is controlled by the meaning of that term in section 14504a(e)(1)(A), the change in meaning made by the statutory amendment also applies to the term used in §367.20. This is a necessary result of this basic principle: “First, always, is the question whether Congress has directly spoken to the precise question at issue. If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress.” Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837, 842–43 (1984).

Congress has clearly expressed its intent to change the meaning of the term “commercial motor vehicles” as used in section 14504a for years beginning after December 31, 2009. The relevant FMCSA regulation implementing the statutory provisions must be interpreted accordingly.

**Purpose and Effect of This Interpretation**

FMCSA has received a recommendation by the UCR Plan regarding an adjustment in fees for 2010 in accordance with 49 U.S.C. 14504a(d)(7)(A). Although FMCSA published a notice of proposed rulemaking regarding a recommended adjustment in the fees on September 3, 2009 (74 FR 45583), a final rule has not yet been issued due to unexpected delays. States may, of course, await the publication of the final rule before assessing and collecting UCR Plan fees for 2010. However, the interpretation of §367.20 set forth in this regulatory guidance—namely, the fact that the fee schedule in §367.20 is not limited, but can be used in any registration year—allows the States participating in the UCR Plan to consider the option of assessing and collecting fees for registration year 2010 by applying that existing fee structure. In doing so, States would have to base fees on the number of self-propelled vehicles (not including towed vehicles) that are owned or operated by exempt or non-exempt motor carriers, motor private carriers, or freight forwarders.

This option allows those States to continue meeting their commitment, in accordance with section 14504a(e)(1)(B), “an amount at least equal to the revenue derived by the State from the unified carrier registration agreement shall be used for motor carrier safety programs, enforcement, or the administration of the UCR plan and UCR agreement.” In addition, the participating States will also have funds available to meet their share of the costs of participating in the Motor Carrier Safety Assistance Program’s grants, as permitted by 49 U.S.C. 31103(a), as amended by section 4307 of SAFETEA–LU, 119 Stat. 1774. To be sure, because the fees set in §367.20 were based on the previous definition of commercial motor vehicles that included trailers, many motor carriers would pay fees based on a smaller number of commercial motor vehicles, thus producing less revenues for the participating States. Nonetheless, registration and payment of fees for 2010 under §367.20 would allow participating States an opportunity to receive at least a partial flow of revenues in order to meet the statutory objectives.

The final rule establishing the adjusted fees beginning with registration year 2010 is presently under consideration by the Agency and the Department and will most likely be reviewed by the Office of Information and Regulatory Affairs of the Office of Management and Budget. Once a final determination is made concerning a final rule, participating States that decided to assess and collect fees under the current fee schedule may then assess and collect the balance due from any motor carrier entities that registered and paid the fees established in the current fee schedule.

**Regulatory Guidance**

**Part 367—Standards for Registration With States**

**Sections Interpreted**

Section 367.20 Fees Under the Unified Carrier Registration Plan and Agreement for Each Registration Year.

**Question:** Do the fees set by this section apply to registration years beginning after December 31, 2009?

**Guidance:** Yes. The States participating in the Unified Carrier Registration Plan and Agreement may assess and collect fees pursuant to the fee schedule set forth in 49 CFR 367.20. The statutory amendment of the applicable definition of commercial motor vehicles in 49 U.S.C. 14504a that applies beginning after December 31, 2009, also governs the application of the fees set in §367.20.

**For Further Information Contact:** You can request additional information about this proposed information collection from Roberta M. Renz (202) 906–6447, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.
financial agencies, is proposing to collect data from national financial institutions with respect to the following subjects:

- Revisions to the Basel II market risk framework 3 and guidelines for computing capital for incremental risk in the trading book, 4 including the incremental risk capital charge; the comprehensive risk measure for correlation trading portfolios; the new rules for securitization exposures in the trading book; and the revised capital charges for certain equity exposures subject to the standardized measurement method for market risk.
- Enhancements to the Basel II framework 5 including the revised risk weights for re-securitizations held in the banking book.
- Enhancements to strengthen the resilience of the financial institution sector 6 including the proposed changes to the definition of capital; the proposed introduction of a leverage ratio; and the proposed changes to the treatment of counterparty credit risk.
- Liquidity enhancements referring to the international framework for liquidity risk measurement, standards and monitoring. 7
- Operational risk and countercyclical tools.

The OTS intends to collect data for the QIS from financial institutions subject to the Basel II Capital Accord framework 8 and those subject to the current risk-based capital guidelines (Basel I). 9 Unless otherwise noted, all data would be reported on a consolidated basis. Ideally, financial institutions should include all their assets in this information collection. However, due to data limitations, inclusion of some assets (for example, the portfolio of a minor subsidiary) may not be feasible. Exclusion of such assets is acceptable, as long as the remaining assets are representative of the financial institution as a whole.

Type of Review: New collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 5.
Estimated Burden Hours per Response: 117.

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1 Basel Committee on Banking Supervision, Revisions to the Basel II market risk framework, July 2009.
3 Basel Committee on Banking Supervision, Enhancements to the Basel II framework, July 2009.
4 See footnote 2.
6 See 12 CFR Part 3, Appendix C.
7 See 12 CFR Part 3, Appendix A.
8 See footnote 3.
9 See footnote 4.

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The Basel Committee on Banking Supervision is a committee of banking supervisory authorities, which was established by the central banks of Argentina, Australia, Belgium, Brazil, Canada, China, France, Germany, Hong Kong SAR, India, Indonesia, Italy, Japan, Korea, Luxembourg, Mexico, the Netherlands, Russia, Saudi Arabia, Singapore, South Africa, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. It usually meets at the Bank for International Settlements (BIS) in Basel, Switzerland, where its permanent Secretariat is located.

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The Basel Committee on Banking Supervision, Strengthening the resilience of the banking sector, consultative document, December 17, 2009.

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**DEPARTMENT OF VETERANS AFFAIRS**

[OMB Control No. 2900–0585]

Proposed Information Collection (Brand Name or Equal) Activity: Comment Request

**AGENCY:** Office of Acquisition and Logistics, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Office of Acquisition and Logistics (OAIL), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the Federal Register concerning each proposed collection of information including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to allow firms to offer items that are equal to the brand name item stated in the bid.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before May 3, 2010.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at http://www.Regulations.gov, or to Arita Tillman, Office of Acquisition and Logistics (049A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or e-mail: arita.tillman@va.gov. Please refer to “OMB Control No. 2900–0585” in any correspondence. During the comment period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:** Arita Tillman at (202) 461–6859 or Fax.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct.