle with a GVWR of less than 10,001 pounds." The State licensing agency may use other wording to the same effect. During the time when this limited CDL is in effect, the holder must comply with all regulations applicable to CDL holders, and will be subject to all disqualification sanctions. Operation of any vehicle transporting fireworks at any other time of the year is indicative of more than the part-time employment which provides the basis for this relief, and must be accompanied by a valid CDL for which an unrestricted hazardous materials endorsement has been issued after the administration of a required hazardous materials endorsement examination. Drivers will otherwise be required to meet all the testing and other qualifying requirements for issuance of a CDL, including the applicable drug and alcohol testing regulations, consistent with the Congressional intent behind

the CMVSA. Drivers will also be required to demonstrate satisfactory completion of fireworks and/or hazardous materials specific training to ensure proper handling.

Although this action provides partial relief to part-time drivers who find much of the material covered on the hazardous materials test irrelevant to the transportation of fireworks, it continues to ensure that these drivers are familiar with the proper transportation of fireworks and hazardous materials. Because the drivers meet the requisite CDL training and an acceptable level of hazardous materials and/or fireworks specific training, this relief is not only consistent with the safe operation of commercial vehicles, but also furthers the public interest of facilitating the traditional celebration of the Nation's birthday as safely as in the past.

(Title XII of Pub. L. 99-570, 100 Stat. 3207-17-; 49 U.S.C. 31502; 49 U.S.C. 31136; 49 CFR 1.48; 49 CFR 383.7; 23 U.S.C. 315)

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