

exemption and foreign air carrier permit.

**Barbara J. Hairston,**

*Supervisory Dockets Officer, Alternate Federal Register Liaison.*

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**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**Aviation Proceedings; Agreements Filed the Week Ending November 21, 2008**

The following Agreements were filed with the Department of Transportation under the sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* DOT-OST-2008-0359.

*Date Filed:* November 21, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* PSC/RESO/142 dated October 21, 2008. Expedited Resolutions & Recommended Practices. *Intended Effective Date:* 1 December 2008, 1 January 2009.

*Docket Number:* DOT-OST-2008-0361.

*Date Filed:* November 21, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* PSC/RESO/142 dated October 21, 2008, Expedited Resolutions & Recommended Practices. *Intended Effective Date:* 1 December 2008 and 1 January 2009.

*Docket Number:* DOT-OST-2008-0362.

*Date Filed:* November 21, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* Technical Correction: TC3 Within South East Asia, From Malaysia to Guam, Expedited Resolution 002cg, (Memo 1250). *Intended Effective Date:* 15 January 2009.

*Docket Number:* DOT-OST-2008-0363.

*Date Filed:* November 21, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* Technical Correction: TC3 Within South East Asia, Except from Malaysia to Guam, Expedited Resolution 002cd, (Memo 1251). *Intended Effective Date:* 15 January 2009.

*Docket Number:* DOT-OST-2008-0364.

*Date Filed:* November 21, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* Technical Correction: TC3 Japan, Korea-South East Asia, Except between Korea (Rep. of) and Guam, Northern Mariana Islands, Expedited Resolution 002cc, (Memo 1252).

*Intended Effective Date:* 15 January 2009.

*Docket Number:* DOT-OST-2008-0365.

*Date Filed:* November 21, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* Technical Correction: TC3 South East Asia-South Asian Subcontinent, Expedited Resolution 002cf, (Memo 1253). *Intended Effective Date:* 15 January 2009.

**Barbara J. Hairston,**

*Supervisory Dockets Officer, Alternate Federal Register Liaison.*

[FR Doc. E8-31403 Filed 1-2-09; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Notice of Intent To Rule on Request for a Land Exchange at the Moriarty Municipal Airport, Moriarty, NM**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the exchange of property at the Moriarty Municipal Airport, Moriarty, New Mexico. The City of Moriarty as airport owner has requested to exchange land that was acquired for a crosswind runway. Since this acquisition, it has been determined that the planned alignment of the proposed crosswind runway does not meet FAA crosswind criteria and requires realignment. Any and all lands to be exchanged by the city require release from any and all provisions of applicable Grant Agreements and Grant Assurances, and to change forever, the lands requested to be released from aeronautical to nonaeronautical use under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21 Century (AIR 21). The City of Moriarty is requesting an exchange of 68.55 acres of land with the State of New Mexico Land Office. These lands to be exchanged are appraised at equal value and no monetary considerations are involved. The City of Moriarty will also exchange 9.63 acres

of land with an individual property owner. These lands have also been appraised at equal value and no monetary considerations are involved. The acquisition of these lands by exchange and fee simple purchase of additional property will align the future runway to meet FAA criteria and user requirements.

**DATES:** *Effective Date:* Comments must be received on or before February 4, 2009.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Lacey D. Spriggs, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Louisiana/New Mexico Airports Development Office, ASW-640, Fort Worth, Texas 76193-0640.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to the Honorable Adan Encinias, Mayor, City of Moriarty, PC Box 130, Moriarty, New Mexico 87035.

**FOR FURTHER INFORMATION CONTACT:**

Sarah Conner, Program Manager, Federal Aviation Administration, LA/NM Airports Development Office, ASW-640G, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0640.

The request to release property may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to exchange of this property in that: The release of 78.48 acres from the Grant Agreement Grant Assurances and incorporation of the same amount of land into dedicated airport property, all under the provisions of AIR 21.

The following is a brief overview of the request:

The city of Moriarty as owner of the Moriarty Municipal Airport has requested of the Federal Aviation Administration to exchange approximately 78.48 acres for land of the same size adjacent to the airport and an individual property owner. The exchange in addition to separate fee simple acquisition, will provide the land needed for the construction of the proposed crosswind runway. The lands of the tracts requested to be released will be changed from aeronautical to non-aeronautical use and the lands released from the conditions of the Airport Improvement Program Grant Agreement Grant Assurances. Upon this exchange the Assurances of the Grant Agreements shall hereafter apply to all new lands. All land to be acquired by exchange.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the office of Mayor Adan Encinias, city of Moriarty, P.O. Box 130, Moriarty, NM.

Issued in Fort Worth, Texas on December 11, 2008.

**Kelvin Solco,**

*Manager, Airports Division.*

[FR Doc. E8-31241 Filed 1-2-09; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-25756]

#### Commercial Driver's License (CDL) Standards; Volvo Trucks North America, Inc.'s Exemption Application

**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 an exemption for one of its drivers to enable him to test-drive commercial motor vehicles (CMVs) in the United States without a commercial driver's license (CDL) issued by one of the States. Volvo stated the exemption is needed to support a field test to meet future air quality standards and to test-drive Volvo prototype vehicles to verify results in "real world" environments. Its 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 ensures that their drivers 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 January 5, 2009 and expires January 5, 2011.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations, MCPD, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Telephone: 202-366-4325. E-mail: [MCPDSD@dot.gov](mailto:MCPDSD@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 the exemption for its field test engineer, Fredrik Eriksson, for a 2-year period.

##### *Volvo Application for an Exemption*

Volvo applied for an exemption from the 49 CFR 383.23 requirement that the operator of a CMV obtain a CDL issued by one of the States. This section of the Federal Motor Carrier Safety Regulations (FMCSRs) sets forth the standards that States must employ in issuing CDLs. An individual must be a resident of a State in order to qualify for a CDL. The Volvo driver-employee 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 request for exemption from section 383.23 is in the docket identified at the beginning of this notice.

##### *Swedish Driver*

This exemption enables Fredrik Eriksson to test-drive in the U.S. 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 Volvo prototype vehicles at its test site and in the vicinity of Phoenix, Arizona, to verify vehicle results in "real world" environments. He is a highly trained, experienced CMV operator with a valid Swedish-issued CDL. Because he was required to satisfy strict CDL testing standards in Sweden to obtain a CDL and has extensive training and experience operating CMVs, Volvo believes that the 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*

According to Volvo, drivers applying for a Swedish-issued CDL must undergo a training program and pass knowledge and skills tests. Volvo believes the knowledge and skills tests and training

program that these drivers undergo to obtain a Swedish CDL ensure the exemption would provide a level of safety that is equivalent to, or greater than, the level of safety obtained by complying with the U.S. requirement for a CDL. In addition, Volvo has submitted a copy of the violation-free Swedish driving record of this driver.

FMCSA had previously determined that the process for obtaining a Swedish-issued CDL adequately assesses the driver's ability to operate CMVs in the U.S. 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 September 5, 2008 (73 FR 51879).

#### Terms and Conditions for the Exemption

Based upon evaluation of the application for an exemption, FMCSA grants Volvo an exemption from the CDL requirement in 49 CFR 383.23 for its driver, Fredrik Eriksson, to test-drive CMVs within the United States, subject to the following terms and conditions: (1) That this driver will be subject to drug and alcohol regulations, including testing, as provided in 49 CFR part 382, (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 keep a copy of the exemption on the vehicle at all times, (4) that Volvo notify FMCSA in writing of any accident, as defined in 49 CFR 390.5, involving this driver, and (5) that Volvo notify FMCSA in writing if this driver is convicted of a disqualifying offense described 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 revoked earlier by the FMCSA. The exemption will be revoked if: (1) The driver for Volvo fails to comply with the terms and conditions of the exemption, (2) the exemption has resulted in a lower level of safety than was maintained before it was granted, or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136.