

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 and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

The American Moving and Storage Association (AMSA) is a national trade association representing the segment of the motor carrier industry that specializes in household goods transportation. AMSA has approximately 3,700 household goods carrier members, including national and international van lines with agency networks; independent national and regional van lines; and local agents affiliated with a van line network. AMSA's members provide relocation services throughout North America and at strategic points throughout the world.

AMSA is seeking an exemption from the "14-hour rule" in 49 CFR 395.3(a)(2), which prohibits a property-carrying CMV driver from driving a CMV after the 14th hour after coming on duty following 10 consecutive hours off duty. Under AMSA's proposal, the exemption would only be used by drivers who need to move their trucks from the customer's residence to a safe place for overnight parking when there are delays in completing the job. The overnight parking location would offer safety for the occupants of the CMV, security for the CMV and its cargo, and avoid creating a safety hazard on local streets. In no case would the driver be permitted to drive more than 75 miles or 90 minutes after reaching the 14th hour. Upon reaching a safe place to park their CMVs, drivers using this exemption would then be required to take 10 hours off duty before driving again. The driver must notify the motor carrier each time the extension is used. These log entries would provide verification and a record whenever the exemption is used and be available during compliance reviews.

AMSA contends that operations of its sector of the trucking industry are unique, not only in the commodities carried, but also in the types of services provided and in how its daily operations are conducted. AMSA's drivers spend more time on residential streets than at loading docks, and drive irregular routes based on where customers live, rather than using established freight lanes between large, industrial warehouses.

Drivers typically spend a great part of their 14-hour driving window not

driving. Instead, on-duty drivers work in private homes supervising the sorting, wrapping and packing of personal items, the disassembly and the reassembly of furniture and appliances, and the loading and unloading of non-palletized, irregularly shaped, individual items and cartons. The needs of customers dictate that most loading/unloading times start between 8–9 a.m. Consumers frequently change their plans and expect their movers to accommodate these changes. The list of potential unforeseen, impossible-to-plan-for situations that can cause delay is nearly endless. All of these issues can change schedules beyond the original plan developed by the mover.

AMSA states that the vast majority of these situations will not impact their drivers' ability to complete residential loading or unloading jobs within the 14-hour rule. However, when rare, unusual and unforeseen circumstances arise, the 14-hour rule forces drivers nearing the end of their 14-hour shifts to choose one of two impractical alternatives, either (1) stop a moving crew from completing the loading or unloading of a customer's household goods shipment in order to be able to drive the moving truck from the customer's residence to a place offering safety for the occupants of the CMV, security for the CMV and its cargo, and to avoid creating a safety hazard on local streets, or (2) permit completion of the loading or unloading, but leave the moving truck where it is, typically parked on an unsecured residential street, for at least 10 hours before they are permitted to drive again. Neither choice permits efficient, effective or safe operation.

AMSA believes that the requested exemption is comparable to the current regulation permitting certain "short-haul" drivers an increased driving window once per week, and other non-CDL short-haul drivers two such extended duty periods per week. The driving circumstances experienced under this exemption—the relatively short time and distance needed to remove their CMVs from residential areas to safe locations—can be analogous to the "short-haul" situations. AMSA acknowledges that its members and drivers using the requested exemption would still be subject to all of the other Federal Motor Carrier Safety Regulations, including all other hours-of-service requirements.

A copy of AMSA's application for exemption is available for review in the docket for this notice.

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment on AMSA's application for an exemption from certain provisions of

the driver's HOS rules in 49 CFR part 395. The Agency will consider all comments received by close of business on October 9, 2014. Comments will be available for examination in the docket at the location listed in the **ADDRESSES** section of this notice.

Issued on: August 29, 2014.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0298]

Notification of Changes in the New Entrant Safety Assurance Program Operational Test

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

ACTION: Notice of changes to operational test.

SUMMARY: FMCSA announces two changes to the New Entrant Safety Assurance Program Operational Test (Operational Test) discussed in the Agency's September 4, 2013, notice. First, the Agency will update the IT systems so that when an automatic failure violation (as listed in 49 CFR 385.321) is identified by the Agency based on the records the motor carrier provides during the document submission process, the carrier will automatically fail the new entrant safety audit and be placed into the corrective action process. This is consistent with the current new entrant safety audit process for audits conducted at a motor carrier's principal place of business (PPOB). Second, the Agency will extend the Operational Test through December 2014 to ensure sufficient data is available to calculate the established metrics in order to make an informed decision on any future actions.

