

subject to the meal period requirement. See *id.* (citing Cal. Lab. Code § 512(e), (f)(2)).

#### Applicable Law

Section 31141 of title 49, United States Code, prohibits States from enforcing a law or regulation on commercial motor vehicle safety that the Secretary of Transportation (Secretary) has determined to be preempted. To determine whether a State law or regulation is preempted, the Secretary must decide whether a State law or regulation: (1) Has the same effect as a regulation prescribed under 49 U.S.C. 31136, which is the authority for much of the Federal Motor Carrier Safety Regulations (FMCSRs); (2) is less stringent than such a regulation; or (3) is additional to or more stringent than such a regulation. 49 U.S.C. 31141(c)(1).

If the Secretary decides that a State law or regulation has the same effect as a regulation prescribed under 49 U.S.C. 31136, the State law or regulation may be enforced. *Id.* § 31141(c)(2). If the Secretary decides that a State law or regulation is less stringent than a regulation prescribed under 49 U.S.C. 31136, the State law or regulation may not be enforced. *Id.* § 31141(c)(3). If the Secretary decides that a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under 49 U.S.C. 31136, the State law or regulation may be enforced unless the Secretary decides that the State law or regulation (1) Has no safety benefit; (2) is incompatible with the regulation prescribed by the Secretary; or (3) would cause an unreasonable burden on interstate commerce. *Id.* § 31141(c)(4). In deciding whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the cumulative effect on implementation of the State law or regulation and all similar laws and regulations of other States. *Id.* § 31141(c)(5). The Secretary's authority under 49 U.S.C. 31141 is delegated to the FMCSA Administrator by 49 CFR 1.87(f).

#### Request for Comments

Although preemption under 31141 is a legal determination reserved to the judgment of the Agency, FMCSA seeks comment on any issues raised in ATA's petition or otherwise relevant. The Agency has placed ATA's petition in the docket.

Issued on: September 28, 2018.

**Raymond P. Martinez,**  
*Administrator.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket Number: NHTSA-2017-0057]

#### Reports, Forms, and Record Keeping Requirements Agency Information Collection Activity Under OMB Review

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

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

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. The ICR describes the nature of the information collection and its expected burden. A **Federal Register** Notice with a 60-day comment period soliciting public comments on the following information collection was published on September 6, 2017. This notice addresses comments received.

**DATES:** Written comments should be submitted on or before November 5, 2018.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: NHTSA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** For additional information or access to background documents, contact Amy Berning, Office of Behavioral Safety, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, W46-497, Washington, DC 20590; telephone: (202) 366-5587; email: [amy.berning@dot.gov](mailto:amy.berning@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Information Collection Request

Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). In compliance with these requirements, this notice announces that the following information collection request has been forwarded to OMB.

**OMB Control Number:** To be issued at time of approval.

**Title:** Drug Use Characteristics of Drivers Arrested for Driving Under the Influence (DUI) or Driving Under the Influence of Drugs (DUID).

**Form Numbers:** NHTSA Form 1468, 1469.

**Type of Review:** New information collection.

#### Abstract:

NHTSA proposes to conduct a study to estimate the prevalence of drugs in drivers arrested for driving under the influence of a drug. Approximately 1,000 drivers arrested for DUI or DUID at two or three locations across the country will be interviewed and administered an oral fluid drug test. The primary aim of this project is to better understand the frequency of alcohol, prescription, over-the-counter (OTC), and illicit drugs in impaired driving arrests. Trained researchers will ask participants questions regarding demographics, driving, alcohol, and drug use. Participants will then be asked to provide an oral fluid sample using a collection device which will be used to test for alcohol and approximately 50 other specific drugs.

Data collection will take place over a six-month period at two to three sites across the country. The research team will coordinate with the local police departments and officials at these sites. The sites will have a private room at the booking facility for use by the research team. Each site will have at least 1,250 impaired driving arrests per year and be willing to enter into a Memorandum of Understanding with the research team regarding the study.

Data for the study will primarily be collected at a central booking facility for the site's police department. Upon arriving at the booking facility, the arresting officer or other approved police staff will briefly inform the potential participants that they have the opportunity to participate in a research study sponsored by NHTSA. Police staff will ask the participants if they would be interested in learning more about the study. If they respond yes, then they will be introduced to the trained research staff in the private study room.

The research staff will further describe the study to the potential participant. The researcher will explain to the potential participant that study data is anonymous, s/he must be 18 years of age or older to participate, s/he is free to withdraw from the study at any time, the results of the drug test and questionnaire will not be provided to anyone outside of the research team (including to the participant), and participation in the study will not be used to help or hurt the individual in

any related legal proceedings. If the individual agrees to participate, then he or she will be asked to take an oral fluid drug test. This is essentially a cotton swab that must be held in an individual's mouth for approximately two to three minutes (no more than ten minutes). The oral fluid specimen will be shipped to an independent laboratory for analysis. The participant will be asked to respond to approximately ten minutes of questions through a self-report survey on alcohol and drug use, perceptions of impaired driving, and driving behaviors. The survey will be completed via an electronic tablet or, where deemed necessary, a paper copy of the survey. All electronic data will be recorded on a secure data collection and management site without any identifying information.

A goal of the collection will be to minimize the possibility of collecting any potentially-identifying information on a participant. The drug test result will be associated with participant responses using a subject code, but no identifying information on the participant will be collected.

**Respondents:** The research will collect both an oral fluid drug test and a questionnaire from approximately 1,000 participants. Data collection will take place over a six-month period at two to three sites across the United States.

**Estimated Time per Response:** It will take just under 15 minutes to participate. We anticipate that it will take 1.5 minutes (*i.e.*, 90 seconds) for the individual to hear about the study and process the information. Our total burden estimate includes this 90-second estimate for 1,200 individuals, with the goal of 1,000 participants (total burden 30 hours). It will take an average of an additional 1.2 minutes for participants to ask any questions and verbally agree to participate in the study (total burden 20 hours). This results in an estimated 50 total burden hours for the verbal consent process. The drug test and questionnaire will be completed at a single point in time. It can take up to 10 minutes to collect a sufficient quantity of saliva for the oral fluid drug test. However, it is anticipated that the average oral fluid collection time is four minutes and the survey will take an additional eight minutes to complete (*i.e.*, 12 total minutes). The total burden for the participant questionnaire and oral fluid collection is 200 hours.

**Estimated Total Annual Burden:** 250 hours total over the six-month data collection period.

**Frequency of Collection:** Each participant will only respond to the survey and/or biological sample

requests a single time during the six-month study period.

## II. Comment Response

On September 9th, 2017, NHTSA published a notice in the **Federal Register** (NHTSA-2017-0057) with a 60-day public comment period to announce this proposed information collection. As of the closing date of November 6th, 2017 two comments were received in response to this notice.

One comment described frustration with the EPA and massive costs of regulation. This project does not involve the EPA and the comment is thus not relevant to the current project. A second commenter emailed NHTSA directly to request access to the project's full methodology.

The comment will be provided to OMB to be placed in the docket. The methodology will be available from OMB upon NHTSA's submission of the Information Collection Request to OMB.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.95.

Issued in Washington, DC, on October 1, 2018.

**Jeff Michael,**

*Associate Administrator, Research and Program Development.*

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**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and aircraft that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons and this aircraft are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance &

Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202-622-2410.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Availability**

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)).

##### **Notice of OFAC Action(s)**

On September 25, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons and the following aircraft subject to U.S. jurisdiction are blocked under the relevant sanctions authorities listed below.

##### *Individuals*

1. FLORES DE MADURO, Cilia Adela (a.k.a. FLORES, Cilia), Capital District, Venezuela; DOB 15 Oct 1956; POB Tinaquillo, Cojedes, Venezuela; citizen Venezuela; Gender Female; Cedula No. 5315632 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of Executive Order 13692 of March 8, 2015, "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela" (E.O. 13692), for being a current or former official of the Government of Venezuela.

2. PADRINO LOPEZ, Vladimir, Capital District, Venezuela; DOB 30 May 1963; nationality Venezuela; Gender Male; Cedula No. 6122963 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692 for being a current or former official of the Government of Venezuela.

3. PAREDES, Jose Omar, Miranda, Venezuela; DOB 22 Feb 1950; nationality Venezuela; citizen Venezuela; Gender Male; Cedula No. 3476436 (Venezuela); Passport D0503056 (Venezuela) expires 17 Oct 2011; alt. Passport 038031243 (Venezuela) expires 16 Sep 2015; alt. Passport 113210615 (Venezuela) expires 01 Feb 2020; Pilot License Number 2326384 (individual) [VENEZUELA] (Linked To: AVERUCA, C.A.).

Designated pursuant to section 1(a)(ii)(E) of E.O. 13692 for having acted or purported to act for or on behalf of, directly or indirectly, Avera, C.A., a person whose property and interests in