Petition for Exemption


Petitioner: Major Daniel K. Florence.

Section(s) of 14 CFR Affected:
§ 61.159 (a)(5).

Description of Relief Sought: Major Daniel K. Florence requests relief from § 61.159 (a)(5) to allow 105.9 hours of his powered-lift aircraft flight time to be credited toward the 250 hours of flight time in an airplane as a pilot in command, or as second in command while under the supervision of a pilot in command, required for an Airline Transport Pilot certificate.

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.
- 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 3, 2015 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 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.

Issued in Washington, DC on June 11, 2015.

Ron Hynes,
Director, Office of Technical Oversight.

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, for the Purchase of a Variable Refrigerant Flow Heating, Ventilation, and Air Conditioning System

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 that it intends to grant the City of Sacramento, California, Department of Public Works (Sacramento), a waiver from FRA’s Buy America requirement under 49 U.S.C. 24405(a)(2)(B) for the purchase of a variable refrigerant flow (VRF) heating, ventilation, and air conditioning system for use in the Sacramento Valley Station Phase II intermodal project. The $30 million project is partially funded with a $15 million 2012 Transportation Infrastructure Generating Economic Recovery grant. The cost of the non-domestic material in the VRF system is approximately $202,500. FRA believes a waiver is appropriate under 49 U.S.C. 24405(a)(2)(B) for the VRF system because VRF systems are not currently produced in the U.S.

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 22, 2015.

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.
- Fax: (202) 493–2251;
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 a variable refrigerant flow (VRF) heating, ventilation, and air conditioning (HVAC) system for use in the Sacramento Valley Station (SVS) Phase II intermodal project. 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 the 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 Amtrak station facilities, commercial retail and office space.

FRA is granting Sacramento’s waiver request. FRA concludes a waiver is appropriate under 49 U.S.C. 24405(a)(2)(B) for the VRF system because domestically-produced HVAC systems meeting the specific needs of Sacramento for this application (i.e., energy efficiency and historic preservation) are not currently “produced in sufficient and reasonably available amount or are not of a satisfactory quality.” 49 U.S.C. 24405(a)(2)(B).

With respect to historic building preservation and energy efficiency, FRA concludes that the VRF system is the only choice for the rehabilitation of the SVS for the following reasons:

- The VRF system has small distribution pipes instead of large ductwork that would create problematic penetrations in the existing older structures.
- The VRF system has smaller equipment in the conditioned allowable space.
- The VRF system does not require heavy, large air handling units that would overburden an historic building’s capacity.
- The VRF system has zone-to-zone heat recovery and high efficiency heating and cooling.

In addition to concluding that VRF is the only system meeting the project’s needs, FRA also conducted due diligence with regard to determining the availability of domestic manufacturers of the VRF system. FRA concludes that no company manufactures VRF systems domestically. FRA bases this determination on the following facts:

- In 2010, the U.S. Department of Energy (DOE) issued a blanket non-availability waiver for VRF HVAC systems procured with American Reinvestment and Recovery Act funding. See 75 FR 35447, June 22, 2010.
- In 2014, the Federal Transit Administration (FTA) granted two non-availability waivers for VRF systems. See St. Louis’ MetroLink, 79 FR 34653, June 17, 2014, and San Bernardino Associated Governments, 79 FR 61129, October 9, 2014. FTA is currently reviewing another non-availability waiver for a VRF system.
- On December 9, 2014, FRA provided public notice of this waiver request and a 15-day opportunity for comment on its Web site. FRA also emailed notice to over 6,000 persons who have signed up for Buy America notices through “GovDelivery.” See http://www.fra.dot.gov/Page/0719.
- FRA received one comment. The commenter supported granting the waiver and stated, “The efficiency of the VRF system cannot be matched by other types of conventional systems.”

In February 2015, FTA engaged National Institutes of Standards and Technology’s Hollings Manufacturing Extension Partnership (NIST–MEP) to scout for Buy America-compliant VRF systems. NIST–MEP did not locate any domestic VRF systems. In fact, Carrier Corporation responded to NIST–MEP’s scouting efforts, stating “VRF system is a new technology . . . there are no current domestic manufacturers of VRF systems.” Pursuant to 49 U.S.C. 24405(a)(4), FRA will publish this letter granting Sacramento’s request in the Federal Register to provide notice of such finding and an opportunity for public comment after which this waiver will become effective.

Question about this letter can be directed to John Johnson, Attorney-Advisor, at John.Johnson@dot.gov or (202) 493–0078.