DATES: The changes take effect September 9, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2013-0298 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov. Follow the on-line instructions for submitting comments.
- *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 or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, 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. 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, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our 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, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System 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>.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Bennett, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone: (202) 365-8324, email: joseph.bennett@dot.gov. If you have questions on viewing or submitting material to the docket, call Ms. Barbara Hairston, Program Manager, Docket Operations, 202-366-3024, Barbara.Hairston@dot.gov.

SUPPLEMENTARY INFORMATION:

I. New Entrant Safety Assurance Program Operational Test

On September 4, 2013, FMCSA published a notice in the **Federal Register** announcing the New Entrant Safety Assurance Program Operational Test (78 FR 54510). The Agency indicated that the Operational Test began in July 2013 and will be in effect

for up to 12 months. The Operational Test procedures allow FMCSA to complete off-site new entrant safety audits, defined as safety audits not conducted at the motor carrier's principal place of business (PPOB), of eligible new entrant motor carriers that can demonstrate basic safety management controls without going to the motor carrier's PPOB by reviewing specific compliance documentation submitted by the motor carrier as requested by FMCSA or its State partners.

In July 2013, this Operational Test included California, Florida, Illinois, New York, Montana, and the Canadian Provinces contiguous to Montana and New York. In December 2013, the state of Alaska was added to the group of test states.

The purpose of the Operational Test is to compare these off-site new entrant audits to the traditional new entrant safety audits conducted at the motor carriers' PPOB. The Agency is assessing each approach's impact on both resource allocation and subsequent safety performance of new entrant motor carriers.

During the first nine months of the Operational Test, eligible new entrant motor carriers submitted requested documents to a new entrant safety auditor who subsequently reviewed the documentation and:

(1) Prepared a report to document that the motor carrier has passed the new entrant safety audit; or,

(2) Contacted the motor carrier to request additional documentation to determine whether the carrier satisfied the criteria for passing the audit; or

(3) Scheduled a new entrant safety audit at the motor carrier's PPOB, as soon as practicable, based upon violations observed from the submitted documentation or the carrier's failure to submit adequate documentation.

II. Changes to the New Entrant Safety Assurance Program Operational Test

Effective September 9, 2014, if during the examination of the submitted documentation, a safety auditor discovers automatic failure violation(s) as listed in 49 CFR 385.321, the motor carrier will fail the new entrant safety audit. The carrier will be placed into the corrective action process pursuant to 49 CFR 385.319(c) and if the carrier does not provide adequate corrective action it will be prohibited from operating in interstate commerce. FMCSA notes that the definition of "safety audit" under 49 CFR 385.3 does not limit the activity to on-site interventions as is the case with the definition of "compliance review." Therefore, the Agency has the discretion

under existing regulations to fail carriers during the Operational Test without conducting an on-site safety audit.

FMCSA believes this change needs to be made for the following reasons:

- This process is consistent with the current method concerning automatic failure violations for on-site new entrant audits;

- Since the Operational Test began, when automatic failure violations were discovered during the off-site document review process; many of those carriers still failed the follow-up new entrant safety audit conducted at their PPOB; and,

- Allowing a new entrant motor carrier known to be operating with an automatic failure violation(s) can pose a threat to public safety.

Based on the Agency's experience with the test to date, the Agency will monitor this change and compare the results and workload impacts to the earlier portion of the test. The evaluation will look at the relative workload of processing the additional corrective action submitted by motor carriers that fail the off-site audit and the resources needed to conduct on-site audits in these cases.

In addition, FMCSA is extending the Operational Test through December 2014 to ensure sufficient data is available to calculate the established metrics in order to make an informed decision on any future actions.

Issued on: August 29, 2014.

T.F. Scott Darling, III,

Acting Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0215]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the prohibition against persons with a clinical diagnosis of epilepsy or any other condition which is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce. The regulation and the associated