



**U.S. Department  
of Transportation**

Federal Motor Carrier  
Safety Administration

1200 New Jersey Avenue SE  
Washington DC 20590

JUL 7 2015

Refer to: MC-PSD

Ms. Christine M. Gelles  
Acting Director, Office of Packaging  
and Transportation  
Department of Energy  
Washington, DC 20585

Dear Ms. Gelles:

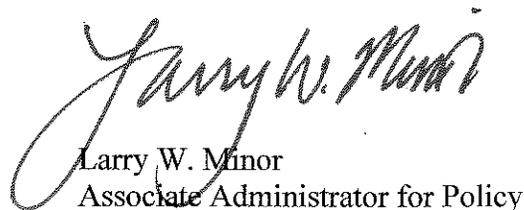
In response to your February 5 request, the Federal Motor Carrier Safety Administration (FMCSA) has granted the U.S. Department of Energy (DOE) a renewal of its exemption for certain drivers from the 30-minute rest break provision in 49 CFR 395.3(a)(3)(ii). A notice granting the exemption was published in the Federal Register on June 22, 2015 (80 FR 35703). A copy of that notice is enclosed.

The FMCSA has determined that granting DOE a renewed exemption from the requirements of § 395.3(a)(3)(ii) is in the public interest, and that the exemption is likely to achieve a level of safety equivalent to the level of safety that would be obtained in the absence of the exemption.

The exemption is valid from June 30, 2015, through June 30, 2017, and enables DOE's contract driver-employees transporting security-sensitive radioactive materials to be treated the same as drivers transporting explosives, as provided in § 395.1(q). Section 395.1(q) states that operators of commercial motor vehicles (CMVs) carrying Division 1.1, 1.2, or 1.3 explosives subject to the requirement for a minimum 30-minute rest break in § 395.3(a)(3)(ii) may use 30 minutes or more of "attendance time" to meet the requirement for a rest break. The terms and conditions of this exemption are specified on the attached pages.

Should you have any questions, please contact Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, at 202-366-4325, or by email at [tom.yager@dot.gov](mailto:tom.yager@dot.gov).

Sincerely yours,

  
Larry W. Minor  
Associate Administrator for Policy

Enclosures

## Federal Motor Carrier Safety Administration

### Hours-of-Service Exemption for the U. S. Department of Energy

#### TERMS OF THE EXEMPTION

##### PERIOD OF THE EXEMPTION

This exemption from the requirements of 49 CFR 395.3(a)(3)(ii) (Maximum driving time for property-carrying vehicles) is approved for the period from 12:01 a.m. on June 30, 2015, through 11:59 p.m. on June 30, 2017.

##### EXTENT OF THE EXEMPTION

This exemption is restricted to contract driver employees employed by DOE transporting security-sensitive radioactive materials. **This exemption is limited strictly to the provisions of 49 CFR 395.3(a)(3)(ii) (30-minute break rule).** On each trip, the drivers will be allowed to use 30 minutes or more of "attendance time" to meet the requirement for a rest break in the manner provided in 49 CFR 395.1(q). *These drivers must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations (FMCSRs).*

##### PREEMPTION

During the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption (49 U.S.C. 31315(d)).

##### TERMS AND CONDITIONS

Under this exemption, DOE must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification must include the following information:

- (a) Identifier of Exemption: "DOE"
- (b) Name of Operating Carrier and USDOT Number,
- (c) Date of the accident,
- (d) City or town, and State, in which the accident occurred, or closest to the accident scene,
- (e) Driver's name and license number,
- (f) Vehicle number and State license number,
- (g) Number of individuals suffering physical injury,
- (h) Number of fatalities,
- (i) The police-reported cause of the accident,
- (j) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and
- (k) The total driving time and total on-duty time period prior to the accident.

Accident notifications shall be e-mailed to [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

##### TERMINATION

The FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will 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.