

continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on July 12, 2019. The exemptions expire on July 12, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation**

*A. Viewing Documents and Comments*

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA-2008-0355; FMCSA-2011-0089; FMCSA-2014-0381; FMCSA-2014-0382, in the keyword box, and click "Search." Next, click the "Open Docket Folder" button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

*B. Privacy Act*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**II. Background**

On August 5, 2019, FMCSA published a notice announcing its decision to renew exemptions for four individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (84 FR 38095). The public comment period ended on September 4, 2019, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would

achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

**III. Discussion of Comments**

FMCSA received no comments in this proceeding.

**IV. Conclusion**

Based on its evaluation of the four renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of July 12, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (84 FR 38095):

Prince Austin, Jr. (OH)  
Frank Cekovic (PA)  
Martin Ford (MS)  
Michael Weymouth (NH)

The drivers were included in docket number FMCSA-2008-0355; FMCSA-2011-0089; FMCSA-2014-0381; FMCSA-2014-0382. Their exemptions are applicable as of July 12, 2019, and will expire on July 12, 2021.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

<sup>1</sup> These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

Issued on: September 25, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019-21279 Filed 9-30-19; 8:45 am]

BILLING CODE 4910-EX-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2001-9258; FMCSA-2001-9561; FMCSA-2002-11714; FMCSA-2002-13411; FMCSA-2003-14504; FMCSA-2003-15268; FMCSA-2005-20560; FMCSA-2005-21254; FMCSA-2006-26653; FMCSA-2007-2663; FMCSA-2007-27333; FMCSA-2007-27515; FMCSA-2007-27897; FMCSA-2008-0106; FMCSA-2009-0054; FMCSA-2009-0121; FMCSA-2010-0354; FMCSA-2011-0010; FMCSA-2011-0024; FMCSA-2011-0102; FMCSA-2011-0140; FMCSA-2011-0141; FMCSA-2013-0022; FMCSA-2013-0025; FMCSA-2013-0027; FMCSA-2013-0028; FMCSA-2013-0029; FMCSA-2014-0006; FMCSA-2014-0010; FMCSA-2014-0302; FMCSA-2014-0304; FMCSA-2014-0305; FMCSA-2015-0049; FMCSA-2015-0052; FMCSA-2015-0053; FMCSA-2015-0055; FMCSA-2016-0033; FMCSA-2016-0207; FMCSA-2016-0212; FMCSA-2016-0214; FMCSA-2016-0377; FMCSA-2017-0014; FMCSA-2017-0016; FMCSA-2017-0019; FMCSA-2017-0020]

**Qualification of Drivers; Exemption Applications; Vision**

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 126 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, (202) 366-9826.

**SUPPLEMENTARY INFORMATION:****I. Public Participation****A. Viewing Documents and Comments**

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA-2001-9258; FMCSA-2001-9561; FMCSA-2002-11714; FMCSA-2002-13411; FMCSA-2003-14504; FMCSA-2003-15268; FMCSA-2005-20560; FMCSA-2005-21254; FMCSA-2006-26653; FMCSA-2007-2663; FMCSA-2007-27333; FMCSA-2007-27515; FMCSA-2007-27897; FMCSA-2008-0106; FMCSA-2009-0054; FMCSA-2009-0121; FMCSA-2010-0354; FMCSA-2011-0010; FMCSA-2011-0024; FMCSA-2011-0102; FMCSA-2011-0140; FMCSA-2011-0141; FMCSA-2013-0022; FMCSA-2013-0025; FMCSA-2013-0027; FMCSA-2013-0028; FMCSA-2013-0029; FMCSA-2014-0006; FMCSA-2014-0010; FMCSA-2014-0302; FMCSA-2014-0304; FMCSA-2014-0305; FMCSA-2015-0049; FMCSA-2015-0052; FMCSA-2015-0053; FMCSA-2015-0055; FMCSA-2016-0033; FMCSA-2016-0207; FMCSA-2016-0212; FMCSA-2016-0214; FMCSA-2016-0377; FMCSA-2017-0014; FMCSA-2017-0016; FMCSA-2017-0019; or FMCSA-2017-0020, in the keyword box, and click "Search." Next, click the "Open Docket Folder" button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

**B. Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**II. Background**

On August 5, 2019, FMCSA published a notice announcing its decision to renew exemptions for 126 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (84 FR

38097). The public comment period ended on September 4, 2019, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation § 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in § 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

**III. Discussion of Comments**

FMCSA received no comments in this proceeding.

