

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, LLC (Daimler)**

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

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that Daimler Trucks North America, LLC (Daimler) has requested an exemption from the commercial driver's license (CDL) requirements for one of its drivers, Gesa Reimelt. Daimler also requested an exemption for the same driver from the requirement to register CDL holders in the Drug and Alcohol Clearinghouse (Clearinghouse). Ms. Reimelt has a valid German commercial license and will test drive Daimler vehicles on U.S. roads to better understand product requirements in "real world" environments and verify results. Daimler believes that the requirements for a German commercial license ensure that the same level of safety is met or exceeded as if this driver had a U.S. CDL.

DATES: Comments must be received on or before September 20, 2021.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2012–0032 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. See the Public Participation and Request for Comments section below for further information.
- *Mail:* Docket Operations, 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. E.T., 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 (FMCSA–2012–0032). Note that DOT posts all comments received without change to 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 at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. 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.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202–366–2722. MCPSD@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Operations, (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 and put the docket number, "FMCSA–2012–0032" in the "Search" box, and click "Search." When the new screen appears, click on "Documents" button, then click the "Comment" button associated with the latest notice posted. Another screen will appear, insert the required information. Choose whether you are submitting your comment as an individual, an organization, or anonymous. Click "Submit Comment".

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 materials received during the comment period.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain 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 safety analyses and public comments submitted 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)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background*Current Regulation(s) Requirements*

Under 49 CFR 383.23, no person shall operate a commercial motor vehicle (CMV) unless such person has taken and passed the knowledge and driving skills tests for a commercial learner's permit or CDL that meet the Federal standards in subparts F, G, and H of part 383 for the CMV that person operates or expects to operate. The Clearinghouse maintains records of all drug and alcohol program violations in a central repository and requires that employers query the system to determine whether current and prospective employees have verified drug or alcohol violations that would prohibit them from performing safety-sensitive functions under the FMCSA and U.S. Department of Transportation drug and alcohol testing regulations.

Applicant's Request

Daimler has requested an exemption from 49 CFR 383.23 for Gesa Reimelt, because she is unable to obtain a CDL due to her lack of residency in the United States. Daimler further requested an exemption for the driver from the Clearinghouse requirements of 49 CFR part 382, subpart G, stating that, for a driver to register and for a motor carrier to run full/limited queries and/or report violations to the Clearinghouse, a valid State-issued CDL number is required.

Daimler's Development Engineer/Driver Gesa Reimelt has a valid German commercial license. The exemption would allow Ms. Reimelt to operate a CMV in interstate commerce to support Daimler field tests to meet future regulatory requirements, and to promote the development of improved safety and emissions technologies. Daimler stated that the driver would be in country for no more than six weeks per year.

IV. Equivalent Level of Safety

According to Daimler, the requirements for a German commercial license ensure that the same level of safety is met or exceeded as if a driver had a CDL issued by one of the States. Daimler explained that Ms. Reimelt is familiar with the operation of CMVs worldwide and would be accompanied at all times by a driver who holds a State-issued CDL and is familiar with the routes to be traveled. Additionally, Daimler provided statements of driving history for its driver.

V. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Daimler's application for an exemption from 49 CFR 383.23. The Agency is not seeking comment on Daimler's request for an exemption from the Clearinghouse requirements, because 49 CFR part 382, subpart G is not applicable to a driver who does not hold a CDL. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested

persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT-OST-2018-0190]

Aviation Consumer Protection Advisory Committee: Notice of Solicitation of Nominations for Appointment for the Anti-Discrimination Subcommittee

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Solicitation of nominations for appointment for the Anti-Discrimination Subcommittee.

SUMMARY: The U.S. Department of Transportation (Department) has established a subcommittee of the Aviation Consumer Protection Advisory Committee (ACPAC) to focus on preventing discrimination and ensuring air travelers are treated equally and without bias. The Department invites interested persons to submit applications or nominations for membership to this subcommittee, which has been named the Anti-Discrimination Subcommittee. The Anti-Discrimination Subcommittee is charged with making recommendations to the ACPAC on best practices related to training and other practices or actions that can be taken by DOT, airlines or others to ensure nondiscriminatory delivery of airlines' programs and activities to air travelers. The recommendations of the Anti-Discrimination Subcommittee will receive full review, deliberation and proper consideration in a public meeting of the ACPAC before final recommendations are submitted to the Department.

DATES: Applications and nominations for membership must be received on or before September 20, 2021. You may submit your applications and nominations electronically via email to ACACP@dot.gov.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Maegan Johnson, Senior Trial Attorney, U.S. Department of Transportation, by email at maegan.johnson@dot.gov, or by telephone at 202-366-9342.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 2012, the Department established an advisory committee on aviation consumer protection as mandated by the FAA Reauthorization Act of 2012. The statutory termination date for the Committee was originally September 30, 2015, but has been extended several times, most recently by the FAA Reauthorization Act of 2018 (2018 FAA Act) to the current termination date of September 20, 2023. The purpose of the Aviation Consumer Protection Advisory Committee is to evaluate existing aviation consumer protection programs and provide recommendations to the Secretary for improving and establishing additional aviation consumer protection programs. Consumer protection inherently includes preventing unlawful discrimination against consumers.

Establishment of the Anti-Discrimination Subcommittee

Airlines are prohibited from discriminating against passengers based on race, national origin, religion, ancestry, gender, gender identity and sexual orientation or as otherwise prohibited under 49 U.S.C. 40127(a) and 49 U.S.C. 41310. 49 U.S.C. 40127(a) states that U.S. and foreign air carriers may not subject a person in air transportation to discrimination because of "race, color, national origin, religion, sex, or ancestry." In addition, 49 U.S.C. 41310(a) prohibits U.S. and foreign airlines from unreasonable discrimination against any person in foreign air transportation. The Department also interprets 49 U.S.C. § 41712 (which prohibits airlines and ticket agents from engaging in unfair and deceptive practices and unfair methods of competition) and 49 U.S.C. 41702 (which requires airlines to provide safe and adequate interstate air transportation) as prohibiting discrimination against airline passengers. The Department is responsible for ensuring that airlines adhere to Federal non-discrimination laws.

The 2018 FAA Act requires the Department to develop best practices to improve airline nondiscrimination training policies in consultation with persons of diverse backgrounds in race, ethnicity, religion and gender, national organizations that represent those communities, airlines, airports and contract service providers. To help inform this effort, in August 2019, the U.S. Government Accountability Office (GAO) issued a report identifying key considerations for airline non-discrimination training programs.