

last 5 years. His endocrinologist certifies that Mr. Woodbury understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Woodbury meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oklahoma.

#### Kyle A. Wright

Mr. Wright, 31, has had ITDM since 2009. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wright understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wright meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

### III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).<sup>1</sup> The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate

<sup>1</sup> Section 4129(a) refers to the 2003 notice as a "final rule." However, the 2003 notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

### IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2014-0315 and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA

may issue a final rule at any time after the close of the comment period.

### V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2014-0315 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to the proposed rulemaking.

Issued on: April 1, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-07904 Filed 4-6-15; 8:45 am]

BILLING CODE CODE 2210-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-28043]

### Hours of Service (HOS) of Drivers; Application for Renewal and Expansion of American Pyrotechnics Association (APA) Exemption From the 14-Hour Rule During Independence Day Celebrations

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

**ACTION:** Notice of application for renewal and expansion of exemption; request for comments.

**SUMMARY:** The American Pyrotechnics Association (APA) has requested a renewal for 50 APA member-companies of its exemption from FMCSA's regulation prohibiting drivers of commercial motor vehicles (CMVs) from driving after the 14th hour after coming on duty, and the expansion of its exemption to 5 additional carriers. The exemption would apply solely to the operation of CMVs by these 55 APA-member companies in conjunction with staging fireworks shows celebrating Independence Day during the periods June 28-July 8, 2015, and June 28-July 8, 2016, inclusive. During these two periods, approximately 3,200 CMVs and drivers employed by these companies would be allowed to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour driving window. These drivers would not be allowed to drive after accumulating a total of 14 hours of on-duty time, following 10 consecutive hours off duty, and would continue to be subject to the 11-hour driving time limit, and the 60- and 70-hour on-duty limits.

**DATES:** If granted, this exemption would be effective during the periods of June 28, 2015, through July 8, 2015, inclusive, and June 28, 2016, through July 8, 2016, inclusive. The exemption would expire on July 8, 2016 at 11:59 p.m. Comments must be received on or before May 7, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2007–28043 using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://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](http://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](http://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 online 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 acknowledgment page that appears after submitting comments on-line.

*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).

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearlle Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325.

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:**

##### **APA Application for Exemption**

The hours-of-service (HOS) rule in 49 CFR 395.3(a)(2) prohibits a property-carrying CMV driver from driving after the 14th hour after coming on duty following 10 consecutive hours off duty. Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the HOS requirements in 49 CFR 395.3(a)(2) for a period of up to 2 years if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The procedures for requesting an exemption (including renewals) are prescribed in 49 CFR part 381.

The APA, a trade association representing the domestic fireworks industry, was previously granted an exemption for 50 of the 55 APA member-companies during the Independence Day periods in 2013 and 2014. The APA held similar 2-year exemptions during Independence Day periods from 2005 through 2014. The 2013–2014 exemption expired on July 9, 2014. Like the other 50 member-companies that operated under the 2013–2015 exemption, the 5 additional member-companies would be subject to all of the terms and conditions of the exemption.

The initial APA exemption application for relief from the 14-hour rule was submitted in 2004; a copy of the application is in the docket. That application fully describes the nature of the pyrotechnic operations of the CMV drivers employed by APA member-companies during a typical Independence Day period.

As stated in APA's 2004 request, the CMV drivers employed by APA member-companies are trained pyrotechnicians who hold commercial driver's licenses (CDLs) with hazardous materials (HM) endorsements. They transport fireworks and related equipment by CMVs on a very demanding schedule during a brief Independence Day period, often to remote locations. After they arrive, the drivers are responsible for set-up and staging of the fireworks shows.

The APA states that it is seeking an HOS exemption for the 2015 and 2016 Independence Day periods because compliance with the current 14-hour rule in 49 CFR 395.3(a)(2) by its members would impose a substantial economic hardship on numerous cities,

towns and municipalities, as well as its member-companies. To meet the demand for fireworks under the current HOS rules, APA states that its member-companies would be required to hire a second driver for most trips. The APA advises that the result would be a substantial increase in the cost of the fireworks shows—beyond the means of many of its members' customers—and that many Americans would be denied this important component of the celebration of Independence Day. The 55 APA-member companies within the scope of this exemption request are listed in an appendix to this notice. A copy of the request for the exemption is included in the docket referenced at the beginning of this notice.

