Next, for FMCSA to grant an exemption, FMCSA would have to conclude that the $75,000 bond requirement ''is not needed to protect shippers from the abuse of market power'' or that the requested exemption is of ''limited scope.'' 49 U.S.C. 13541(a)(2). SBTC, like AIPBA before it,[28] did not address the ''limited scope'' provision.[29] SBTC fails to argue why in 2019 the broker bond was ''not needed to protect shippers from the abuse of market power.'' Instead, SBTC states that in 2015 FMCSA did not provide adequate support for its determination that AIPBA did not make an adequate showing that the broker bond is not necessary to protect shippers from the abuse of market power.[30] SBTC has the burden of showing that regulation is not necessary; it is not FMCSA's burden to show why regulation is necessary.[31] Such a standard would turn the exemption statute on its head and undermine the Administrative Procedure Act.

Finally, in order to grant SBTC's request, FMCSA would need to determine that its proposed exemption is in the public interest. As the overwhelming majority of public comments attest,[32] SBTC has failed to show that the proposed exemption is in the public interest. Aside from unsupported statements addressed below, SBTC does not attempt to show why exempting a large swath of the brokerage and freight forwarder industries from the $75,000 bond requirement for 5 years is in the public interest. Instead, SBTC critiques FMCSA for purportedly not showing how AIPBA's proposed exemption was not in the public interest.[33] As noted above, FMCSA provided extensive reasoning as to why AIPBA's request was not in the public interest in 2015. 80 FR at 17146.

SBTC claims, without offering support, that granting the exemption ''is in the public interest to ensure an uninterrupted supply chain.'' [34] In reality, as explained above, granting SBTC's request would harm the finances of motor carriers and therefore interfere with the supply chain.[35] Having the bond available benefits motor carriers in the event of broker or freight forwarder non-payment.[36] In addition, SBTC's contentions that (1) the $75,000 bond impedes small carriers' ability to add brokerage operations,[37] and (2) ''the current broker census'' (as of September 2019), which featured an increase in the number of brokers since an initial decline following the bond increase in 2013, ''cannot be fairly attributed to a return of these small business brokers that were utterly decimated in December 2013'' [38] are unsupported. In fact, commenters point out how the bond requirement has not harmed small businesses. The MCRR Coalition, an organization that includes associations with over 15,000 small regulated motor carriers,[39] indicated that the argument that the increased bond amount prejudices small businesses is meritless. The annual surety bond premium is less than $2,000 on average, according to the MCRR Coalition.[40] David Owen, the President of the National Association of Small Trucking Companies (NASTC), in an affidavit attached to the MCRR Coalition's comments, stated that the fear that the increased bond amount would be cost prohibitive for small brokers and have an anti-competitive effect did not materialize.[41]

As noted above, SBTC argues that the factoring industry's direct payment of motor carriers obviates the need for the ''smallest of brokers'' to have a broker bond.[42] SBTC's argument is unsupported by any evidence, however, and therefore FMCSA has no basis for a finding that the presence of factors in motor carrier transportation means the public interest will be served by granting the requested exemption. SBTC also argues that a 5-year exemption is warranted to give FMCSA time to implement its ''comprehensive enforcement program'' to enforce the broker bonding and licensing requirement.[43] But SBTC's argument on this point falls short as well. SBTC fails to show how exempting a large segment of the broker industry from the bond requirement would be in the public interest merely because some entities are currently not complying. The core public interest implicated in Congress's imposition of the $75,000 financial security requirement is that motor carriers (and shippers) be paid in the event of broker or freight forwarder non-payment. SBTC's exemption request, if granted, would undermine that goal.

FMCSA therefore does not find that the $75,000 financial responsibility requirement for brokers/freight forwarders is ''not necessary to carry out the transportation policy of section 13101.'' 49 U.S.C. 13541(a)(1). Nor does FMCSA find that continued regulation under section 13906(b) and (c) ''is not needed to protect shippers from the abuse of market power.'' 49 U.S.C. 13541(a)(2). Finally, granting the exemption requested by SBTC is not in the public interest. 49 U.S.C. 13541(a)(3). Accordingly, SBTC's request is denied.

Meera Joshi,

Deputy Administrator.

[FR Doc. 2021–27220 Filed 12–15–21; 8:45 am]

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Fidelity Association of America, at 1; comments of JW Surety Bonds, at 1; comments of the Owner-Operator Independent Drivers Association, at 1–2.

[28] 80 FR at 17145 n.2.

