

**SUPPLEMENTARY INFORMATION:** On August 12, 2003, FMCSA published a final rule entitled, "Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce," to require motor carriers operating CMVs, designed or used to transport between 9 and 15 passengers (including the driver), in interstate commerce, to comply with parts 391 through 396 of the Federal Motor Carrier Safety Regulations (FMCSRs) when they are directly compensated for such services, and the vehicle is operated beyond a 75 air-mile radius from the driver's normal work-reporting location (*see* 68 FR 47860). As a result of the 2003 rule, these motor carriers are now subject to the same safety requirements as motor coach operators, except for the commercial driver's license (CDL), and controlled substances and alcohol testing regulations. Affected motor carriers were required to be in compliance with such regulations by December 10, 2003 (*see* 68 FR 61246). The 2003 rule implemented section 212 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) [Public Law 106-159, 113 Stat. 1748, 1766 (Dec. 9, 1999)].

Section 4136 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU) [Public Law 109-59, 119 Stat. 1144, 1745 (Aug. 10, 2005)] directed FMCSA to remove the 75 air-mile radius standard. This congressional mandate would result in a greater number of motor carriers that operate small passenger-carrying CMVs being subject to the FMCSRs. To effectively inform this segment of the motor carrier passenger industry of the regulatory requirements that they will be subject to, and to assist the agency in administering an effective educational outreach program to this entire industry segment, FMCSA intends to conduct a survey to obtain information about all of these motor passenger carrier operations.

Because certain motor carriers that operate small passenger-carrying CMVs will have new regulatory requirements as a result of the section 4136 provision, FMCSA wants to learn about the safety and/or regulatory compliance challenges of this industry segment. There is no motor carrier industry association that is comprised mostly of commercial companies that primarily operate between 9-15 passenger-carrying commercial motor vehicles. This makes obtaining information about this industry segment more difficult and necessitates the assistance of a researcher to obtain information needed by FMCSA to effectively provide

outreach to these passenger carriers. FMCSA will request a research contractor to obtain information about motor carriers with small passenger-carrying CMV operations. The research contractor will collect information through approximately 50 telephone interviews and 8 site visits at places of business. A copy of the telephone survey instrument has been placed in the docket for review and comments. Information obtained from the study will provide insight into the common safety and regulatory compliance challenges facing motor carriers with small passenger-carrying CMV operations. Such information will also be utilized by FMCSA to develop educational outreach initiatives for the affected industry segment. It is appropriate that FMCSA connect with and inform this segment of the motor carrier industry of its regulatory compliance responsibilities before implementing an enforcement program. Any information obtained will help identify specific areas of regulatory compliance that are problematic for this industry segment. In addition, the questions of the telephone survey instrument address safety issues that preliminary research shows are pertinent to motor carriers with small passenger-carrying CMV operations. Useful information about these safety issues could be included in outreach materials for the benefit of the industry. The survey will also obtain needed insight about how to best provide and distribute information to the affected industry segment.

*Title:* Survey of Motor Carriers with Small Passenger-Carrying CMV Operations.

*Type of Information Collection Request:* New one-time survey/information collection.

*Respondents:* For-hire motor carriers that operate between 9-15 passenger-carrying commercial motor vehicles in interstate commerce.

*Number of Respondents:* 50 motor carriers.

*Estimated Average Burden per Response:* The estimated average burden per response for each telephone survey is 30 minutes.

*Estimated Total Annual Burden:* The estimated total annual burden is 25 hours for the information collection based upon an acceptable level of statistical significance and a confidence interval of 13.6 percent.

*Total Annual Burden:* 25 hours [(50 responses × 30 minutes per response) / 60 minutes = 25 hours].

*Frequency:* This information collection will be a single, nonrecurring event.

## Public Comments Invited

Interested parties are invited to send comments regarding any aspect of this information collection, including but not limited to: (1) The necessity and utility of the information collection for the proper performance of the functions of FMCSA and specifically the regulatory oversight of small passenger-carrying commercial motor vehicle operations; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance for this information collection. For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Issued on: November 28, 2006.

**John H. Hill,**

*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### BNSF Railway and Norfolk Southern Railway

[Docket Number FRA-2006-26435]

The BNSF Railway (BNSF) and Norfolk Southern Railway (NS), two Class I Railroads, request relief from certain provisions of Title 49 Code of Federal Regulations (CFR) Part 232 Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment and 49 CFR Part 229 Railroad Locomotive Safety Standards to begin implementation of

Electronically Controlled Pneumatic (ECP) brakes. The petition implicitly requests, as well, exemption from certain provisions of Chapter 204, Title 49, United States Code. The petitioners believe that implementation of ECP brakes requires a substantial capital investment, and relief from certain provisions of 49 CFR Part 232 will permit them to initiate pilot train operations. In addition, BNSF and NS believe that this relief will permit them to implement this pilot program on an expedited basis, allow FRA and the industry to identify definable savings with ECP brake equipped train operations, and evaluate changes to the CFR to accommodate these operations on a permanent basis.

BNSF and NS specifically request relief from the following subsections of 49 CFR Part 232: 232.207 Class IA Brake Test, 232.15(a)(7) Movement of defective equipment, 232.103 (d) and 232.103(g) General requirement for train braking system, 232.109 Dynamic brake requirements, 232.111(b)(3) and (4) Train handling information, 232.205 Class I brake test, 232.205(c)(3), (c)(4) and (c)(5), 232.209(a)(1) Class II brake inspection, 232.211 Class III brake inspection, 232.217(c)(3) Train brake tests conducted using yard air, 232.305 Single car airbrake tests, 232.505(e) Pre-revenue service acceptance testing plan, and elimination of all Subpart E—End of train devices. In addition, the petitioners request relief from the requirements to perform daily inspections for locomotives (49 CFR 229.21) in service on ECP brake equipped trains, performing only a trip inspection. Petitioners also represent that this requested relief should provide a framework for an expedited rulemaking by FRA which will encourage further investment in ECP brake technology throughout the railroad industry.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA anticipates scheduling a public hearing in connection with these proceedings in the near future, at a time and place yet to be determined, as the facts appear to warrant a hearing. Interested parties are advised that the petition appears to present issues that would require findings under 49 U.S.C. § 20306 (Exemption for technological improvements). The petitioners should be present at the hearing and prepared to support any required findings with evidence that any requirements of Chapter 204, title 49, United States Code, sought to be waived “preclude the development or implementation of more efficient railroad transportation

equipment or other transportation innovations under existing law.”

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2006–26435) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 Seventh Street, SW., Washington. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility’s Web site at <http://dms.dot.gov>.

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; Pages 19377–78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on December 4, 2006.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[DOT Docket No. NHTSA–06–26554]

#### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** This notice solicits public comment on continuation of the requirements for the collection of information on safety standards. Before a Federal agency can collect certain information from the public, it must

receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes a collection of information associated with 49 CFR Part 574, Tire Identification and Recordkeeping.

**DATES:** Comments must be received on or before February 6, 2007.

**ADDRESSES:** Comments must refer to the docket notice number cited at the beginning of this notice and be submitted to Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 am to 5 pm except for Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Complete copies of each request for collection of information may be obtained from Mr. George Soodoo, NVS–122, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Mr. Soodoo’s telephone number is: (202) 366–5274.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before a proposed collection of information is submitted to OMB for approval, Federal agencies must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB’s regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological