

Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to aira_submission@omb.eop.gov, or faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothea Grymes, Transportation Specialist, Office of Enforcement and Compliance, Commercial Enforcement Division, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Ave., SE., Washington, DC 20590-0001. Telephone Number: (202) 385-2405; e-mail Address: dorothea.grymes@dot.gov. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Financial Responsibility—Motor Carriers, Freight Forwarders and Brokers (formerly titled “Financial Responsibility, Trucking and Freight Forwarding”).

OMB Control Number: 2126-0017.

Type of Request: Revision of a currently-approved information collection.

Respondents: Motor carriers, freight forwarders and brokers.

Estimated Number of Respondents: 251,415.

Estimated Time per Response: The estimated average burden per response for the Form BMC-40 is 40 hours. The estimated average burden per response for all of the other remaining insurance forms (BMC-32, 34, 35, 36, 82, 83, 84, 85, 90, 91, and 91X) is 10 minutes per form.

Expiration Date: February 28, 2009.

Frequency of Response: Certificates of insurance, surety bonds, and trust fund agreements are required when the transportation entity first registers with the FMCSA and then when such coverages are changed or replaced by these entities. Notices of cancellation are required only when such certificates of insurance, surety bonds or trust fund agreements are canceled. The Form BMC-40 is generally filed only when a carrier seeks approval from FMCSA to self-insure its bodily injury and property damage (BI&PD) and/or cargo liability coverage.

Estimated Total Annual Burden: 66,960 hours [200 hours (5 BMC-40 filings per year × 40 hours to complete) + 66,760 hours (400,560 filings per year

for all of the other insurance forms × 10 minutes/60 minutes to complete) = 66,960 hours].

Background

The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of property and passengers under the provisions of 49 U.S.C. 13902, surface freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registration requirements to the FMCSA. The registration remains valid only as long as these transportation entities maintain, on file with the FMCSA, evidence of the required levels of insurance coverage. See 49 U.S.C. 13906. FMCSA regulations governing the financial responsibility requirements for these entities are found at 49 CFR part 387.

Forms for Endorsements, Certificates of Insurance and Others

Evidence of Bodily Injury and Property Damage (BI&PD) Liability. Forms BMC-91 and 91X entitled, “Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance,” and Form BMC-82 entitled, “Motor Carrier Bodily Injury and Property Damage Liability Surety Bond Under 49 U.S.C. § 13906,” provide evidence of the required coverage for BI&PD liability.

Requirement to obtain Surety Bond or Trust Fund Agreement. Form BMC-34 entitled, “Motor Carrier Cargo Liability Certificate of Insurance,” and Form BMC-83 entitled “Motor Carrier Cargo Liability Surety Bond Under 49 U.S.C. 13906,” establish a carrier’s compliance with the agency’s cargo liability requirements. Form BMC-84 entitled, “Property Broker’s Surety Bond Under 49 U.S.C. 13906,” and Form BMC-85 entitled, “Property Broker’s Trust Fund Agreement Under 49 U.S.C. 13906,” are filed by brokers to comply with the requirement that they must have a \$10,000 surety bond or trust fund agreement in effect before FMCSA will issue a property broker license.

Cancellation of Prior Filings. Form BMC-35 entitled, “Notice of Cancellation Motor Carrier Insurance Under 49 U.S.C. 13906,” Form BMC-36 entitled, “Notice of Cancellation Motor Carrier and Brokers Surety Bonds Under 49 U.S.C. 13906,” and Form 85 entitled, “Property Broker’s Trust Fund

Agreement Under 49 U.S.C. 13906,” cancel prior filings.

Endorsements. Form BMC 90 entitled, “Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability Under Section 13906, Title 49 of the United States Code,” and Form BMC-32 entitled, “Endorsement for Motor Common Carrier Policies of Insurance for Cargo Liability Under 49 U.S.C. 13906,” are executed by the insurance company, attached to BI&PD and cargo insurance policies, respectively, and forwarded to the motor carrier or freight forwarder. These endorsements are not filed with the FMCSA.

Self Insurance Filings. A motor carrier can also apply to the FMCSA to self-insure BI&PD and/or cargo liability in lieu of filing certificates of insurance with the FMCSA, as long as the carrier maintains a satisfactory safety rating. See 49 CFR 387.7(d)(3) and 387.309. The Form BMC-40 is the application used by carriers to apply for self-insurance authority.

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 agency to perform its mission; (2) the accuracy of the estimated burden; (3) ways for the 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 on: January 29, 2009.

Terry Shelton,

Associate Administrator for Research and Information Technology.

[FR Doc. E9-2450 Filed 2-4-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2006-25756]

Commercial Driver’s License (CDL) Standards; Volvo Trucks North America, Renewal of Exemption

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

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to renew Volvo Trucks North America’s (Volvo) exemption from the

Agency's requirement that drivers of commercial motor vehicles (CMVs) possess a commercial driver's license (CDL) issued in the United States (U.S.). Volvo requested that its exemption for seven Swedish engineers and technicians be renewed to enable these individuals to continue test driving CMVs in the U.S. All seven individuals are employees of Volvo and each holds a valid Swedish CDL. FMCSA believes the knowledge and skills testing and training program that Swedish drivers must undergo for a Swedish CDL ensures a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the U.S. requirements for a CDL.

DATES: This exemption will be effective from April 23, 2009 through April 23, 2011. Comments must be received on or before March 9, 2009.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA-2006-25756, by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Follow the online instructions for submitting comments.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility, 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:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., 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 and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to www.regulations.gov, including any personal information provided. Please see the Privacy Act heading below.

