

maintenance, rehabilitation, and replacement of underground pipe and cable for the telecom, oil, electricity, gas, water, and wastewater industries. Its family of companies includes Ditch Witch®, Subsite® Electronics, DW/TXS®, HammerHead®, Radius® HDD, American Augers®, Trencor® and MTI® Equipment. CMW designs, manufactures and sells a range of products to cover the full life-cycle of underground pipe and cable, including horizontal directional drills, walk and ride trenchers, utility loaders, vacuum excavators, asset locators, pipe rehabilitation solutions and after-market tools.

Some of the equipment designed and manufactured by CMW utilize small, commercially available internal combustion engines to power auxiliary equipment that is permanently mounted on a CMV. CMW states that while auxiliary equipment that is permanently mounted to CMVs is considered part of the CMV and subject to the requirements of 49 CFR 393.65(d), it “has identified that currently there is uneven roadside enforcement with regard to the use of gravity fed fuel tanks on auxiliary equipment installed on or used in connection with commercial motor vehicles.”

In support of its application, CMW states:

Most small commercially available internal combustion engines used on auxiliary equipment are equipped from the factory with gravity fed fuel tanks attached to the engine . . . The cost of modifying these small internal combustion engines to remove the fuel tank from the engine and to re-engineer the fuel delivery system to use a fuel pump to pump fuel from the now removed fuel tank to the internal combustion engine requires electrical wiring to be run from the commercial motor vehicle to operate the fuel pump. Manufacturers who have gone to this additional expense, question the reasoning of removing the fuel tank from above the engine and placing it beside the engine and equipping the system with a fuel pump to transfer fuel from the tank to the engine. Since the auxiliary equipment only operates when the CMV is not operating on the highway there does not seem to be any legitimate safety reason for this requirement. A review of previous **Federal Register** notices does not describe why this requirement was added for fuel systems for auxiliary equipment on commercial motor vehicles, when this equipment is not operating while the CMV is operating on the highway.

The exemption would permit CMW and all other CMV operators to utilize auxiliary equipment with gravity fed fuel systems when the CMV is not operating on the highway. CMW believes that granting the temporary exemption will maintain a level of

safety that is equivalent to or greater than the level of safety achieved without the exemption because the auxiliary equipment will not be operating while the CMV is operating on the highway. CMW “believes that because the engine on the auxiliary equipment will not be operating while the CMV is traveling on the highway, so the potential risk of gravity fed fuel systems leaking on a hot or operating engine will not be possible, thereby eliminating the possibility of fire from the auxiliary equipment.”

#### Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on CMW’s application for an exemption from the requirements of 49 CFR 393.65(d). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: March 21, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910–EX–P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Motor Carrier Safety Administration

[Dockets No. **FMCSA–2017–0243, FMCSA–2017–0296, FMCSA–2017–0337, FMCSA–2017–0340, FMCSA–2017–0342, FMCSA–2017–0356, FMCSA–2017–0361, FMCSA–2017–0373, FMCSA–2018–0003, FMCSA–2017–0336**]

##### Hours of Service (HOS) of Drivers; Applications for Exemption From the Electronic Logging Device Rule

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

**ACTION:** Notice of final disposition: Denial of applications for exemption; correction.

**SUMMARY:** The Federal Motor Carrier Safety Administration published its decision in the **Federal Register** of December 7, 2018, to deny 10 applicants

an exemption from the hours-of-service electronic logging device rule. Due to an error, the name of the first applicant listed in that publication was twice misstated. This notice makes it clear that the name of the first applicant is Power & Communication Contractors Association.

**DATES:** Applicable on December 7, 2018.

**FOR FURTHER INFORMATION CONTACT:** For information concerning this notice, contact Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (202) 366–4225. Email: [MCPSPD@dot.gov](mailto:MCPSPD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### Correction

In the **Federal Register** of December 7, 2018, correct page 63194 as follows: In the first column, correct the name of the first applicant listed in the Summary second sentence to read “Power & Communication Contractors Association.” In the third column, correct the subheading to read, “Power & Communication Contractors Association.”

Issued on: March 20, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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#### DEPARTMENT OF TRANSPORTATION

##### Federal Motor Carrier Safety Administration

[Docket No. **FMCSA–2018–0320**]

##### Qualification of Drivers; Exemption Applications; Narcolepsy

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

**ACTION:** Notice of denial.

**SUMMARY:** FMCSA announces its decision to deny the application from one individual who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting operation of a commercial motor vehicle (CMV) in interstate commerce by persons with either a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a CMV, or a mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a commercial motor vehicle safely.