

current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with 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 its terms and conditions. The exemption may be renewed (49 CFR 381.300(b)).

Section 5206(a)(3) of the “Fixing America’s Surface Transportation Act,” (FAST Act) [Pub. L. 114–94, 129 Stat. 1312, 1537, Dec. 4, 2015], amended 49 U.S.C. 31315(b) by adding a new paragraph (2) which permits exemptions for no longer than five years from their dates of inception, instead of the previous two years. This statutory provision will be codified in 49 CFR part 381 in a forthcoming rulemaking.

III. Request for Exemption

Daimler applied for a 30-day waiver and a 5-year exemption from 49 CFR 383.23, which prescribes licensing requirements for drivers operating CMVs in interstate or intrastate commerce, for one of its drivers, Ms. Melanie Baumann. Ms. Baumann 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 application is in Docket No. FMCSA–2012–0032.

On April 3, 2016, FMCSA granted Ms. Baumann a waiver effective from June 1 through June 30, 2016, to allow her to drive Daimler vehicles as described in the application for the exemption. The 5-year exemption will replace the waiver before it expires. Ms. Baumann needs to drive Daimler vehicles on public roads to better understand “real world” environments in the U.S. market. According to Daimler, Ms. Baumann 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. She will in all cases be accompanied by a holder of a U.S. CDL who is familiar with the routes to be traveled.

Ms. Baumann holds a valid German commercial license, and as explained by Daimler in its exemption request, the requirements for that license ensure that the same level of safety is met or exceeded as if this driver had a U.S. CDL. Furthermore, according to

Daimler, Ms. Baumann is familiar with the operation of CMVs worldwide.

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)].

Public Comments

On April 5, 2016, FMCSA published notice of this application and requested public comments (81 FR 19702). There were no comments in opposition or in support of the proposed exemption.

FMCSA Decision

Based upon the merits of this application, including Ms. Baumann’s extensive driving experience and safety record, FMCSA concluded that the exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption, in accordance with § 381.305(a).

Terms and Conditions for the Exemption

FMCSA grants Daimler and Melanie Baumann an exemption from the CDL requirement in 49 CFR 383.23 to allow Ms. Baumann to drive CMVs in this country without a U.S. State-issued CDL, subject to the following terms and conditions: (1) The driver and carrier must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR parts 350–399); (2) the driver must be in possession of the exemption document and a valid German commercial license; (3) the driver must be employed by and operate the CMV within the scope of her duties for Daimler; (4) at all times while operating a CMV under this exemption, the driver must be accompanied by a holder of a U.S. CDL who is familiar with the routes traveled; (5) Daimler must notify FMCSA in writing within 5 business days of any accident, as defined in 49 CFR 390.5, involving this driver; and (6) Daimler must notify FMCSA in writing if this driver is convicted of a disqualifying offense under § 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 5 years unless revoked earlier by the FMCSA. The exemption will be

revoked if: (1) Ms. Baumann fails to comply with the terms and conditions of the exemption; (2) the exemption results in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would be inconsistent with the goals and objectives of 49 U.S.C. 31315 and 31136.

VIII. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate or intrastate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Issued on: June 29, 2016.

T.F. Scott Darling, III,
Acting Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2008–0065]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May, 4, 2016, the Maryland Transit Administration (MARC) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 238.309(a)(2), 229.27(a)(2), and 229.29(e). FRA assigned the petition Docket Number FRA–2008–0065.

MARC’s purpose for the submission of this petition is to gain acceptance by FRA of the application of the following alternate standards for the CCB–KE–3.9 air brake system of the MARC HHP–8 locomotives. This alternate standard to 49 CFR 229.29(e) and 238.309(a)(2) is to allow for the level two and level three maintenance intervals to be 2,944 days (8 years). This request for the application of an alternate standard is based on the results of an age exploration study for the HHP8 air brake system as outlined in Docket Numbers FRA–2008–0065 and FRA–2001–10596.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation’s Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140,

Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

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, 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.

Communications received by August 26, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy. See also <http://www.regulations.gov/#!privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Patrick T. Warren,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 2016-16424 Filed 7-11-16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2014-0002; PDA-36(R)]

Hazardous Materials: Pittsburgh, Pennsylvania Permit Requirements for Transportation of Hazardous Material

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

ACTION: Notice Dismissing Application and Closing the Docket.

SUMMARY: The application for a determination of preemption is dismissed, and this docket is closed, because the City of Pittsburgh, Pennsylvania's permit and permit fee requirements are not being applied or enforced.

FOR FURTHER INFORMATION CONTACT: Vincent Lopez, Office of Chief Counsel (PHC-10), Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone No. 202-366-4400; facsimile No. 202-366-7041.

SUPPLEMENTARY INFORMATION: The American Trucking Associations, Inc. (ATA) applied for an administrative determination concerning whether Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, preempts requirements of the City of Pittsburgh, Pennsylvania (City) for a permit to transport hazardous materials by motor vehicle and the fee to obtain the permit. On April 7, 2014, PHMSA published a public notice and invitation to comment on ATA's application. 79 FR 21840. On June 2, 2014, the comment period closed without any parties submitting comments. On April 27, 2015, PHMSA published a notice of delay in processing ATA's application in order to conduct additional fact-finding and legal analysis in response to the application. 80 FR 23328. On July 6, 2015, PHMSA sent a letter to the City's Solicitor, and its Fire Chief, to encourage the city to participate in the proceeding. On July 20, 2015, the City responded to PHMSA's letter and informed the agency that the "City of Pittsburgh at this time is not accepting applications for the 'Transportation of Hazardous Materials' permit and has not done so since 2013." The City further stated that "[n]o fees were collected for 2014 or 2015. For 2013, the City of Pittsburgh collected a total of \$8,316.00 which was deposited into the City of Pittsburgh's General Fund." Thereafter,

in a letter, dated March 11, 2016, the City's Solicitor confirmed to PHMSA that the City had stopped enforcing its permit and fee requirements to transport hazardous materials in 2013, and further stated that it had no intention of taking it up again.

In light of this information, ATA's application is hereby dismissed, and the docket is closed. In the future, if the City of Pittsburgh, Pennsylvania's permit and permit fee requirements are ever applied and enforced, ATA may again submit an application for a preemption determination.

Applicable Federal Requirements: Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR parts 171-180.

Mode Affected: Highway.

Issued in Washington, DC, on July 6, 2016.

Joseph Solomey,

Senior Assistant Chief Counsel.

[FR Doc. 2016-16386 Filed 7-11-16; 8:45 am]

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DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Information Collection, CDFI and NACA Programs

AGENCY: Community Development Financial Institutions Fund, Treasury.

ACTION: Notice and Request for Public Comment.

SUMMARY: The U.S. Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3506(c)(2)(A). Currently, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, is soliciting comments concerning the Community Development Financial Institutions Program (CDFI Program) and the Native American CDFI Assistance Program (NACA Program) Financial Assistance and Technical Assistance Applications for the FY 2017-FY 2019 funding rounds (hereafter, the Application or Applications). The CDFI Fund is required by law to make the Applications publically available for comment prior to submission for a new PRA number.