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

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT's complete Privacy Act

Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit <http://DocketInfo.dot.gov>.

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal Web site. 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 we will consider late comments to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations; Telephone: 202-366-4325. e-mail: MCPSD@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may renew an exemption for a maximum 2-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 procedures for requesting an exemption (including a renewal) are prescribed in 49 CFR part 381. FMCSA has evaluated Volvo's application for a renewal on its merits and has decided to grant renewal of the exemption for seven of Volvo's engineers and technicians for a 2-year period.

Volvo Application for an Exemption Renewal

Volvo has applied for the renewal of an exemption from the commercial driver's licensing rules, specifically 49 CFR 383.23, which establishes licensing requirements for drivers operating CMVs in interstate commerce. The exemption was originally granted on April 23, 2007 (72 FR 20166). Volvo is seeking a renewal of this exemption because the drivers it employs are citizens and residents of Sweden, and as such they cannot apply for a CDL from a State in the U.S. A copy of the request for a renewal is in the docket identified at the beginning of this notice.

The renewal of the exemption will enable these seven drivers to operate CMVs in the U.S. and continue to support Volvo's field tests to meet future clean air standards, to test drive

prototype vehicles at their test site, and to deliver the vehicles, if necessary. The drivers are: Peter Hofsten, Thorbjorn Ohlund, Freddy Blixt, Johnny Adolfsson, Goran Alsen, Kjell Jansson, and Lars Svensson.

Together, these drivers comprise a team of designers, currently employed by Volvo in Sweden, who want to continue driving CMVs in the U.S., to test and evaluate prototype and production CMVs in order to design safe and well-tested vehicles for use on U.S. highways. They are experienced CMV operators with valid Swedish-issued CDLs. It is estimated that each driver would continue to drive approximately 2,500 miles per year on U.S. roads. Because each of the drivers was required to satisfy strict regulations in Sweden to obtain a CDL, and has extensive CMV training and experience, Volvo believes that the renewal of the exemption will continue to achieve a level of safety equivalent to the level of safety that would be obtained absent the exemption.

Method To Ensure an Equivalent or Greater Level of Safety

Drivers applying to obtain a Swedish CDL must take both a knowledge test and skills test before a license to operate CMVs is issued. This process is considered comparable to, or as effective as, the requirements of 49 CFR part 383 and adequately assesses the driver's ability to operate CMVs in the U.S.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comments on the renewal of Volvo's exemption from the requirements of 49 CFR 383.23. The Agency requests that interested parties with specific data concerning the safety records of the drivers listed in this notice submit comments by March 9, 2009. FMCSA will review all comments received by this date and determine whether the renewal of the exemption is consistent with the requirements of 49 U.S.C. 31315 and 31136(e). Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable, but FMCSA may make its final decision at any time after the close of the comment period.

FMCSA believes the requirements for a renewal of an exemption under 49 U.S.C. 31315 and 31136(e) can be satisfied by initially granting the renewal and then requesting and subsequently evaluating comments submitted by interested parties. As indicated above, the Agency previously

published a notice of final disposition announcing its decision to exempt these seven Volvo drivers from the CDL requirement in 49 CFR 383.23. The decision to renew the exemption for these drivers was based on the merits of each driver's demonstrated knowledge and skills about the safe operation of CMVs, and only after careful consideration of the comments submitted in response to the April 23, 2007 original notice. The notice of application for exemption indicated that detailed information about the qualifications and experience of each of the drivers was provided in Volvo's application and that a copy of the application is in the docket referenced at the beginning of this notice.

Interested parties or organizations possessing information that would otherwise show that any or all of these drivers are not currently achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse information submitted and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA will take immediate steps to revoke the exemption of the driver(s) in question.

Issued on: January 29, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9-2433 Filed 2-4-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0313]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Turnpike Global Technologies LLC

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

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application for exemption from Turnpike Global Technologies LLC (Turnpike) to allow the placement of electronic on board data event recorders at the bottom of the windshields on commercial motor vehicles (CMV). The exemption would enable any motor carrier using Turnpike's RouteTracker electronic on-board data event recorders

to mount the devices lower in the windshield than currently permitted by the Agency's regulations in order to maximize the ability of the device to collect safety and regulatory compliance data. Turnpike believes this mounting position would maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: Comments must be received on or before March 9, 2009.

ADDRESSES: You may submit comments identified by FDMS Docket ID Number FMCSA-2008-0313 by any of the following methods:

- *Web site:* <http://www.regulations.gov>.

Follow the instructions for submitting comments on the Federal electronic docket site.

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

- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

- *Hand Delivery:* Ground Floor, Room W12-140, DOT Building, 1200 New Jersey Avenue, SE., Washington, DC, 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 this notice. For detailed instructions on submitting comments and additional information on the exemption process, 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 for further information.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or to Room W12-140, DOT Building, New Jersey Avenue, SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit <http://www.regulations.gov>.

Public participation: The <http://www.regulations.gov> Web site is generally available 24 hours each day, 365 days each year. You can get

electronic submission and retrieval help and guidelines under the "help" section of the <http://www.regulations.gov> Web site and also at the DOT's <http://docketsinfo.dot.gov> Web site. 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.

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations (MC-PSV), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, phone (202) 366-0676, or e-mail luke.loy@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) [Pub. L. 105-178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with 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 the safety analyses and the public comments 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)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption (49 CFR 381.315(c)). The exemption may be renewed (49 CFR 381.300(b)).

Turnpike's Application for Exemption

On April 2, 2008, Turnpike applied for an exemption from 49 CFR