##### **Method To Ensure an Equivalent or Greater Level of Safety**

The APA believes that renewal of the exemption will not adversely affect the safety of the fireworks transportation provided by these motor carriers. According to APA, its member-companies have operated under this exemption for 10 previous Independence Day periods without a reported motor carrier safety incident. Moreover, it asserts, without the extra time provided by the exemption, safety would decline because APA drivers would be unable to return to their home base after each show. They would be forced to park the CMVs carrying HM 1.1G, 1.3G and 1.4G products in areas less secure than the motor carrier's home base. As a condition of holding the exemption, each motor carrier would be required to notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5) involving the operation of any its CMVs while under this exemption. To date, FMCSA has received no accident notifications, nor is the Agency aware of any accidents reportable under terms of the prior APA exemptions.

In its exemption request, APA asserts that the operational demands of this unique industry minimize the risks of CMV crashes. In the last few days before the Independence Day holiday, these drivers transport fireworks over relatively short routes from distribution points to the site of the fireworks display, and normally do so in the early morning when traffic is light. At the site, they spend considerable time installing, wiring, and safety-checking the fireworks displays, followed by several hours off duty in the late afternoon and early evening prior to the event. During this time, the drivers are able to rest and nap, thereby reducing or eliminating the fatigue accumulated during the day. Before beginning

another duty day, these drivers must take 10 consecutive hours off duty, the same as other CMV drivers.

**Terms and Conditions of the Exemption**

*Period of the Exemption*

The requested exemption from the requirements of 49 CFR 395.3(a)(2) is proposed to be effective June 28 through July 8, 2015, inclusive, and from June 28 through July 8, 2016, inclusive. The exemption would expire on July 8, 2016, at 11:59 p.m. local time.

*Extent of the Exemption*

This exemption would be restricted to drivers employed by the 55 motor carriers listed in the appendix to this notice. The drivers would be given a limited exemption from the requirements of 49 CFR 395.3(a)(2). This regulation prohibits a driver from driving a CMV after the 14th hour after coming on duty and does not permit off-duty periods to extend the 14-hour limit. Drivers covered by this exemption would be able to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour limit. This exemption would be contingent on each driver driving no more than 11 hours in the 14-hour period after coming on duty, as extended by any off-duty or sleeper-berth time in accordance with this exception. The exemption would be further contingent on each driver having a full 10 consecutive hours off duty following 14 hours on

duty prior to beginning a new driving period. The carriers and drivers must comply with all other requirements of the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399) and Hazardous Materials Regulations (49 CFR parts 105–180).

*Preemption*

During the periods the exemption would be in effect, no State would be allowed to enforce any law or regulation that conflicted with or with inconsistent with this exemption with respect to a person or entity operating under the exemption (49 U.S.C. 31315(d)).

*FMCSA Notification*

Exempt motor carriers would be required to notify FMCSA within 5 business days of any accidents (as defined by 49 CFR 390.5) involving the operation of any of their CMVs while under this exemption. The notification must include the following information:

- a. Date of the accident,
- b. City or town, and State, in which the accident occurred, or which is closest to the scene of the accident,
- c. Driver's name and driver's license number,
- d. Vehicle number and State license number,
- e. Number of individuals suffering physical injury,
- f. Number of fatalities,
- g. The police-reported cause of the accident,

h. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations, and

i. The total driving time and the total on-duty time of the CMV driver at the time of the accident.

*Termination*

The FMCSA does not believe the motor carriers and drivers covered by this exemption, if granted, would experience any deterioration of their safety record. However, should this occur, FMCSA would take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA will immediately revoke the exemption for failure to comply with its terms and conditions. Exempt motor carriers and drivers would be subject to FMCSA monitoring while operating under this exemption.

**Request for Comments**

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comments on the APA's requested exemption from the requirements of 49 CFR 395.3(a)(2). The FMCSA will review all comments received and determine whether approval of the exemption is consistent with the requirements of 49 U.S.C. 31315.

Issued on: April 1, 2015.

