

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on or after July 22, 2010, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR § 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 2, 2010. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 12, 2010, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Suite 1920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

UP has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by June 25, 2010. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by June 22, 2011, and there are no legal

or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at "<http://www.stb.gov>."

Decided: June 17, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2010-15076 Filed 6-21-10; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 33 (Sub-No. 286X)]

Union Pacific Railroad Company— Abandonment Exemption—in Yakima County, WA

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 0.8-mile line of railroad, on the Yakima Industrial Lead, from milepost 62.75 to milepost 63.55 near Midvale, in Yakima County, Wash.¹ The line traverses United States Postal Service Zip Code 98930.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

In its notice, UP states that it granted the Washington Central Railroad Company (WC) local trackage rights over the line. With UP's concurrence, WC sold the trackage rights it had over the line to BNSF Railway Company (BNSF). BNSF, in turn, assigned these rights to the Central Washington Railroad Company (CWRR). See *Central Wash. R.R.—Lease and Operation Exemption—BNSF Railway Co.*, Docket No. FD 34640 (STB served Jan. 21,

2005). UP states that it expects that BNSF and CWRR will make a separate filing with the Board to discontinue applicable trackage rights over the line. In light of the existing trackage rights, it would be premature for UP to consummate the abandonment while the trackage rights remain in effect.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

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² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines et al.*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which currently is set at \$1,500. See 49 CFR 1002.2(f)(25).

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¹ The notice of exemption was filed on June 2, 2010 and supplemented on June 4, 2010 by the inclusion of "Attachment 1" to Exhibit 2.

245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by June 22, 2011, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2010-15075 Filed 6-21-10; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-25756]

Commercial Driver's License (CDL) Standards: Granting of Exemption; Volvo Trucks North America

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 exemption to enable one of its drivers to test-drive commercial motor vehicles (CMV) in the United States without a commercial driver's license (CDL) issued by one of the States. Volvo asserts that the exemption is necessary to support a field test to meet future air quality standards and to test-drive Volvo prototype CMVs. Volvo's driver holds a valid CDL issued in Sweden but lacks the U.S. residency necessary to obtain a CDL issued by one of the States. FMCSA believes the knowledge and skills testing and training program that drivers must undergo to obtain a

Swedish CDL ensure that Volvo's driver will achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: This exemption is effective June 22, 2010 and expires June 22, 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 the CDL requirements in 49 CFR 383.23 for a 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* * *” (49 CFR 381.305 (a)). FMCSA has evaluated Volvo's application on its merits and decided to grant exemption to Volvo's field test engineer, Edvard Lundgren, for a 2-year period.

Volvo's Application for Exemption

Volvo applied for exemption from the 49 CFR 383.23 requirement that the operator of a CMV obtain a CDL issued by one of the States. Section 383.3 of the Federal Motor Carrier Safety Regulations (FMCSRs) requires States to abide by the standards of 49 CFR part 383 when issuing CDLs. Part 383 requires applicants for CDLs to be residents of the State to which they make application. The Volvo driver for whom this exemption is sought is a citizen and resident of Sweden; therefore, he cannot apply for a CDL in any State of the United States. A copy of the Volvo request for exemption from section 383.23 is in the docket identified at the beginning of this notice.

This exemption enables Edvard Lundgren to test-drive, on U.S. highways, Volvo CMVs that are assembled, sold or primarily used in the U.S. Volvo currently employs this driver in Sweden, and wants him to be able to test-drive these Volvo prototype CMVs in “real world” environments at and near its test site in Phoenix, Arizona. Edvard Lundgren was required to satisfy strict CDL testing standards in Sweden to obtain a CDL. He is a highly trained, experienced CMV operator whose Swedish driving record reflects no violations of law. Volvo believes that

Lundgren's driving under this exemption will maintain 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 for a Swedish-issued CDL must undergo a training program and pass knowledge and skills tests. Volvo believes these prerequisites ensure that exemption for this driver will provide a level of safety that is equivalent to, or greater than, the level of safety obtained by complying with the U.S. CDL requirements. FMCSA has previously determined that the process for obtaining a Swedish-issued CDL adequately assesses the driver's ability to operate CMVs in the U.S. safely. Therefore, the process for obtaining a Swedish-issued CDL is considered to be comparable to, or as effective as, the requirements of 49 CFR part 383.

Comments

The Agency received no response to its request for public comments published in the **Federal Register** on February 23, 2010 (75 FR 8181).

Terms and Conditions of the Exemption

Based upon its evaluation of the Volvo application, FMCSA grants an exemption from the CDL requirement of 49 CFR 383.23 to allow Volvo's driver, Edvard Lundgren, to test-drive CMVs within the United States, subject to the following terms and conditions: (1) That this driver is subject to the drug and alcohol regulations of 49 CFR part 382, including testing, (2) that this driver is 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 this driver keeps a copy of the exemption on the vehicle at all times, (4) that Volvo notifies FMCSA in writing of any accident, as defined in 49 CFR 390.5, involving this driver, and (5) that Volvo notifies FMCSA in writing if this driver is convicted of a disqualifying offense identified in sections 383.51 or 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 earlier revoked by the FMCSA. The exemption will be revoked if: (1) The Volvo 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) the exemption becomes inconsistent with the goals and objectives of 49 U.S.C. 31315 and 31136.