

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: November 12, 2008.

**Michael K. Buckley,**

*Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E8-27492 Filed 11-18-08; 8:45 am]

**BILLING CODE 9110-12-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 76

[CS Docket No. 97-80; FCC 98-116]

#### Commercial Availability of Navigation Devices

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) approved the information collection 3060-0849 associated with Subpart P of Part 76. These revised rules will take effect as of the date of this notice. On July 15, 1998, the Commission published the summary document of the Report and Order, *In the Matter of Commercial Availability of Navigation Devices*, CS Docket No. 97-80; FCC 98-116, at 63 FR 38089.

**DATES:** Subpart B to part 76 was added on July 15, 2008 (63 FR 38094) with the effective date pending approval of information collection and reporting requirements by the Office of Management and Budget. This document announces the approval of those requirements effective November 19, 2008.

**FOR FURTHER INFORMATION CONTACT:** For additional information, please contact Cathy Williams at [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov) or on (202) 418-2819.

**SUPPLEMENTARY INFORMATION:** This document announces that on October 15, 1998, OMB approved the information collection requirement(s) contained in Subpart P of Part 76 with the exception of section 76.1204 which became effective on July 1, 2000. The OMB Control Number is 3060-0849. Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork

Reduction Act that does not display a valid OMB Control Number.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E8-27243 Filed 11-18-08; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 385 and 395

[Docket No. FMCSA-2004-19608]

RIN-2126-AB14

#### Hours of Service of Drivers

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

**ACTION:** Final rule.

**SUMMARY:** FMCSA adopts as final the provisions of the Agency's December 17, 2007, interim final rule concerning hours of service (HOS) for commercial motor vehicle (CMV) drivers. This final rule allows CMV drivers to continue to drive up to 11 hours within a 14-hour, non-extendable window from the start of the workday, following at least 10 consecutive hours off duty (11-hour rule). The rule also allows motor carriers and drivers to continue to restart calculations of the weekly on-duty limits after the driver has at least 34 consecutive hours off duty (34-hour restart).

**DATES:** *Effective Date:* This rule is effective January 19, 2009.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to the ground floor, room W12-140, U.S. Department of Transportation (DOT) Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

*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://docketsinfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver

and Carrier Operations, Telephone (202) 366-4325 or E-mail [MCPDSD@dot.gov](mailto:MCPDSD@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- A. Legal Basis for the Rulemaking
- B. Background
- C. Discussion of Rule
- D. Discussion of Comments
  - 1. Statutory Duty
  - 2. Comments on Safety
  - 3. Comments on Driver Health
  - 4. Approach to Research
  - 5. Use of Data, Analysis, and Modeling
- E. Regulatory Analyses and Notices
- F. List of References
- G. Removal of Rescission Provision

##### A. Legal Basis for the Rulemaking

This rule is based on the authority of the Motor Carrier Act of 1935 and the Motor Carrier Safety Act of 1984. The Motor Carrier Act of 1935 provides that "The Secretary of Transportation may prescribe requirements for (1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and, (2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation" (Section 31502(b) of Title 49 of the United States Code (49 U.S.C.)).

The HOS regulations adopted in this final rule concern the "maximum hours of service of employees of \* \* \* a motor carrier" (49 U.S.C. 31502(b)(1)) and the "maximum hours of service of employees of \* \* \* a motor private carrier" (49 U.S.C. 31502(b)(2)). The adoption and enforcement of such rules were specifically authorized by the Motor Carrier Act of 1935. This rule rests on that authority.

The Motor Carrier Safety Act of 1984 provides concurrent authority to regulate drivers, motor carriers, and vehicle equipment. It requires the Secretary of Transportation to "prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for commercial motor vehicles." Although this authority is very broad, the 1984 Act also includes specific requirements: "At a minimum, the regulations shall ensure that (1) commercial motor vehicles are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely; (3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely; and (4) the operation of commercial motor vehicles does not