

**Federal Motor Carrier Safety Administration, DOT**

**§ 369.8**

Form MP-1 may be obtained from the FMCSA.

[52 FR 20400, June 1, 1987. Redesignated at 63 FR 52193, Sept. 30, 1998, as amended at 68 FR 4719, Jan. 30, 2003. Redesignated at 71 FR 45742, Aug. 10, 2006, and amended at 71 FR 45743, Aug. 10, 2006]

**§ 369.5 Records.**

Books, records and carrier operating documents shall be retained as prescribed in 49 CFR part 379, Preservation of Records.

[52 FR 10383, Apr. 1, 1987. Redesignated at 63 FR 52193, Sept. 30, 1998. Redesignated at 71 FR 45742, Aug. 10, 2006, and amended at 71 FR 45743, Aug. 10, 2006]

**§ 369.6 Address.**

The following address must be used by motor carriers when submitting a report, requesting an exemption from filing a report, or requesting an exemption from public release of a report: Federal Motor Carrier Safety Administration, Office of Information Technology (MC-RI), 1200 New Jersey Ave., SE., Washington, DC 20590-0001. This address may also be used for general correspondence regarding the data collection program described in this section.

[64 FR 13923, Mar. 23, 1999, as amended at 68 FR 4719, Jan. 30, 2003. Redesignated at 71 FR 45742, Aug. 10, 2006, and amended at 71 FR 45743, Aug. 10, 2006; 72 FR 55699, Oct. 1, 2007]

**§ 369.8 Requests for exemptions from filing.**

(a) *In General.* This section governs requests for exemptions from filing of reports required under § 369.1.

(b) *Criteria.* The Federal Motor Carrier Safety Administration (FMCSA) may grant a request upon a proper showing that the exemption is necessary to preserve confidential business information that is not otherwise publicly available. Information is considered to be confidential when:

(1) Disclosure of the information in the carrier's report would be likely to cause substantial harm to the carrier's competitive position; or

(2) Disclosure of information in the report would be likely to impair protectable government interests.

(c) *Contents of a request.* The contents of a request for an exemption from filing must contain, at a minimum, the contents that are required for a request for an exemption from public release contained in § 369.9(c). A carrier's request may include any other grounds as to why the request should be granted.

(d) *When requests are due.* The timing of a request for an exemption from filing is the same as the timing for a request for an exemption from public release contained in § 369.9(d). The table below summarizes report and request due dates.

Report	Report due by	Request due by
Annual Form M .....	March 31 .....	March 31
First Quarter Form QFR .....	April 30 .....	March 31
Second Quarter Form QFR .....	July 31 .....	March 31
Third Quarter Form QFR .....	October 31 .....	March 31
Fourth Quarter Form QFR .....	January 31 .....	March 31

(e) *Decision to grant or deny a request.*

(1) A request will be denied if it fails to provide all of the supporting information required in paragraph (c) of this section or if the supporting information is insufficient to establish that information in the carrier's report meets the criteria in paragraph (b) of this section.

(2) FMCSA will grant or deny each request within a reasonable period of time. FMCSA will notify the carrier of

its decision. The decision by FMCSA shall be administratively final.

(f) *Pendency.* While a request is pending, the carrier is required to submit any reports required under § 369.1.

(g) *Period of exemptions.* If a request for an exemption under this section is granted, the carrier will be exempt from the reporting requirements of § 369.1 for a period of three reporting years.