

communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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). See also <http://www.regulations.gov/#!privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

[FR Doc. 2016-14533 Filed 6-20-16; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2016-0018]

#### Notice of Public Hearing for Statutory Exemption

On March 21, 2016, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** (81 FR 15146) regarding the Association of American Railroads' (AAR) request for a waiver of compliance and statutory exemption from certain provisions of Title 49 Code of Federal Regulations (CFR) Part 232-Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. Specifically, AAR petitioned FRA for a waiver of compliance from 49 CFR 232.213-*Extended haul trains*, 49 CFR 232.15-*Movement of defective equipment*, and 49 CFR 232.103(f)-*General requirements for all train brake systems*; and requests a statutory exemption to 49 U.S.C. 20303-*Moving defective and insecure vehicles needing repairs*, for the purposes of conducting testing to demonstrate the effectiveness of using wayside wheel temperature detector data to ensure safe braking performance. This petition was assigned Docket Number FRA-2016-0018.

Pursuant to 49 U.S.C. 20306-*Exemption for technological improvements*, AAR has requested a hearing during which evidence can be developed for a statutory exemption to 49 U.S.C. 20303. Accordingly, a hearing is scheduled to begin at 10 a.m. September 13, 2016, at the National

Housing Center, National Association of Home Builders, 1201 15th Street NW., Washington, DC 20005. Interested parties are invited to present oral statements at this hearing. For information on facilities or services for persons with disabilities, or to request special assistance at the hearing, contact Mr. Steven Zuiderveen, FRA Railroad Safety Specialist, by telephone, email, or in writing, at least 5 business days before the date of the hearing. Mr. Zuiderveen's contact information is as follows: FRA, Office of Railroad Safety, Mail Stop 25, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 493-6337; [Steven.Zuiderveen@dot.gov](mailto:Steven.Zuiderveen@dot.gov). The informal hearing will be conducted by a representative designated by FRA in accordance with FRA's Rules of Practice (see specifically 49 CFR 211.25). FRA's representative will make an opening statement outlining the scope of the hearing, as well as any additional procedures for the conduct of the hearing. The hearing will be a non-adversarial proceeding in which all interested parties will be given the opportunity to express their views regarding the waiver petition without cross examination. After all initial statements have been completed, those individuals wishing to make brief rebuttal statements will be given an opportunity to do so.

In addition, FRA is extending the comment period for this waiver petition to October 13, 2016, to allow adequate time for any additional comments to be submitted following the public hearing scheduled for September 13, 2016.

Communications received by that date will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if

submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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). See also <http://www.regulations.gov/#!privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

[FR Doc. 2016-14534 Filed 6-20-16; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2012-0033]

#### Notice of Intent To Grant a Buy America Waiver to the City of Sacramento, California, Department of Public Works, To Use Marmoleum Flooring

**AGENCY:** Federal Railroad Administration (FRA), United States Department of Transportation (DOT).

**ACTION:** Notice of intent to grant Buy America waiver.

**SUMMARY:** FRA is issuing this notice to advise the public it intends to grant the City of Sacramento, California, Department of Public Works (Sacramento), a waiver from FRA's Buy America requirement to use Walton Cirrus Original Brown #3665 (Brown Marmoleum), in the Sacramento Valley Station Phase II intermodal project.

**DATES:** Written comments on FRA's determination to grant Sacramento's Buy America waiver request should be provided to the FRA on or before June 28, 2016.

**ADDRESSES:** Please submit your comments by one of the following means, identifying your submissions by docket number FRA-2012-0033. All electronic submissions must be made to the U.S. Government electronic site at <http://www.regulations.gov>. Commenters should follow the instructions below for mailed and hand-delivered comments:

- (1) *Web site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site;
- (2) *Fax:* (202) 493-2251;

(3) *Mail*: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, Room W12-140, Washington, DC 20590-0001; or

(4) *Hand Delivery*: Room W12-140 on the first floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must reference the "Federal Railroad Administration" and include docket number FRA-2012-0033. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties submitting responses to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to <http://www.regulations.gov>. For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Johnson, Attorney-Advisor, FRA Office of Chief Counsel, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590, (202) 493-0078, [John.Johnson@dot.gov](mailto:John.Johnson@dot.gov).