**IV. Conclusion**

Based on its evaluation of the 126 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in § 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of August and are discussed below. As of August 8, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 65 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 30502; 66 FR 41654; 67 FR 15662; 67 FR 37907; 67 FR 76439; 68 FR 10298; 68 FR 19598; 68 FR 33570; 68 FR 44837; 69 FR 26206; 70 FR 7545; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 41811; 71 FR 26601; 71 FR 26602; 72 FR 7812; 72 FR 8417; 72 FR 12666; 72 FR 21313; 72 FR 25831; 72 FR 27624; 72 FR 28093; 72 FR 32703; 72 FR 36099; 72 FR 39879; 72 FR 40362; 72 FR 52419; 73 FR 27017; 73 FR 36955; 74 FR 11988; 74 FR 15586; 74 FR 19267; 74 FR 19270; 74 FR 20253; 74 FR 21427; 74 FR 23472; 74 FR 26461; 74 FR 26466; 74 FR 28094; 74 FR 34395; 74 FR 34630; 75 FR 27621; 75 FR 36779; 75 FR 66423; 75 FR 72863; 76 FR 2190; 76 FR 9856; 76 FR 17481; 76 FR 20076; 76 FR 21796; 76 FR 25762; 76 FR 28125; 76 FR 29022; 76 FR 29026; 76 FR 32016; 76 FR 32017; 76 FR 37168; 76 FR 37173; 76 FR 44082;

76 FR 44652; 77 FR 27849; 77 FR 38384; 77 FR 74273; 78 FR 12815; 78 FR 14410; 78 FR 18667; 78 FR 20376; 78 FR 22596; 78 FR 22602; 78 FR 24300; 78 FR 24798; 78 FR 27281; 78 FR 30954; 78 FR 32703; 78 FR 32708; 78 FR 34141; 78 FR 41188; 78 FR 46407; 78 FR 51268; 78 FR 51269; 78 FR 56993; 78 FR 57679; 79 FR 35212; 79 FR 35218; 79 FR 47175; 79 FR 51643; 79 FR 64001; 79 FR 73687; 80 FR 12248; 80 FR 14223; 80 FR 16500; 80 FR 16502; 80 FR 18696; 80 FR 22773; 80 FR 25766; 80 FR 25768; 80 FR 26320; 80 FR 29149; 80 FR 29152; 80 FR 29154; 80 FR 31635; 80 FR 31636; 80 FR 31957; 80 FR 33007; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 36398; 80 FR 37718; 80 FR 45573; 80 FR 48404; 80 FR 48413; 81 FR 59266; 81 FR 70248; 81 FR 74494; 81 FR 80161; 81 FR 86063; 81 FR 90046; 81 FR 91239; 82 FR 12678; 82 FR 12683; 82 FR 13045; 82 FR 13048; 82 FR 15277; 82 FR 17736; 82 FR 18949; 82 FR 18954; 82 FR 18956; 82 FR 26224; 82 FR 28734; 82 FR 32919; 82 FR 33542; 82 FR 37499);

Joshua A. Akshar (NY)  
Dakota A. Albrecht (MN)  
James C. Barr (OH)  
Russell A. Bolduc (CT)  
Steven R. Brinegar (TX)  
Ryan L. Brown (IL)  
Bernabe V. Cerda (TX)  
Don A. Clymer (PA)  
Dennis W. Cosens (NM)  
William T. Costie (NY)  
Paul W. Dawson (CO)  
Everett A. Doty (AZ)  
Timothy H. DuBois (MN)  
Eric Esplin (UT)  
Raymond C. Favreau (VT)  
Kevin M. Finn (NY)  
William B. Friend (MD)  
Greg E. Gage (IA)  
Odus P. Gautney (TX)  
Dale R. Goodell (SD)  
Edward J. Grant (IL)  
Ramon L. Green (LA)  
Jose J. Guzman-Olguin (IL)  
Johnnie L. Hall (MD)  
Gary D. Hallman (AL)  
Daniel L. Holman (UT)  
Tommy T. Hudson (VA)  
David A. Inman (IN)  
Joseph M. Jones (ID)  
Harry L. Jones (OH)  
James J. Keranen (MI)  
Cody A. Keys (OK)  
David J. Kibble (PA)  
Thomas Korycki (NJ)  
Larry G. Kreke (IL)  
Michael Lafferty (ID)  
Ryan P. Lambert (UT)  
David C. Leoffler (CO)  
Emanuel N. Malone (VA)  
James McClure (NC)  
Steven J. McLain (TN)  
Zagar E. Melvin (NJ)  
Daniel R. Murphy (WI)

