

**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****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA renews an exemption held by 22 drivers of Rotel North American Tours, LLC (Rotel) to enable them to operate commercial motor vehicles (CMVs) in the U.S. with German commercial driver's licenses (CDLs) and without CDLs issued by one of the States. Rotel conducts tours of the U.S. on a seasonal basis for Europeans. It uses motor coaches that are equipped with onboard sleeping and eating facilities. The drivers, in addition to operating the CMVs, provide oral commentary in German. Rotel previously was able to conduct these operations without exemption because its drivers were able to obtain (and renew) non-resident CDLs from certain States. However, there are currently no States willing to issue non-resident CDLs.

**DATES:** This exemption is effective from July 31, 2010, through July 30, 2012.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert F. Schultz, Jr., 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 CFR part 383, operators of CMVs are required to possess a valid CDL issued by one of the States of the U.S. (49 CFR 383.23). Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from certain regulatory requirements, including the CDL requirements of 49 CFR part 383 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 of safety that would be achieved absent such exemption" (49 CFR 381.305(a)).

**Rotel's Request for Exemption**

Rotel, headquartered in Terre Haute, Indiana, conducts bus tours of the United States, Canada, and Mexico for Europeans from the end of March through the middle of October each

year. It currently has 22 bus drivers and 11 customized buses dedicated to these operations. Rotel states that it offers a unique touring experience in that each of its buses is equipped with a galley that allows Rotel to offer dining with European cuisine. In addition, each bus is equipped with sleeping accommodations for the passengers.

Rotel drivers operate the buses and deliver oral commentary in German during the tour. The Rotel buses are CMVs as defined in 49 CFR 383.5. Therefore, the operators of the buses must possess a valid U.S. CDL (49 CFR 383.23). At one time, Rotel's German drivers could obtain a non-resident CDL in most States. However, Rotel reports that because of heightened security concerns across the U.S., no State currently issues non-resident CDLs. Rotel requests that FMCSA continue to exempt its 22 bus drivers from the requirement that they possess a CDL issued by a State, so that the drivers may operate these 11 buses without a U.S. CDL on a seasonal basis for a period of 2 years.

Rotel's drivers are residents and citizens of Germany. They hold German CDLs, but the German CDL is not recognized in the U.S. Rotel prefers to use native German drivers to conduct the tours. Rotel experimented with using other drivers, but found that the quality of its tour service was affected adversely.

Rotel believes that each of these drivers possesses 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. A copy of Rotel's application for exemption is available for review in the docket for this notice.

**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 in this matter that the process for obtaining a German-issued CDL adequately assesses the driver's ability to operate CMVs in the U.S. safely. 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 U.S.

**Comments**

On June 14, 2010, FMCSA published notice of this application for renewal, and asked for public comment (75 FR 33661). No comments were received in

the public docket by the close of the comment period.

**FMCSA Decision**

The FMCSA has evaluated Rotel's application for renewal, and believes that Rotel's overall safety performance as reflected in its 2010 FMCSA "satisfactory" rating, as well as the knowledge and skills possessed by these drivers as a result of the training program to which all German CDL applicants are exposed, ensure that each of these 22 drivers will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (49 CFR 381.305(a)). The Agency has granted the exemption for a two-year period, from July 31, 2010, through July 30, 2012, for the following Rotel drivers: Josef Dangl, Reinfried Dangl, Herbert Erber, Helmut Erbersdobler, Wilhelm Fuchs, Ludwig Gerslberger, Christian Hafner, Peter Hess, Michael Huber, Gerhard Kinateder, Hermann Lichtenauer, Franz Manzinger, Fabian Maurer, Jens Radloff, Rudolf Ramsel, Paul Schlögl, Walter Schreiner, Josef Stockinger, Josef Vogl, Klaus Weber, Markus Wölfl, and Norbert Zechmeister.

**Terms and Conditions of the Exemption**

This exemption is subject to the following terms and conditions: (1) That each driver is subject to the drug and alcohol regulations of 49 CFR part 382, including testing, (2) that each driver is subject to the same driver disqualification rules under 49 CFR parts 383 and 391 that apply to other CMV drivers in the United States, (3) that each driver keep a copy of the exemption on the vehicle at all times, (4) that Rotel notify FMCSA in writing of any accident, as defined in 49 CFR 390.5, involving these drivers, (5) that Rotel notify FMCSA in writing if any of these drivers is convicted of a disqualifying offense identified in section 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 Rotel drivers fail 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. Interested parties possessing information that would demonstrate that any or all of these drivers are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such

information 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), will take immediate steps to revoke the exemption of the driver(s) in question, as well as Rotel's exemption, if warranted.

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with the exemption with respect to a person operating under the exemption (49 U.S.C. 31315(d)).

Issued on: July 26, 2010.

**Larry W. Minor,**  
Associate Administrator for Policy and Program Development.

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

### FEDERAL RESERVE SYSTEM

### FEDERAL DEPOSIT INSURANCE CORPORATION

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

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

**AGENCIES:** Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); and Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

**SUMMARY:** In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, the FDIC, and the OTS (the "agencies") may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. On May 21, 2010, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested public comment for 60 days on a proposal to extend, with revision, the Consolidated Reports of Condition and Income (Call

Report) for banks, the Thrift Financial Report (TFR) for savings associations, the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002), and the Report of Assets and Liabilities of a Non-U.S. Branch that is Managed or Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank (FFIEC 002S), all of which are currently approved collections of information. After responding to the one comment received on this proposal, which sought reporting guidance, the FFIEC and the agencies will implement the revision to the reports identified above as proposed.

**DATES:** Comments must be submitted on or before September 1, 2010.

**ADDRESSES:** Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

**OCC:** You should direct all written comments to: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 2-3, Attention: 1557-0081, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874-5274, or by electronic mail to

[regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov). You may personally inspect and photocopy comments at the OCC, 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) 874-4700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

**Board:** You may submit comments, which should refer to "Consolidated Reports of Condition and Income (FFIEC 031 and 041)" or "Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002) and Report of Assets and Liabilities of a Non-U.S. Branch that is Managed or Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank (FFIEC 002S)," by any of the following methods:

- **Agency Web Site:** <http://www.federalreserve.gov>. Follow the instructions for submitting comments on the <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.
- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **E-mail:** [regs.comments@federalreserve.gov](mailto:regs.comments@federalreserve.gov).

Include reporting form number in the subject line of the message.

- **FAX:** (202) 452-3819 or (202) 452-3102.
- **Mail:** Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's Web site at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP-500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

**FDIC:** You may submit comments, which should refer to "Consolidated Reports of Condition and Income, 3064-0052," by any of the following methods:

- **Agency Web Site:** <http://www.fdic.gov/regulations/laws/federal/propose.html>. Follow the instructions for submitting comments on the FDIC Web site.
- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

• **E-mail:** [comments@FDIC.gov](mailto:comments@FDIC.gov). Include "Consolidated Reports of Condition and Income, 3064-0052" in the subject line of the message.

• **Mail:** Gary A. Kuiper, (202) 898-3877, Counsel, Attn: Comments, Room F-1072, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

• **Hand Delivery:** Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

**Public Inspection:** All comments received will be posted without change to <http://www.fdic.gov/regulations/laws/federal/propose.html> including any personal information provided. Comments may be inspected at the FDIC Public Information Center, Room E-1002, 3501 Fairfax Drive, Arlington, VA 22226, between 9 a.m. and 5 p.m. on business days.

**OTS:** You may submit comments, identified by "1550-0023 (TFR: Schedule DI Revisions)," by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **E-mail address:** [infocollection.comments@ots.treas.gov](mailto:infocollection.comments@ots.treas.gov). Please include "1550-0023 (TFR: