

and Dodge Counties, Nebraska, is being rescinded. The NOI was published in the **Federal Register** on August 29, 2005. This rescission is based on the desire of the Nebraska Department of Roads to fund the project entirely with newly acquired state funds. NDOR plans to have the improvements completed with state funds in the FY 2016–2019 timeframe.

**FOR FURTHER INFORMATION CONTACT:**

Melissa Maiefski, Program Delivery Team Lead, FHWA, Nebraska Division, 100 Centennial Mall North, Room 220, Lincoln, Nebraska 68508, Telephone: (402)742–8473.

**SUPPLEMENTARY INFORMATION:** On August 29, 2005, FHWA and NDOR announced their intent to prepare an EIS pursuant to 40 CFR 1508.22 for the proposed improvements along a 26-mile segment of US–30, from Schuyler, Nebraska to Fremont, Nebraska. In an effort to develop a preliminary purpose and need statement and a reasonable range of alternatives, the NDOR convened a local public interest advisory group in 2005, which was comprised of residents, stakeholders, and local officials from the study area. In December 2006, the advisory group prepared a majority and a minority recommendation for a locally preferred solution, along with other reasonable alternatives. This recommendation was to be considered in the development of the range of alternatives to be studied in the EIS. After completion of the advisory group's work, NDOR reviewed the Statewide Transportation Improvement Program (STIP) and determined that funding for construction of the project was not likely to be available for the foreseeable future; therefore, the environmental process was halted until a financial plan could be identified. In 2009, the United States Army Corps of Engineers (USACE) began public meetings related to a Section 205 study of flood protection measures for the City of Fremont that included alternatives in the US–30 corridor. Although funding for construction of US–30 improvements was still uncertain, NDOR and FHWA determined that it would be beneficial for the US–30 environmental process to resume, coordinated with the USACE improvements. In 2011, NDOR was beginning to draft a Coordination Plan in accordance with Section 6002 of SAFETEA–LU to outline the process of agency and public participation during the environmental review process, when the Nebraska State Legislature enacted LB84, legislation which will divert ¼ cent of the sales tax revenue for road construction projects for the next 20

years, beginning in 2013. NDOR has requested to rescind the Notice of Intent to Prepare an EIS due to the enactment of LB84 and the resulting availability of state funds to deliver this project. Further, NDOR will continue to coordinate closely with appropriate agencies, seek public involvement, and undergo environmental evaluations pursuant to their State environmental process. Comments or questions concerning the rescission of this proposed action and the EIS should be directed to the FHWA at the address provided above.

**Authority:** 23 U.S.C. 315; 49 CFR 1.48.

Dated: February 28, 2012.

**Joseph A. Werning,**

*Division Administrator, Nebraska.*

[FR Doc. 2012–5462 Filed 3–6–12; 8:45 am]

**BILLING CODE 4910–22–P**

## 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; request for comments.

**SUMMARY:** FMCSA announces that Daimler Trucks North America (Daimler) has applied for two drivers of commercial motor vehicles (CMVs) to be exempt from the Federal requirement to hold a commercial driver's license (CDL) issued by one of the States. Daimler requests that the exemption cover two German project engineers who will test-drive CMVs for Daimler within the United States. Daimler states the exemption is needed to meet future vehicle safety and environmental regulatory requirements and to promote the development of technology advancements in vehicle safety systems and emissions reductions. These Daimler drivers hold valid German CDLs and need to be able to test-drive Daimler vehicles on U.S. roads to better understand product requirements for these systems in “real world” environments in the U.S. market, and verify results. Daimler believes the requirements for a German CDL are such that they ensure that the same level of safety is met or exceeded as if these drivers had U.S. state-issued CDLs.

**DATES:** Comments must be received on or before April 6, 2012.

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

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov). In the ENTER KEYWORD OR ID box enter FMCSA–2012–0032 and click on the tab labeled SEARCH. On the ensuing page, click on any tab labeled SUBMIT A COMMENT on the extreme right of the page and a page should open that is titled “Submit a Comment.” You may identify yourself under section 1, ENTER INFORMATION or you may skip section 1 and remain anonymous. You enter your comments in section 2, TYPE COMMENT & UPLOAD FILE. When you are ready to submit your comments, click on the tab labeled SUBMIT. Your comment is then submitted to the docket; and you will receive a tracking number.

- *Fax:* 1–202–493–2251.
- *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:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments received, go to [www.regulations.gov](http://www.regulations.gov) at any time, and in the ENTER KEYWORD OR ID box enter FMCSA–2012–0032 and click on the tab labeled SEARCH.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the U.S. Department of Transportation's online privacy policy at [www.dot.gov/privacy](http://www.dot.gov/privacy) or the complete Privacy Act Statement in the **Federal Register** published on December 29, 2010 (75 FR 82133).

**Public Participation:** The [www.regulations.gov](http://www.regulations.gov) Web site is generally available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the “help” section of the [www.regulations.gov](http://www.regulations.gov) web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Bus and Truck Standards and Operations; Telephone: 202-366-4325. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

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)) with the reason for denying or, in the alternative, 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 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

**Request for Exemption**

Daimler has applied for an exemption from the commercial driver's license (CDL) rules, specifically 49 CFR 383.23 that prescribes licensing requirements for drivers operating commercial motor vehicles (CMVs) in interstate or intrastate commerce. Daimler requests the exemption because these drivers are citizens of Germany, and therefore cannot apply for a CDL in any of the U.S. States. A copy of the application is in Docket No. FMCSA-2012-0032.

The exemption would allow two drivers to operate CMVs in interstate commerce to support Daimler field tests to meet future vehicle safety and environmental regulatory requirements and to promote the development of technology advancements in vehicle safety systems and emissions reductions. According to Daimler, the drivers 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 for each driver 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.

The drivers are Georg Weiberg and Klaus-Dieter Holloh, and Daimler requests that the exemption cover a two-year period. The drivers hold valid German CDLs, and as explained by Daimler in its exemption requests, the requirements for a German CDL are such that they ensure that the same level of safety is met or exceeded as if these drivers had U.S. State-issued CDLs.

FMCSA has determined the process for obtaining a German-issued CDL is comparable to, or as effective as the Federal requirements of Part 383, and adequately assesses each driver's ability to operate CMVs in the United States.

**Request for Comments**

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on Daimler's application for an exemption from the CDL requirements of 49 CFR 383.23. The Agency will consider all comments received by close of business on April 6, 2012. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: February 29, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2012-5521 Filed 3-6-12; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[FMCSA Docket No. FMCSA-2011-0368]

**Qualification of Drivers; Exemption Applications; Diabetes Mellitus**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt twenty individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

**DATES:** The exemptions are effective March 7, 2012. The exemptions expire on March 7, 2014.

**FOR FURTHER INFORMATION CONTACT:** Elaine M. Papp, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Room W64-224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or 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., Monday through Friday, except Federal holidays.

**Privacy Act:** Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

**Background**

On January 24, 2012, FMCSA published a notice of receipt of Federal