

companies employ a total of 35 people; however, the requested exemption would only apply to full-time, part-time and temporary ground support truck drivers employed by Redding/Guardian—no more than 20 drivers. Together the two companies operate a total of 10 CMVs, which are the ground support vehicles.

Redding/Guardian operate a fleet of helicopters on both “Exclusive Use” (EU) and “Call When Needed” (CWN) contracts, which call for a helicopter, ground support vehicle, pilot and driver/ground support technician. The ground support vehicles carry sufficient jet fuel to support their respective helicopters, and the primary role of the technicians is to support and re-fuel the helicopters. While the driving of the ground support vehicle is each individual’s secondary role, they are still subject to the FMCSRs—including the Part 395 HOS rules.

Redding/Guardian states that their EU contracts—including helicopters and ground support vehicles—frequently necessitate sitting at a base for weeks at a time and never going anywhere or even flying; however, there may be daily extensions due to high fire danger. When these extensions do occur, a ground support technician driver may be “on-duty, not driving” for 14 hours in a day for several consecutive days at a time, which results in reaching the 70-hour/8-day limit in as little as 5 days. According to Redding/Guardian, this includes a considerable amount of time just “sitting around and waiting” for a helicopter dispatch or for the helicopter to land. In addition, their CWN contract vehicles will remain away from their primary base of operation for weeks at a time, generally remaining in one location, and available for dispatch 7 days per week.

While Redding/Guardian’s drivers are just waiting for a helicopter dispatch or for the helicopter to land, by being “available” and in “readiness to work” they are considered to be “on-duty, not driving” and therefore subject to the 70-hour in 8-day rule. The applicants note that on average, their drivers drive once every few days for less than 100 miles, and for the CWN contracts, the ground support technician may never drive the fuel vehicle more than 5 miles in a day, and that is only to and from the local hotel accommodations.

The problem arises as Redding/Guardian’s drivers can basically run out of available hours in 5 days at 14 hours on duty per day—based on the 70-hour/8-day rule. They are therefore unable to legally operate a CMV on a public road until they have gained enough available hours to drive.

Redding/Guardian state that their ground-support technician-drivers are encouraged to stop driving at the onset of fatigue. They further claim that if their exemption request is granted, the CMV drivers will still not be allowed to exceed the 14-hour duty limit regulation (49 CFR 395.3(a)(2)). They reason that, based on the fact that their drivers are just “sitting around and waiting,” they are not becoming fatigued, which is the primary reason for the duty limits. Redding/Guardian contends that these drivers are not stressed or tired.

Redding/Guardian believes the exemption would achieve a level of safety equivalent to, or greater than, the level of safety obtained under the current 70-hour/8-day rule because they are firmly committed to their goal of zero accidents or incidents and have implemented a Comprehensive Safety Program designed to prevent accidents or injuries. Both companies also have an approved “Safety Management System” that includes annual reviews of safety-related issues.

A copy of the Redding/Guardian exemption application is available for review in the docket for this notice.

#### Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on the Redding/Guardian application for an exemption from the “70-hour/8-day rule” in 49 CFR Part 395. The Agency will consider all comments received by close of business on April 8, 2009. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued On: March 3, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket Number NHTSA-2009-0032]

#### 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:** 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 one collection of information for which NHTSA intends to seek OMB approval concerning vehicle safety features for consumer information purposes (OMB Control number 2127-0629).

**DATES:** Comments must be received on or before May 8, 2009.

**ADDRESSES:** You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.

Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket Management Facility at 202-366-9826.

*Instructions:* For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*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 19477-78).

*Docket:* For access to the docket to read background documents or comments received, go to the street address listed above. The Internet access to the docket will be at: <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Complete copies of each request for collection of information may be obtained at no charge from Johanna Lowrie, U.S. Department of Transportation, NHTSA, Room W43-410, 1200 New Jersey Ave., SE., Washington, DC 20590. Ms. Lowrie's telephone number is (202) 366-5269. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it 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;

(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 collection techniques or other forms of information technology, e.g. in submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

*Title:* Vehicle Information for the General Public.

*OMB Control Number:* 2127-0629.

*Affected Public:* Manufacturers that sell motor vehicles under 10,000 lbs. in the United States.

*Abstract:* NHTSA's mission is to save lives, prevent injury, and reduce motor

vehicle crashes. Providing consumer information on vehicle safety is an important means of improving vehicle safety through market forces. NHTSA provides consumers with vehicle safety information such as front and side crash results, rollover propensity, and the availability of a wide array of safety features provided on each vehicle model. NHTSA also uses this safety feature information when responding to public inquiries and analyzing rulemaking petitions which ask the agency to mandate certain safety features.

The agency has attempted to coordinate and reduce the reporting burden associated with this information collection. Another information collection obtains data related to motor vehicle compliance with the agency's Federal motor vehicle safety standards. Although the consumer information collection data is distinct and unique from the compliance data, respondents to both collections are the same. Consequently, the consumer information collection is closely coordinated with the compliance collection to enable responders to assemble the data most efficiently. The burden is further made easier by sending out electronic files to the respondents in which the data is entered and electronically returned to the agency.

The consumer information collected is used on the agency's <http://www.safercar.gov> Web site, in the "Buying a Safer Car" and "Buying a Safer Car for Child Passengers" brochures, in other consumer publications, as well as for internal agency analyses and responses to consumer inquiries.

*Estimated Annual Burden:* 924 hours.

*Number of Respondents:* 21.

*Comments are Invited On:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

**Authority:** 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Issued on: March 3, 2009.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2009-0046]

#### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).  
**ACTION:** Request for public comment.

**SUMMARY:** 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, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a request for emergency clearance for a collection of information associated with product plan information to assist the agency in establishing corporate average fuel economy standards for model years 2012 through 2016 passenger cars and light trucks. The establishment of those standards is required by the Energy Policy and Conservation Act, as amended by the Energy Independence and Security Act (EISA) of 2007, Public Law 110-140.

**DATES:** Comments must be received on or before May 8, 2009.

**ADDRESSES:** Comments must refer to the docket notice number cited at the beginning of this notice, and be submitted to: Mr. Peter Feather, Fuel Economy Division Chief, Office of International Policy, Fuel Economy and Consumer Programs, at (202) 366-0846, facsimile (202) 493-2290, electronic mail: [peter.feather@dot.gov](mailto:peter.feather@dot.gov). For legal issues, call Ms. Dorothy Nakama, Office of the Chief Counsel at (202) 366-2992.

It is requested, but not required, that 2 copies of the comment be provided.

Commenters may also, but are not required to, submit their comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.