**SUPPLEMENTARY INFORMATION:**

FRA provides information on its reasons for granting this waiver in a letter to Sacramento, quoted below: Mr. Gregory Taylor

AIA, Supervising Architect/Project Manager  
City of Sacramento, Department of Public Works  
915 I Street  
Room 2000  
Sacramento, CA 95814-2604

Re: Request for Waiver of Buy America Requirement

Dear Mr. Taylor:

As you are aware, on November 24, 2014, the City of Sacramento, California, Department of Public Works (Sacramento) requested a waiver from the Federal Railroad Administration's (FRA) Buy America requirement (49 U.S.C. 24405(a)) to purchase "Marmoleum," specifically the color Walton Cirrus Original Brown #3665 (Brown Marmoleum), a natural linoleum flooring product made by Forbo Flooring Systems in the Netherlands, for use in the Sacramento Valley Station

(SVS) Phase II intermodal project.<sup>1</sup> The Brown Marmoleum will cover 1,480 sq. ft and costs approximately \$4,690.

The SVS Phase II intermodal project is the rehabilitation of the historic 68,000 square foot train station in downtown Sacramento, California. The \$30 million project is partially funded with a \$15 million 2012 Transportation Infrastructure Generating Economic Recovery (TIGER) grant. The U.S. Department of Transportation (DOT) selected each project for 2012 TIGER Grant funding based on whether it would, among other things, promote a more environmentally sustainable transportation system. 77 FR 4863, 4867 (January 31, 2012). After rehabilitation, the SVS will include an Amtrak station, commercial retail and office space.

To support its waiver request, Sacramento contends that Brown Marmoleum natural linoleum is the only flooring that meets the standards in the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Reconstructing Historic Buildings. Specifically, Sacramento asserts that Brown Marmoleum is the only flooring product that sufficiently matches the design, color, and texture of the original historic flooring used in SVS. Forbo does not manufacture Brown Marmoleum in the United States. After comparing flooring samples to the original flooring, California's State Historic Preservation Office and FRA determined Brown Marmoleum is the only product best matching the original linoleum's design, color, and texture.

Therefore, FRA is granting Sacramento's waiver request. FRA concludes a waiver is appropriate under 49 U.S.C. 24405(a)(2)(B) for Brown Marmoleum because domestically-produced flooring meeting the specific needs of Sacramento for this application (*i.e.*, historic preservation) is not currently "produced in sufficient and reasonably available amount or . . . [is] not of a satisfactory quality." 49 U.S.C. 24405(a)(2)(B).

Pursuant to 49 U.S.C. 24405(a)(4), FRA will publish this letter granting Sacramento's request in the **Federal Register** and provide notice of such finding and an opportunity for public

<sup>1</sup> Sacramento also requested a waiver for Sacramento requested a non-availability Buy America waiver for a variable refrigerant flow (VRF) heating, ventilation, and air conditioning (HVAC) system to be installed into SVS. However, FRA chose to bifurcate the waiver requests since the VRF waiver was more advanced in terms of processing and was pivotal to Sacramento. FRA granted a waiver for the VRF system on June 4, 2015. <https://www.fra.dot.gov/eLib/Details/L16619>.

comment after which this waiver will become effective.

Questions about this letter can be directed to, John Johnson, Attorney-Advisor, at [John.Johnson@dot.gov](mailto:John.Johnson@dot.gov) or (202) 493-0078.

Sincerely,

Sarah E. Feinberg  
Administrator

Issued in Washington, DC, on June 15, 2016.

**Amitabha Bose,**

*Chief Counsel.*

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**DEPARTMENT OF TRANSPORTATION**

**Maritime Administration**

[Docket No. MARAD-2016-0062]

**Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SEACROPPER II; Invitation for Public Comments**

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before July 21, 2016.

**ADDRESSES:** Comments should refer to docket number MARAD-2016-0062. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Bianca Carr, U.S. Department of