**Larry W. Minor,**  
*Associate Administrator for Policy.*

**APPENDIX TO NOTICE OF APPLICATION FOR RENEWAL OF AMERICAN PYROTECHNICS ASSOCIATION (APA) EXEMPTION FROM THE 14-HOUR HOS RULE DURING 2015 AND 2016 INDEPENDENCE DAY CELEBRATIONS FOR 50 MOTOR CARRIERS**

Motor carrier	Street address	City, state, zip code	DOT No.
1 American Fireworks Company	7041 Darrow Road	Hudson, OH 44236	103972
2 American Fireworks Display, LLC	P.O. Box 980	Oxford, NY 13830	2115608
3 AM Pyrotechnics, LLC	2429 East 535th Rd	Buffalo, MO 65622	1034961
4 Atlas PyroVision Entertainment Group, Inc	136 Old Sharon Rd	Jaffrey, NH 03452	789777
5 Central States Fireworks, Inc	18034 Kincaid Street	Athens, IL 62613	1022659
6 Colonial Fireworks Company	5225 Telegraph Road	Toledo, OH 43612	177274
7 East Coast Pyrotechnics, Inc	4652 Catawba River Rd	Catawba, SC 29704	545033
8 Entertainment Fireworks, Inc	13313 Reeder Road SW	Tenino, WA 98589	680942
9 Falcon Fireworks	3411 Courthouse Road	Guyton, GA 31312	1037954
10 Fireworks & Stage FX America	12650 Hwy 67S. Suite B	Lakeside, CA 92040	908304
11 Fireworks by Grucci, Inc	20 Pinehurst Drive	Bellport, NY 11713	324490
12 J&J Computing dba Fireworks Extravaganza	174 Route 17 North	Rochelle Park, NJ 07662	2064141
13 Fireworks West Internationale	910 North 3200 West	Logan, UT 84321	245423
14 Garden State Fireworks, Inc	383 Carlton Road	Millington, NJ 07946	435878
15 Gateway Fireworks Displays	P.O. Box 39327	St Louis, MO 63139	1325301
16 Great Lakes Fireworks	24805 Marine	Eastpointe, MI 48021	1011216
17 Hamburg Fireworks Display, Inc	2240 Horns Mill Road SE	Lancaster, OH	395079
18 Hawaii Explosives & Pyrotechnics, Inc	17-7850 N. Kulani Road	Mountain View, HI 96771	1375918
19 Hi-Tech FX, LLC	18060 170th Ave	Yarmouth, IA 52660	1549055
20 Hollywood Pyrotechnics, Inc	1567 Antler Point	Eagan, MN 55122	1061068
21 Homeland Fireworks, Inc	P.O. Box 7	Jamieson, OR 97909	1377525
22 Island Fireworks Co., Inc	N1597 County Rd VV	Hager City, WI 54014	414583
23 J&M Displays, Inc	18064 170th Ave	Yarmouth, IA 52660	377461
24 Lantis Fireworks, Inc	130 Sodrac Dr., Box 229	N. Sioux City, SD 57049	534052
25 Legion Fireworks Co., Inc	10 Legion Lane	Wappingers Falls, NY 12590	554391
26 Miand Inc. dba Planet Productions (Mad Bomber)	P.O. Box 294, 3999 Hupp Road R31.	Kingsbury, IN 46345	777176

APPENDIX TO NOTICE OF APPLICATION FOR RENEWAL OF AMERICAN PYROTECHNICS ASSOCIATION (APA) EXEMPTION FROM THE 14-HOUR HOS RULE DURING 2015 AND 2016 INDEPENDENCE DAY CELEBRATIONS FOR 50 MOTOR CARRIERS—Continued

Motor carrier	Street address	City, state, zip code	DOT No.
27 Martin & Ware Inc. dba Pyro City Maine & Central Maine Pyrotechnics.	P.O. Box 322 .....	Hallowell, ME 04347 .....	734974
28 Melrose Pyrotechnics, Inc .....	1 Kingsbury Industrial Park ...	Kingsbury, IN 46345 .....	434586
29 Precocious Pyrotechnics, Inc .....	4420-278th Ave NW .....	Belgrade, MN 56312 .....	435931
30 Pyro Engineering Inc., dba/Bay Fireworks .....	400 Broadhollow Rd. Ste #3 ...	Farmindale, NY 11735 .....	530262
31 Pyro Shows Inc .....	P.O. Box 1776 .....	LaFollette, TN 37766 .....	456818
32 Pyro Spectacluars, Inc .....	3196 N Locust Ave .....	Rialto, CA 92376 .....	029329
33 Pyro Spectaculars North, Inc .....	5301 Lang Avenue .....	McClellan, CA 95652 .....	1671438
34 Pyrotechnic Display, Inc .....	8450 W. St. Francis Rd .....	Frankfort, IL 60423 .....	1929883
35 Pyrotecnico (S. Vitale Pyrotechnic Industries, Inc.) .....	302 Wilson Rd .....	New Castle, PA 16105 .....	526749
36 Pyrotecnico, LLC .....	60 West Ct .....	Mandeville, LA 70471 .....	548303
37 Pyrotecnico FX .....	6965 Speedway Blvd. Suite 115.	Las Vegas, NV 89115 .....	1610728
38 Rainbow Fireworks, Inc .....	76 Plum Ave .....	Inman, KS 67546 .....	1139643
39 RES Specialty Pyrotechnics .....	21595 286th St .....	Belle Plaine, MN 56011 .....	523981
40 Rozzi's Famous Fireworks, Inc .....	11605 North Lebanon Rd .....	Loveland, OH 45140 .....	0483686
41 Skyworks, Ltd .....	13513 W. Carrier Rd .....	Carrier, OK 73727 .....	1421047
42 Spielbauer Fireworks Co, Inc .....	220 Roselawn Blvd .....	Green Bay, WI 54301 .....	046479
43 Starfire Corporation .....	682 Cole Road .....	Carrolltown, PA 15722 .....	554645
44 Vermont Fireworks Co., Inc./Northstar Fireworks Co., Inc.	2235 Vermont Route 14 South	East Montpelier, VT 05651 .....	310632
45 Western Display Fireworks, Ltd .....	10946 S. New Era Rd .....	Canby, OR 97013 .....	498941
46 Western Enterprises, Inc .....	P.O. Box 160 .....	Carrier, OK 73727 .....	203517
47 Western Fireworks, Inc .....	14592 Ottaway Road NE .....	Aurora, OR 97002 .....	838585
48 Wolverine Fireworks Display, Inc .....	205 W Seidlers .....	Kawkawlin, MI .....	376857
49 Young Explosives Corp. .....	P.O. Box 18653 .....	Rochester, NY 14618 .....	450304
50 Zambelli Fireworks MFG, Co., Inc .....	P.O. Box 1463 .....	New Castle, PA 16103 .....	033167

APPENDIX TO NOTICE OF APPLICATION FOR RENEWAL OF AMERICAN PYROTECHNICS ASSOCIATION EXEMPTION FROM THE 14-HOUR HOS RULE DURING 2015 AND 2016 INDEPENDENCE DAY CELEBRATIONS FOR 5 MOTOR CARRIERS NOT PREVIOUSLY EXEMPTED

Motor carrier	Street address	City, state, zip code	DOT No.
1 Pyro Shows of Texas, Inc .....	6601 9 Mile Azle Rd .....	Fort Worth, TX 76135 .....	2432196
2 Sorgi American Fireworks Michigan, LLC.	935 Wales Ridge Rd .....	Wales, MI 48027 .....	2475727
3 Spirit of 76 .....	6401 West Hwy 40 .....	Columbia, MO 65202 .....	2138948
4 USA Halloween Planet Inc. dba USA Fireworks.	7800 Record Street, Suite A .....	Indianapolis, IN 46226 .....	725457
5 Arthur Rozzi Pyrotechnics .....	6607 Red Hawk Ct .....	Maineville, OH 45039 .....	2008107

[FR Doc. 2015-07906 Filed 4-6-15; 8:45 am]

BILLING CODE CODE 4910-EX-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2014-0300]

**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 exempt 51 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the

vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

**DATES:** The exemptions were granted February 18, 2015. The exemptions expire on February 18, 2017.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (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., Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**I. 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.