Travis W. Neiwert (ID)  
 Armando F. Pederose Jimenez (MN)  
 Donald W. Randall (OR)  
 Scott K. Richardson (OH)  
 Elvis E. Rogers, Jr. (TX)  
 Leo D. Roy (NH)  
 Antonio Sanchez (NJ)  
 Jose C. Sanchez-Sanchez (WY)  
 Tim M. Seavy (IN)  
 Raymond Sherrill (PA)  
 Kyle C. Shover (NJ)  
 Rick J. Smart (NH)  
 Bill J. Thierolf (NE)  
 Steven L. Thomas (IN)  
 David R. Thomas (AL)  
 Eric M. Turton (NY)  
 Roy J. Ware (GA)  
 Marcus R. Watkins (TX)  
 Paul C. Weiss (PA)  
 Daniel A. Wescott (CO)  
 James Whiteway (TX)  
 Edward A. Ziehlke (WI)

The drivers were included in docket numbers FMCSA–2001–9561; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2005–20560; FMCSA–2006–26653; FMCSA–2007–2663; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2007–27897; FMCSA–2007–27897; FMCSA–2008–0106; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2010–0354; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0102; FMCSA–2013–0022; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2014–0006; FMCSA–2014–0010; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2016–0033; FMCSA–2016–0207; FMCSA–2016–0212; FMCSA–2016–0214; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0016. Their exemptions are applicable as of August 8, 2019, and will expire on August 8, 2021.

As of August 10, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 17743; 66 FR 33990; 68 FR 35772; 70 FR 30999; 70 FR 33937; 70 FR 46567; 72 FR 32705; 72 FR 40359; 74 FR 26464; 74 FR 34074; 76 FR 44653; 79 FR 4531; 80 FR 41547; 82 FR 32919):

Donald M. Jenson (SD)  
 Dennis D. Lesperance (OR)  
 Carl V. Murphy, Jr. (TX)

The drivers were included in docket numbers FMCSA–2001–9258; FMCSA–2005–21254. Their exemptions are applicable as of August 10, 2019, and will expire on August 10, 2021.

As of August 12, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 37169; 76 FR 50318; 79 FR 4531; 80 FR 41548; 82 FR 32919):

Danny F. Burnley (KY)  
 Sean R. Conorman (MI)  
 Robert E. Graves (NE)  
 Terrence F. Ryan (FL)

The drivers were included in docket number FMCSA–2011–0140. Their exemptions are applicable as of August 12, 2019, and will expire on August 12, 2021.

As of August 13, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 40122; 80 FR 62163; 82 FR 32919):

Pedro Del Bosque (TX)  
 William D. Cherry (MA)  
 Anthony C. DeNaples (PA)  
 Edward Dugue III (NC)  
 Larry R. Hayes (KS)  
 Wayne E. Jakob (IL)  
 Earney J. Knox (MO)  
 James Smentkowski (NJ)  
 Neil G. Sturges (NY)  
 Norman G. Wooten (TX)  
 Kurt A. Yoder (OH)

The drivers were included in docket number FMCSA–2015–0053. Their exemptions are applicable as of August 13, 2019, and will expire on August 13, 2021.

As of August 15, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 30502; 66 FR 41654; 68 FR 37197; 68 FR 44837; 68 FR 48989; 70 FR 41811; 70 FR 42615; 72 FR 40360; 74 FR 34632; 76 FR 49531; 79 FR 4531; 80 FR 44185; 82 FR 32919):

Steven P. Holden (MD)  
 Christopher G. Jarvela (MI)  
 Brad L. Mathna (PA)  
 Vincent P. Miller (CA)  
 Warren J. Nyland (MI)  
 Wesley E. Turner (TX)  
 Mona J. Van Krieken (OR)  
 Paul S. Yocum (IN)

The drivers were included in docket numbers FMCSA–2001–9561; FMCSA–2003–15268. Their exemptions are applicable as of August 15, 2019, and will expire on August 15, 2021.

As of August 23, 2019, and in accordance with 49 U.S.C. 31136(e) and

31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 34143; 78 FR 52602; 82 FR 32919):

Twila G. Cole (OR)  
 Brian D. Dowd (MA)  
 Randy L. Fales (MN)  
 Marc C. Grooms (MO)  
 Craig M. Mahaffey (OH)  
 Rickey H. Reeder (TN)  
 Michael L. Sherum (AL)  
 Dale A. Torkelson (WI)  
 Desmond Waldor (PA)

The drivers were included in docket number FMCSA–2013–0029. Their exemptions are applicable as of August 23, 2019, and will expire on August 23, 2021.

