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Rotel believes these drivers continue to possess sufficient knowledge, skills, and experience to ensure a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the requirement for a U.S. CDL. If the Agency determines that this application for renewal should be granted, the Rotel drivers would be subject to the terms and conditions of the current Rotel exemption.

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comments on Rotel's request for renewal of its exemption to allow the 22 Rotel CDL drivers named above to continue to be exempt from 49 CFR 383.23 from July 31, 2010, through July 31, 2012. FMCSA will consider all comments received by close of business on July 14, 2010. All comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: June 4, 2010.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. 2010-14223 Filed 6-11-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-25756]

Commercial Driver's License (CDL) Standards; Volvo Trucks North America, Inc.'s Exemption Application

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

ACTION: Notice of final disposition; granting of application for exemption.

SUMMARY: FMCSA announces its decision to grant Volvo Trucks North America, Inc.'s (Volvo) application for an exemption for two Volvo drivers to drive commercial motor vehicles (CMVs) in the United States without possessing the requisite CDL issued by one of the States. Magnus Ericsson and Conny Harlin are part of a team of Volvo engineers and technicians test-driving

Volvo prototype CMVs in U.S. environments. Each of these drivers holds a valid Swedish CDL but lacks the U.S. residency necessary to obtain a CDL issued by one of the States of the U.S. FMCSA believes the rigorous training and testing that drivers must undergo to obtain a Swedish CDL, and the excellent safety record of both of these drivers, ensure that these drivers will likely achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption.

DATES: This exemption is effective April 16, 2010 and expires on April 16, 2012.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Schultz, Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations, MC-PSD, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202-366-4325. E-mail: MCPSD@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from certain Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR part 350 *et seq.*) for up to 2 years. The Agency must find that the exemption will allow the applicant to implement more effective or efficient operations and "would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption" (49 CFR 381.305(a)). Exemptions are renewable.

The FMCSA has granted comparable exemptions for Volvo drivers in the past. The most recent Agency notice of final disposition was published on May 5, 2009, granting exemption for the same purpose to seven Volvo drivers with Swedish CDLs (74 FR 20778).

Volvo Application for Exemption

Volvo applied for exemption for drivers Magnus Ericsson and Conny Harlin from 49 CFR 383.23 of the CDL rules, requiring drivers operating CMVs to have a CDL issued by one of the States. A copy of the request for exemption is in the docket identified at the beginning of this notice. This exemption is necessary for these drivers to be qualified to drive CMVs in the United States. The Volvo CMVs in question are assembled, sold or primarily used in the United States, and must be subjected to various field tests in this country before being placed on the U.S. market. The tests are conducted by Volvo engineers and technicians at Volvo's U.S. test site and on public

roads in the vicinity of Phoenix, Arizona. The vehicle safety and performance data drawn from the test-driving is a critical component of the overall evaluation of a prototype.

Section 383.21 requires drivers of CMVs in the United States to have a CDL issued by a State. Ericsson and Harlin are citizens and residents of Sweden. Only residents of a State can apply for a CDL,¹ so Ericsson and Harlin cannot apply for a CDL in this country. Without the exemption, Ericsson and Harlin would not be able to test-drive Volvo prototype CMVs on U.S. roads.

Ericsson and Harlin hold Swedish CDLs and are experienced operators of CMVs. In addition, Volvo submitted documentation showing that the Swedish driving records of both Ericsson and Harlin are free of violations.

Method To Ensure an Equivalent or Greater Level of Safety

According to Volvo, drivers applying for a Swedish-issued CDL must undergo a training program and must pass knowledge and skills tests. Volvo believes that the rigor of this process ensures that this exemption will likely provide a level of safety that is equivalent to, or greater than, the level of safety obtained by complying with the U.S. requirement for a CDL. FMCSA has previously determined that the process for obtaining a CDL in Sweden adequately assesses the driver's ability to operate CMVs in the U.S., and is comparable to, or as effective as, the process for obtaining a CDL issued by a State.

Comments

No comments were received in response to an FMCSA notice of this application and request for comments, published on January 19, 2010 (75 FR 2921).

FMCSA Decision

Based upon the merits of this application, including the extensive driving experience and unblemished safety records of Magnus Ericsson and Conny Harlin, and the rigorous training and testing each successfully completed to obtain a Swedish CDL, FMCSA concluded that the exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption, in accordance with 381.305(a). On April 16, 2010, FMCSA granted an exemption from 49 CFR

¹ Although 49 CFR 383.23 indicates that these drivers could obtain a Nonresident CDL, few States—if any—are currently issuing Nonresident CDLs.

383.23 to Volvo drivers Magnus Ericsson and Conny Harlin for the period from April 16, 2010 through April 16, 2012.

Terms and Conditions for the Exemption

FMCSA granted Volvo an exemption from the Federal CDL requirement in 49 CFR 383.23 to allow Ericsson and Harlin to drive CMVs in the U.S., subject to the following terms and conditions:

(1) That the drivers are subject to drug and alcohol regulations, including testing, as provided in 49 CFR part 382, (2) that the drivers are subject to the same driver disqualification rules under 49 CFR parts 383 and 391 that apply to other CMV drivers in the U.S., (3) that the drivers keep a copy of the exemption on the vehicle at all times, (4) that Volvo notify FMCSA in writing of any accident, as defined in 49 CFR 390.5, involving one or both of these drivers, and (5) that Volvo notify FMCSA in writing if either driver is convicted of a disqualifying offense under section 383.51 or section 391.15 of the FMCSRs.

In accordance with 49 U.S.C. 31315 and 31136(e), the exemption will be valid for 2 years unless revoked earlier by the FMCSA. The exemption will be revoked if: (1) An exempted driver fails to comply with the terms and conditions of the exemption; (2) the exemption results in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would be inconsistent with the goals and objectives of 49 U.S.C. 31315 and 31136.

Issued on: May 28, 2010.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

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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 renews Volvo Trucks North America's (Volvo) exemption from the Agency's requirement for certain drivers of commercial motor

vehicles (CMVs) to hold a commercial driver's license (CDL). Volvo requested that its exemption for five Swedish engineers and technicians be renewed to enable these individuals to continue test-driving CMVs in the United States for Volvo. Each of these individuals holds a valid Swedish CDL. FMCSA believes the training program and knowledge and skills testing that drivers must undergo to obtain a Swedish CDL ensure a level of safety equivalent to, or greater than, the level of safety that would be obtained by complying with the U.S. requirement for a CDL.

DATES: Comments must be received on or before July 14, 2010.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. In the ENTER KEYWORD OR ID box enter FMCSA-2006-25756 and click on the tab labeled SEARCH. On the ensuing page, click on any tab labeled SUBMIT A COMMENT on the extreme right of the page and a page should open that is titled "Submit a Comment." You may identify yourself under section 1, ENTER INFORMATION, or you may skip section 1 and remain anonymous. You enter your comments in section 2, TYPE COMMENT & UPLOAD FILE. When you are ready to submit your comments, click on the tab labeled SUBMIT. Your comment is then submitted to the docket; and you will receive a tracking number.

- *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:* West Building, Ground Floor, Room W12-140, 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 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 below.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time, and in the ENTER KEYWORD OR ID box enter FMCSA-2006-25756 and click on the tab labeled SEARCH.

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 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 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. Robert Schultz, 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 from the CDL requirements of 49 CFR 383.23 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 renewals) are prescribed in 49 CFR part 381.

Volvo Application for Exemption Renewal

Volvo applied for the renewal of an exemption from 49 CFR 383.23, the commercial driver licensing requirement for drivers operating commercial motor vehicles (CMVs). A copy of the request for renewal is in the docket identified at the beginning of this notice. Volvo asked for the renewal of exemption for five drivers for an additional period of 2 years. The five drivers are Jonas Gustafsson, Christer Milding, Jonas Nilsson, Bjorn Nyman, and Sten-Ake Sandberg.

FMCSA initially granted this exemption to Volvo for 11 Swedish