The 2002 amendments and 2005 reenactment of the preemption provisions in 49 U.S.C. 5125 reaffirmed Congress’s long-standing view that a single body of uniform Federal regulations promotes safety (including security) in the transportation of hazardous materials. More than thirty years ago, when it was considering the HMTA, the Senate Commerce Committee “endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.” S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974). When Congress expanded the preemption provisions in 1990, it specifically found:

(3) many States and localities have enacted laws and regulations which vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers which attempt to comply with multiple and conflicting registration, permitting, routing, notification, and other regulatory requirements,

(4) because of the potential risks to life, property, and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and desirable.

(5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable.


In making preemption determinations under 49 U.S.C. 5125(d), PHMSA is guided by the principles and policies set forth in Executive Order No. 13132, entitled “Federalism” (64 FR 43255 (Aug. 10, 1999)), and the President’s May 20, 2009 memorandum on “Preemption” (74 FR 24693 [May 22, 2009]). Section 4(a) of that Executive Order authorizes preemption of State laws only when a statute contains an express preemption provision, there is other clear evidence Congress intended to preempt State law, or the exercise of State authority directly conflicts with the exercise of Federal authority. The President’s May 20, 2009 memorandum sets forth the policy “that preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption.” Section 5125 contains express preemption provisions, which PHMSA has implemented through its regulations.

IV. Public Comments

All comments should be directed to whether 49 U.S.C. 5125 preempts regulations of the State of California that prohibit an employer from requiring an employee to work during any mandatory meal or rest period. Comments should specifically address the preemption criteria discussed in Part II above.

Issued in Washington, DC, on August 23, 2016.

Joseph Solomey,
Senior Assistant Chief Counsel.
[FR Doc. 2016–21205 Filed 9–1–16; 8:45 am]

DEPARTMENT OF TRANSPORTATION
Pipeline and Hazardous Materials Safety Administration
[Docket No. PHMSA–2016–0066 (Notice No. 16–16)]

Information Collection Activities

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA issues this notice to announce that the Information Collection Requests (ICR) discussed below will be forwarded to the Office of Management and Budget (OMB) for renewal and extension. This ICR describes the nature of the information collection and its expected burden. On June 27, 2016 [81 FR 41648], PHMSA published a Federal Register notice with a 60-day comment period under Docket No. PHMSA–2016–0066 (Notice No. 2016–10) that solicited comments pertaining to this ICR. PHMSA did not receive any comments in response to the June 27, 2016 notice.

DATES: Interested persons are invited to submit comments on, or before October 3, 2016.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, by any of the following methods:

• Mail: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for DOT–PHMSA, 725 17th Street NW., Washington, DC 20503.
PHMSA requests comments on the following information collection:

**Title:** Hazardous Materials Incident Reports

**OMB Control Number:** 2137–0039

**Summary:** This collection is applicable upon occurrence of an incident as prescribed in §§171.15 and 171.16. A Hazardous Materials Incident Report, DOT Form F 5800.1, must be completed by a person in physical possession of a hazardous material at the time a hazardous material incident occurs in transportation, such as a release of materials, serious accident, evacuation, or closure of a main artery. Incidents meeting criteria in §171.15 also require a telephonic report. This information collection enhances the Department’s ability to evaluate the effectiveness of its regulatory program, determine the need for regulatory changes, and address emerging hazardous materials transportation safety issues. The requirements apply to all interstate and intrastate carriers engaged in the transportation of hazardous materials by rail, air, water, and highway.

**Affected Public:** Shippers and carriers of hazardous materials.

**Annual Reporting and Recordkeeping Burden:**

- **Number of Respondents:** 1,781.
- **Total Annual Responses:** 17,810.
- **Total Annual Burden Hours:** 23,746.
- **Frequency of collection:** On occasion.

Issued in Washington, DC, on August 10, 2016, under authority delegated in 49 CFR part 107.

**William S. Schoonover,**

*Acting Associate Administrator, Pipeline and Hazardous Materials Safety Administration.*

**[FR Doc. 2016–21202 Filed 9–1–16; 8:45 am]**

**BILLING CODE 4910–60–P**

**DEPARTMENT OF THE TREASURY**

**Office of the Comptroller of the Currency**

[Docket ID: OCC–2016–0023]

**Mutual Savings Association Advisory Committee and Minority Depository Institutions Advisory Committee**

**AGENCY:** Office of the Comptroller of the Currency, Department of the Treasury (OCC).

**ACTION:** Request for nominations.

**SUMMARY:** The OCC is seeking nominations for members of the Mutual Savings Association Advisory Committee (MSAAC) and the Minority Depository Institutions Advisory Committee (MDIAC). The MSAAC and the MDIAC assist the OCC in assessing the needs and challenges facing mutual savings associations and minority depository institutions, respectively. The OCC is seeking nominations of individuals who are officers and/or directors of federal mutual savings associations, or officers and/or directors of federal stock savings associations that are part of a mutual holding company structure, to be considered for selection as MSAAC members. The OCC also is seeking nominations of individuals who are officers and/or directors of OCC-regulated minority depository institutions, or officers and/or directors of other OCC-regulated depository institutions with a commitment to supporting minority depository institutions, to be considered for selection as MDIAC members.

**DATES:** Nominations must be received on or before October 7, 2016.

**ADDRESSES:** Nominations of MSAAC members should be sent to msaac.nominations@occ.treas.gov or mailed to: Michael R. Brickman, Deputy Comptroller for Thrift Supervision, 400 7th Street SW., Washington, DC 20219. Nominations of MDIAC members should be sent to mdiac.nominations@occ.treas.gov or mailed to: Beverly F. Cole, Deputy Comptroller for Compliance Supervision, 400 7th Street SW., Washington, DC 20219.

**FOR FURTHER INFORMATION CONTACT:**

About the MSAAC, Beverly F. Cole, Deputy Comptroller for Thrift Supervision, 400 7th Street SW., Washington, DC 20219; (202) 649–6450; msaac.nominations@occ.treas.gov. About the MDIAC, Beverly F. Cole, Deputy Comptroller for Compliance Supervision, 400 7th Street SW., Washington, DC 20219; (202) 649–5688; email: mdiac.nominations@occ.treas.gov.

**SUPPLEMENTARY INFORMATION:** The MSAAC and the MDIAC will be administered in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2. The MSAAC will advise the OCC on ways to meet the goals established by section 5(a) of the Home Owners’ Loan Act, 12 U.S.C. 1464. The Committee will advise the OCC with regard to mutual savings associations on means to: (1) Provide for the organization, incorporation, examination, operation and regulation of associations to be known as federal savings associations (including federal savings banks); and (2) issue charters therefore, giving primary consideration of the best practices of thrift institutions in the United States. The MSAAC will help meet those goals by providing the OCC with informed advice and