As of August 25, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 16 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 44188; 80 FR 62161; 82 FR 32919; 82 FR 34564; 82 FR 47296):

Harold D. Albrecht (IL)  
 Robert F. Anneheim (NC)  
 Ray C. Atkinson (TN)  
 Joseph W. Bahr (NJ)  
 Stephen C. Brueggeman (KY)  
 Robert J. Falanga (IL)  
 Refugio Haro (IL)  
 Kevin L. Harrison (TN)  
 Duane S. Lozinski (IA)  
 Keith W. McNabb (ID)  
 Ronald W. Neujahr (KS)  
 Robert E. Richards (ME)  
 Thomas E. Riley (NJ)  
 James R. Robinette (VA)  
 Rick R. Warner (MI)  
 Theodore A. White (PA)

The drivers were included in docket numbers FMCSA–2015–0055; FMCSA–2017–0020. Their exemptions are applicable as of August 25, 2019, and will expire on August 25, 2021.

As of August 29, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 40445; 76 FR 53710; 79 FR 4531; 82 FR 32919; 82 FR 35043):

Thomas A. Barber (NC)  
 Patrick J. Conner (OK)  
 Jay D. Diebel (MI)  
 Danny G. Goodman (TX)  
 Randy N. Grandfield (VT)  
 James Howard (CA)  
 Edgar A. Ideler (IL)  
 Ramon Melendez (NJ)  
 John J. Tilton (NH)

Randy D. VanScoy (IA)

The drivers were included in docket numbers FMCSA–2011–0141; FMCSA–2017–0019. Their exemptions are applicable as of August 29, 2019, and will expire on August 29, 2021.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Issued on: September 25, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019–21284 Filed 9–30–19; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0331]

#### Hours of Service of Drivers: National Mobile Shower and Catering Association; Application for Exemption

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

**ACTION:** Notice of final disposition; grant of application for an exemption.

**SUMMARY:** FMCSA announces its decision to grant the National Mobile Shower and Catering Association's (NMSCA) request for an exemption from various provisions of the Federal hours-of-service (HOS) rules for commercial motor vehicle (CMV) drivers. The requested exemption was made on behalf of those drivers employed by NMSCA member companies engaged in the transportation of equipment that provides food and water services to Federally-contracted forest firefighters and similar emergency workers who establish temporary base camps and have immediate need of food and water services near fire scenes. FMCSA analyzed the exemption application and public comments, and determined that the applicant would achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

**DATES:** This exemption is effective October 1, 2019 and expires October 1, 2024.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–2722. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### *Viewing Comments and Documents*

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov) and insert the docket number, FMCSA–2018–0331 in the “Keyword” box and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

##### 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 (FMCSRs). 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. Request for Exemption

The NMSCA seeks the exemption for a group of approximately 30 member companies who are strategically positioned in the Western states. Wildfires occur frequently during certain months of the year, especially in Western states. To fight these fires, the National Forest Service and similar agencies call upon Federally-contracted private fire-fighting companies, who are exempt from the majority of the Federal Motor Carrier Safety Regulations (FMCSRs) [49 CFR 390.3T(f)(5)] when they respond. Upon arriving near the fire scene, the firefighters establish a base camp where they will remain for a period ranging from a few days to a month, and will quickly require food and drinking water. To meet that need, the responsible government agency will issue a “Resource Order” to the nearest mobile shower and catering company that is under contract.

The NMSCA requested an exemption from certain hours-of-service (HOS) regulations for their member companies' drivers who are responding under a “Resource Order.” A “Resource Order” is a task order issued by a Federal Agency directing firefighters and supporting personnel to respond to forest fires and similar emergencies. NMSCA specifically requested that while operating under a “Resource Order” their drivers and carriers: (1) May extend the 14-hour duty period to no more than 16 hours; (2) need not include “waiting time” while not performing duties in the calculation of the 16-hour period; (3) need not comply with the minimum 30-minute rest break provision; (4) may extend the maximum 60 hours on duty in any 7 days to 80 hours on duty in any 7 days; (5) may extend the 11 hours of driving time to 12 hours, and (6) may extend the “8 days in 30” provision for exemption from use of an electronic logging device to “12 days in 30.”

According to NMSCA, their member companies' equipment does not qualify for the 49 CFR 390.3T(f)(5) exception for emergency equipment, so, while firefighters respond and set up their base camps, they have little food or water until an NMSCA member's equipment arrives at a later time. The exemption is needed both to expedite response to the incident and to allow HOS flexibility for the crews while operating for days at the base camps. While there, the crew members often need to drive CMVs to obtain supplies, in particular, water. Although the crew members have substantial rest time and have sleeping quarters on site, the