

fax comments to (202) 493-2251. All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. 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 (Volume 65, Number 70, Page 19477-78) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Gerald Yakowenko, Office of Program Administration, (202) 366-1562, [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov) or Michael Harkins, Office of the Chief Counsel, (202) 366-4928, [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access and Filing**

You may submit or retrieve comments online through the Federal eRulemaking portal at: [www.regulations.gov](http://www.regulations.gov). Electronic submission and retrieval help and guidelines are available under the help section of the Web site. It is available 24 hours each day, 365 days each year. Please follow the instructions. An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's Web page at: <http://www.access.gpo.gov/nara>.

**Background**

As provided in 23 CFR 633.103, Form FHWA-1273 includes contract provisions and proposal notices that are required by regulations promulgated by the FHWA or other Federal agencies. The provisions include non-discrimination, prevailing wage rates, subcontracting, job-site safety and other important requirements that must be included in every Federal-aid construction project. According to 23 CFR 633.104(a), the FHWA will update the form as regulatory revisions occur.

Since the form was last revised on March 10, 1994, a number of regulatory revisions have occurred. The revisions that are being proposed by FHWA to form FHWA-1273 will bring the form up to date with current regulatory requirements.

While the revisions proposed by the FHWA are not significant; several revisions are necessary to bring the provisions into conformance with the current policies of FHWA and other Federal agencies. For example, the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, issued a final rule titled: "Protecting the Privacy of Workers: Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction" on December 19, 2008. This rule revised the Wage and Hour Division's regulatory policy to better protect the personal privacy of laborers and mechanics employed on covered construction contracts. The rule changed the reporting requirements concerning the use of full social security numbers and home addresses on weekly payroll statements. While the rule became effective on January 18, 2009, the FHWA did not revise form FHWA-1273 at that time and Federal-aid recipients were encouraged to implement the change through supplemental contract provisions.

The proposed revision to form FHWA-1273 will incorporate the changes noted above as well as other important changes to the required contract provisions. A list of the proposed changes and a marked-up version of the changes are available at the following Web site: <http://www.fhwa.dot.gov/programadmin/contracts/1273/>. A marked-up version of the revised form is also available for download and public inspection under the docket number noted above at the Federal eRulemaking portal at: <http://www.regulations.gov>.

The FHWA anticipates issuing a second notice responding to the comments received and requiring the use of the revised form no later than 45 days after the publication date of the second notice.

**Authority:** 23 U.S.C. 112; 23 CFR 633

Issued on: January 12, 2012.

**Victor M. Mendez,**  
Administrator.

[FR Doc. 2012-1992 Filed 1-30-12; 8:45 am]

**BILLING CODE 4910-22-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2008-0078]

**Commercial Driver's license (CDL) Standards; Rotel North American Tours, LLC; Application for Renewal of Exemption; Request for Comments**

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

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

**SUMMARY:** FMCSA announces that Rotel North American Tours, LLC (Rotel), has applied for renewal of its current exemption permitting 22 drivers employed by Rotel and possessing German CDLs, to operate commercial motor vehicles in the United States without a CDL issued by one of the States. Of the 22 named drivers, five drivers are new and will be replacing five drivers who are no longer employed by Rotel. Like the other 17 Rotel drivers operating under the current exemption, the five new drivers are non-residents of the U.S. and holders of German CDLs. Rotel asks that the current exemption, due to expire July 30, 2012, be renewed subject to the terms and conditions of the current exemption for an additional period of 2 years. The five new Rotel drivers would be subject to all the terms and conditions of the renewed exemption. FMCSA requests public comments on Rotel's application.

**DATES:** If approved, this exemption would be effective from July 31, 2012 through July 30, 2014. Comments must be received on or before March 1, 2012.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2008-0078 by any of the following methods:

- **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov). In the ENTER KEYWORD OR ID box enter FMCSA-2008-0078 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 [www.regulations.gov](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 [www.regulations.gov](http://www.regulations.gov) at any time, and in the ENTER KEYWORD OR ID box enter FMCSA-2008-0078 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 the U.S. Department of Transportation's online privacy policy at [www.dot.gov/privacy](http://www.dot.gov/privacy) or the complete Privacy Act Statement in the **Federal Register** published on December 29, 2010 (75 FR 82133).

*Public Participation:* The [www.regulations.gov](http://www.regulations.gov) Web site is generally available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the "help" section of the [www.regulations.gov](http://www.regulations.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:** Ms. Pearl Robinson, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations, Telephone: (202) 366-4325. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 4007 of the Transportation Equity Act for the 21st Century (Pub. L. 105-178, 112 Stat. 107, June 9, 1998)

amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from motor carrier safety regulations. Under its regulations, FMCSA must publish a notice of each exemption application in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public 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 application.

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 complying with the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for denying or, in the alternative, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which the 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. The exemption may be renewed (49 CFR 381.300(b)).

The FMCSA has granted comparable exemptions for Rotel drivers in the past, beginning in 2008. The most recent Agency notice of final disposition was published on August 2, 2010, granting exemption for the same purpose to 22 Rotel drivers with German CDLs (75 FR 45200). Further information about past Rotel exemption requests and approvals is contained in the docket FMCSA-2008-0078 at [www.regulations.gov](http://www.regulations.gov).

##### **Rotel's Request for Renewal**

Rotel is a German bus company that has offered German visitors tours of North America by bus for over 35 years. Rotel imports its own buses, which are licensed in the United States and meet all U.S. requirements. German drivers are preferred because they speak the language fluently and perform a variety of services for the visitors in addition to driving.

By letter dated October 21, 2011, Rotel applied for renewal of its current exemption from the requirement that operators of CMVs obtain a CDL from one of the States. The letter is available in the docket for this notice. Rotel asks that the 17 individuals who are currently exempt continue to be exempt from the CDL licensing requirement of 49 CFR 383.23 for an additional 2 years. Rotel asks that five new drivers

replacing five of the Rotel drivers who are no longer employed be exempted from the CDL requirements and be subject to the terms and conditions of the renewed exemption. Each of these individuals is a non-resident of the U.S., a holder of a valid German CDL, and an experienced CMV operator. The drivers are, as follows:

Josef Dangl, Reinfried Dangl, Michael Eiler, Klaus Endres, Helmut Erbersdobler, Reinhard Freudenstein, Alexander Friedl, Peter Hess, Gerhard Kinatader, Hermann Lichtenauer, Karl Lippl, Horst Mahl, Franz Manzinger, Fabian Maurer, Rudolf Ramsel, Paul Schlögl, Karl-Heinz Schmitz, Josef Stockinger, Josef Vogl, Klaus Weber, Markus Wölfl, Norbert Zechmesiter

Rotel believes these drivers 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 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 its exemption to allow the 22 Rotel CDL drivers named above to be exempt from 49 CFR 383.23 from July 31, 2012, through July 30, 2014.

##### **Method To Ensure an Equivalent or Greater Level of Safety**

Drivers applying for a German-issued CDL must undergo a training program and pass knowledge and skills tests. FMCSA has previously determined that the process for obtaining a German-issued CDL adequately assesses the driver's ability to safely operate CMVs in the U.S. Therefore, the process for obtaining a German-issued CDL is considered to be comparable to, or as effective as, the requirements of 49 CFR part 383 for obtaining a CDL in the United States.

As with any application for any exemption, FMCSA will review all available records for any possible information that would be relevant to the approval of the exemption.

##### **Request for Comments**

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comments on the renewal of Rotel's exemption from the requirements of 49 CFR 383.23. The FMCSA will review all comments received 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.

Issued on: January 20, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2012-1983 Filed 1-30-12; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF THE TREASURY

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

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

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number. Currently, the OCC is soliciting comment concerning its extension, without change, of an information collection titled, "Release of Non-Public Information—12 CFR 4, Subpart C." The OCC is also giving notice that it has submitted the collection to OMB for review.

**DATES:** You should submit written comments by March 1, 2012.

**ADDRESSES:** You should direct all written comments to: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1-5, Attention: 1557-0200, 250 E Street SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874-4448, or by electronic mail to [regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov). You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874-5043. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Additionally, you should send a copy of your comments to: OCC Desk Officer, 1557-0200, by mail to U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by fax to (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:** You can request additional information or a copy of the collection from Ira L. Mills (202) 874-6055 or Mary H. Gottlieb (202) 874-5090, OCC Clearance Officers, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** The OCC is proposing to extend OMB approval of the following information collection:

*Title:* Release of Non-Public Information—12 CFR 4, Subpart C.

*OMB Control No.:* 1557-0200.

*Form No.:* None.

*Description:* This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collections in the current regulation.

The information requirements require individuals who are requesting non-public OCC information to provide the OCC with information regarding the requester's legal grounds for the request. Release of non-public OCC information when the requester did not have sufficient legal grounds to obtain the information would inhibit open consultation between a bank and the OCC, thereby impairing the OCC's supervisory and regulatory mission. The OCC is entitled, under statute and case law, to require requesters to demonstrate that they have sufficient legal grounds for the OCC to release non-public OCC information. The OCC needs to know the requester's legal grounds to determine if it should release the requested non-public OCC information.

The information requirements in 12 CFR part 4, subpart C, are located as follows:

- 12 CFR 4.33: Request for non-public OCC records or testimony.
- 12 CFR 4.35(b)(3): Third parties requesting testimony.
- 12 CFR 4.37(a)(2): Current or former OCC employee notifying OCC of subpoena.
- 12 CFR 4.37(a) and (b): Limitation on dissemination of released information.
- 12 CFR 4.39(d): Request for authenticated records or certificate of nonexistence of records.

The OCC uses the information to process requests for non-public OCC

information and to determine if sufficient grounds exist for the OCC to release the requested information or provide testimony. This information collection makes the mechanism for processing requests more efficient and facilitates and expedites the OCC's release of non-public information and testimony to the requester.

*Type of Review:* Regular.

*Affected Public:* Businesses or other for-profit; individuals.

*Estimated Number of Respondents:* 195.

*Estimated Frequency of Response:* On occasion.

*Estimated Total Annual Burden:* 592 hours.

On November 25, 2011, the OCC published a notice in the **Federal Register** soliciting comment for 60 days on this information collection (76 FR 72764). No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 25, 2012.

**Michele Meyer,**

*Assistant Director, Legislative & Regulatory Activities Division.*

[FR Doc. 2012-2011 Filed 1-30-12; 8:45 am]

**BILLING CODE 4810-33-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 8939

**AGENCY:** Internal Revenue Service (IRS), Treasury.

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

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this