[29] While FMCSA need not resolve the issue in today's decision, the Agency questions whether, in an industry dominated by small businesses, a 5-year exemption for brokers and freight forwarders with annual revenues below $15.01 million could fairly be considered one ''of limited scope.''

[30] SBTC Application, at 12.

[31] ATA also noted this burden in its comments. Comments of the American Trucking Associations, at 3 (''the burden of course is not on the Agency to demonstrate that the requirement is necessary, but on SBTC to establish that it is unnecessary.'').

[32] FMCSA notes that the unanimity among multiple associations representing multiple industries in opposition to SBTC's request is striking.

[33] SBTC Application, at 12.

[34] *Id.* at 5.

[35] The supply chain is a critical issue that the Department of Transportation is addressing in response to disruptions caused by the COVID–19 pandemic.

[36] See footnote 21 above.

[37] SBTC Application, at 5.

[38] *Id.* at 14. *See also* May 29, 2020 comments of the Small Business in Transportation Coalition, at 3.

[39] Comments of the Motor Carrier Regulatory Reform Coalition, at 2.

[40] *Id.* at 8. JW Surety Bonds also indicates that surety premiums are consistently low. Comments of JW Surety Bonds, at 1.

[41] Comments of the Motor Carrier Regulatory Reform Coalition, Affidavit of David Owen, at 1.

[42] SBTC May 29 comments, at 4.

[43] SBTC Application, at 4.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0278]

Agency Information Collection Activities; Emergency Approval of a Revision to a Currently-Approved Collection Request: Crime Prevention for Truckers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of request for emergency OMB approval.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that a revision to the Information Collection Request (ICR) discussed below has been forwarded to the Office of Management and Budget (OMB) for review and emergency approval. FMCSA will no longer be offering a $25 incentive for those who complete the survey. FMCSA is also making non-substantive changes

to the survey to make it easier to complete and to make the data collected more useful. The revised ICR describes the nature of the information collection and its expected paperwork burdens. FMCSA requests that OMB approve this collection by December 20, 2021.

DATES: Comments must be submitted on or before December 23, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within by December 23, 2021 to *www.reginfo.gov/public/do/PRAMain.* All comments received are part of the public record. Comments will generally be posted without change. Upon receiving the requested emergency approval by OMB, FMCSA will follow the normal PRA procedures to renew the information collection at its expiration date.

FOR FURTHER INFORMATION CONTACT: Jeff Loftus, Division Chief, Technology Division, Department of Transportation, FMCSA, West Building, 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; 202–385–2363; *email: jeff.loftus@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Crime Prevention for Truckers.

OMB Control Number: 2126–0071.

Type of Request: Request for emergency approval for a revision to a currently-approved information collection.

Respondents: All truck drivers.

Estimated Total Respondents: 1,320.

Estimated Total Responses: 1,320.

Estimated Burden Hours: 416.

Estimated Burden per Response: 20 minutes per response.

Frequency: Once.

Background: OMB approved the ''Crime Prevention for Truckers'' collection on May 14, 2021. After receiving approval, FMCSA moved forward in implementing the survey.

Originally, the survey was planned to be an in-person data collection, but the project team switched to an online data collection because of the pandemic. Within hours of posting the survey online, it reached its maximum number of responses. This occurred before FMCSA was able to reach out to all desired women's trucking associations to encourage participation by their members, thus undermining the purpose of the survey. No rewards were paid by the agency.

All proposed changes to the questions are de minimis or non-substantive and are primarily driven by changes to some of the skip patterns in the survey to make coding them on the online survey platform (SurveyMonkey) possible. The changes do slightly increase the time burden on the respondents, as they will need to respond to more questions instead of having the survey skip ahead. However, this increase is minimal.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2021–27219 Filed 12–15–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Modifications to Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before January 3, 2022.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety, General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington, DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on December 7, 2021.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
8757–M	Milton Roy, LLC	173.201(c), 173.202(c), 173.203(c), 173.302a(a)(1), 173.304a(a)(1), 180.205.	To modify the special permit by updating the drawing revision numbers. (modes 1, 2, 3, 4)
11180–M	Affival Inc	172.300, 172.400, 172.500, 173.1, 173.24(c)	To modify the special permit to authorize welded metal tubing and additional hazardous materials. (modes 1, 2, 3)
16061–M	Battery Solutions, LLC	172.102(c), 172.102(c)(1), 172.200, 172.300, 172.400, 172.500, 172.600, 172.700(a), 173.159a(c)(2), 173.185(c), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3).	To modify the special permit to authorize additional packagings and to clarify requirements of the special permit. (modes 1, 3)