

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2012–0032]

**Commercial Driver's License Standards: Application for Exemption; Daimler Trucks North America (Daimler)****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of application for exemption renewal; request for comments.

**SUMMARY:** FMCSA announces that Daimler Trucks North America (Daimler) has requested a renewal of an exemption for one commercial motor vehicle (CMV) driver from the Federal requirement to hold a U.S. commercial driver's license (CDL). Daimler requests a five-year exemption for Dr. Wolfgang Bernhard, head of the Daimler Trucks and Bus Division, who will test drive CMVs for Daimler within the United States. Dr. Bernhard holds a valid German commercial license and wants to test drive Daimler vehicles on U.S. roads to better understand product requirements in “real world” environments, and verify results. Daimler believes the requirements for a German commercial license ensure that operation under the exemption will likely achieve a level of safety equivalent to or greater than the level that would be obtained in the absence of the exemption.

**DATES:** Comments must be received on or before April 27, 2016.**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2012–0032 using any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a

comment. Please see the *Privacy Act* heading below.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** For information concerning this notice, contact Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:****I. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2012–0032), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, “FMCSA–2012–0032” in the “Keyword” box, and click “Search.” When the new screen appears, click on “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your

comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

**II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) within the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Section 5206(a)(2) of the “Fixing America’s Surface Transportation Act,” (FAST Act), effective October 1, 2015, permits exemptions for no longer than five years from their dates of inception, instead of the current two years. This statutory provision will be codified in 49 CFR part 381 in a forthcoming rulemaking.

**III. Request for Exemption**

Daimler requests a renewal of its exemption from 49 CFR 383.23, which prescribes licensing requirements for drivers operating CMVs in interstate or intrastate commerce, for the next five years for the chief executive of its Truck and Bus Division. Section 5206(a)(2) of the “Fixing America’s Surface Transportation Act,” (FAST Act), effective October 1, 2015, permits exemptions for no longer than five years

from their dates of inception. This driver, Dr. Wolfgang Bernhard, holds a valid German commercial license but is unable to obtain a CDL in any of the U.S. States due to residency requirements. A copy of the request for renewal, dated February 22 and 23, 2016, is in the docket identified at the beginning of this notice.

FMCSA initially granted an exemption to Dr. Bernhard on August 29, 2014 (79 FR 51641). This exemption was effective August 29, 2014, and expires August 29, 2016. Detailed information about the qualifications and experience of Dr. Bernhard was provided by Daimler in its original application, a copy of which is in the docket. Renewal of the exemption will enable Dr. Bernhard to operate CMVs in interstate or intrastate commerce to support Daimler field tests designed to meet future vehicle safety and environmental requirements and to promote technological advancements in vehicle safety systems and emissions reductions. Dr. Bernhard needs to drive Daimler vehicles on public roads to better understand “real world” environments in the U.S. market. According to Daimler, Dr. Bernhard will typically drive for no more than 6 hours per day for 2 consecutive days, and that 10 percent of the test driving will be on two-lane state highways, while 90 percent will be on interstate highways. The driving will consist of no more than 200 miles per day, for a total of 400 miles during a two-day period on a quarterly basis. He will in all cases be accompanied by a holder of a U.S. CDL who is familiar with the routes to be traveled.

Daimler has explained in prior exemption requests that the German knowledge and skills tests and training program ensure that Daimler’s drivers operating under the exemption will achieve 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. Furthermore, according to Daimler, Dr. Bernhard is familiar with the operation of CMVs worldwide.

#### **IV. Method To Ensure an Equivalent or Greater Level of Safety**

FMCSA has previously determined that the process for obtaining a German commercial license is comparable to, or as effective as, the requirements of part 383, and adequately assesses the driver’s ability to operate CMVs in the U.S. Since 2012, FMCSA has granted Daimler drivers similar exemptions [May 25, 2012 (77 FR 31422); July 22, 2014 (79 FR 42626); March 27, 2015 (80 FR 16511); October 5, 2015 (80 FR

60220); December 7, 2015 (80 FR 76059); December 21, 2015 (80 FR 79410)].

Issued on: March 21, 2016.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910-EX-P**

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## **DEPARTMENT OF THE TREASURY**

### **Office of the Comptroller of the Currency**

#### **Federal Financial Institutions Examination Council Cybersecurity Assessment Tool Working Session in the National Institute of Standards and Technology Cybersecurity Framework Workshop**

**AGENCY:** Office of the Comptroller of the Currency (“OCC”), Treasury.

**ACTION:** Notice of public meeting.

**SUMMARY:** The OCC, on behalf of itself, the Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and National Credit Union Administration (Agencies), announces a public meeting to receive feedback on the Federal Financial Institutions Examination Council (FFIEC) Cybersecurity Assessment Tool (Assessment).

**DATES:** The Agencies will hold a public meeting on the Assessment on Thursday, April 7, 2016, beginning at 9:00 a.m. Eastern Daylight Time (EDT). The public meeting is a part of the National Institute of Standards and Technology (NIST) cybersecurity framework workshop, taking place on Wednesday, April 6, and Thursday, April 7, 2016. The public meeting on the Assessment will be a separate working session (Assessment working session) during the NIST workshop and will be open to any individual registered for the NIST workshop. Registrations for the NIST workshop will be accepted until March 31, 2016 11:59 p.m. EDT. There is no cost for registering for the workshop or attending the working session. Attendance at the Assessment working session will be on a first-come, first-served basis. The NIST workshop, including the Assessment working session, will be Webcast at <http://www.nist.gov/itl/acd/cybersecurity-framework-workshop-2016.cfm>.

**ADDRESSES:** The Assessment working session will be held on April 7, 2016 at 9:00 a.m., at the NIST Campus, 100 Bureau Drive, Gaithersburg, Maryland 20899. All participants must pre-register

at <http://www.nist.gov/itl/acd/cybersecurity-framework-workshop-2016.cfm>.

**FOR FURTHER INFORMATION CONTACT:** Beth Knickerbocker, Counsel (202) 649-5490, for persons who are deaf or hard of hearing, TTY, (202) 649-5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** The FFIEC, on behalf of its members, released the Assessment on June 30, 2015, to help institutions identify their cyber risk and assess their cybersecurity preparedness. The purpose of the Assessment working session is to obtain substantive input from financial institutions and other interested parties on ways to improve the Assessment.

The Agencies are holding the Assessment working session on April 7, 2016, as a part of the NIST workshop, at the NIST Campus—100 Bureau Drive, Gaithersburg, Maryland 20899. The NIST workshop, including the Assessment working session, will be Webcast online at <http://www.nist.gov/itl/acd/cybersecurity-framework-workshop-2016.cfm>. The in-person Assessment working session will be open to any individual registered for the NIST workshop and attendance will be on a first-come, first-served basis. There is no cost for registering for the workshop or attending the working session. The Assessment working session will provide a forum for discussion of all aspects of the Assessment and will be an opportunity for interested persons to ask questions about the Assessment. Specifically, interested parties are encouraged to provide feedback on the Assessment’s inherent risk profile, cybersecurity maturity, and supplemental materials. The Agencies may limit the time available to individuals seeking to provide their input, if needed, in order to accommodate the number of people desiring to speak.

All participants in the Assessment working session must pre-register for the NIST workshop at <http://www.nist.gov/itl/acd/cybersecurity-framework-workshop-2016.cfm>.

Further details about the NIST workshop, including the Assessment working session, are published on the NIST Web site at <http://www.nist.gov/itl/acd/cybersecurity-framework-workshop-2016.cfm>. The agenda for the NIST workshop is posted at [http://www.nist.gov/itl/acd/upload/Agenda\\_Cybersec-2.pdf](http://www.nist.gov/itl/acd/upload/Agenda_Cybersec-2.pdf).