



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0424]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption from Atlantic Aviation Orlando, LLC

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

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

SUMMARY: FMCSA grants Atlantic Aviation Orlando, LLC (Atlantic Aviation) an exemption from certain exhaust system requirements to allow four aircraft fuel service trucks to operate with exhaust systems that discharge forward of the cab rather than at or near the rear of the cab. FMCSA has analyzed the exemption application and the public comment and has determined that the exemption, subject to the terms and conditions set forth below, will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved in the absence of the exemption.

DATES: The exemption is effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*] and expires [INSERT DATE 5 YEARS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Mr. David Sutula, Chief, FMCSA Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety Standards; (202) 961-1373; MCPSV@dot.gov. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0424/document> and choose the document to review. To view comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket by visiting Dockets Operations in the DOT West Building, 1200 New Jersey Avenue S.E., W58-213, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the 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 the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, 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 absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish the decision in the Federal Register (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt and the effective period and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

Section 393.83(e) of the FMCSRs requires the exhaust system of a bus, truck, or truck tractor to discharge to the atmosphere at or near the rear of the cab (i.e., not forward of the cab).

IV. Applicant's Request

The application from Atlantic Aviation was described in detail in a Federal Register notice published on November 24, 2025 (90 FR 53046) and will not be repeated as the facts have not changed.

V. Public Comments

The Agency received one comment in response to Atlantic Aviation's application. Adam Amorose expressed support for the requested exemption. Mr. Amorose stated that Atlantic Aviation's forward-discharge exhaust configuration is necessary to comply with National Fire Protection Association (NFPA) 407 section 6.1.13.4, which prohibits exhaust discharge in locations where fuel vapors may accumulate and create an ignition hazard during aircraft fueling operations. He noted that relocating the exhaust to the rear of the cab, as required by 49 CFR 393.83(e), could place hot exhaust gases near areas where jet fuel vapors are present, thereby increasing the risk of fire or explosion.

Mr. Amorose also cited Atlantic Aviation's in-cab carbon monoxide (CO) testing, which showed 0 parts per million (ppm) CO under idle and top-speed conditions, well below the Occupational Safety and Health Administration's permissible exposure limit of 50 ppm. He concluded that the data demonstrate that the forward-exhaust configuration does not compromise driver safety or cab air quality.

VI. Agency Decision

The purpose of 49 CFR 393.83(e) is to reduce the risk of exhaust gases entering the cab and to mitigate safety hazards related to exhaust discharge. In the unique operating environment of aircraft fueling vehicles, however, rear-discharging exhaust

systems create an increased fire hazard by placing hot exhaust gases near aircraft fueling points and areas where flammable jet fuel vapors may be present.

Atlantic Aviation's vehicles were designed to meet NFPA 407, which is an industry consensus standard specifically intended to prevent fuel vapor ignition during aircraft fueling operations. Requiring compliance with 49 CFR 393.83(e) would undermine those fire-prevention protections.

The CO testing submitted by Atlantic Aviation demonstrates that forward exhaust discharge does not result in driver or passenger exposure to unsafe levels of exhaust gases. The measured CO concentration of 0 ppm and 8-hour time-weighted average of 0 ppm provide objective evidence that the exemption will not introduce a cab air-quality risk.

Based on the limited operating area, the short travel distance, the use of escort procedures, compliance with NFPA 407, and the verified CO exposure data, FMCSA concludes that the exemption, subject to the terms and conditions set forth below, would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption, in accordance with 49 U.S.C. 31315(b)(1).

VII. Exemption

A. Applicability of Exemption

FMCSA grants the exemption for a period of 5 years subject to the terms and conditions of this decision. The exemption from the requirements of 49 CFR 393.83(e) is effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], through [INSERT DATE 5 YEARS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], 11:59 p.m. local time.

During the exemption period, Atlantic Aviation may operate with exhaust systems that discharge forward of the cab rather than at or near the rear of the cab on the four commercial motor vehicles identified in the terms and conditions below. FMCSA

recommends that drivers have access to a paper or electronic copy of the exemption while operating under the exemption.

B. Terms and Conditions

During the exemption period, Atlantic Aviation must:

1. Maintain the exhaust systems in their approved forward-discharge configuration in compliance with NFPA 407.
2. Ensure that the exemption applies only to the four approved jet fuel service vehicles (JT-01, JT-03, JT-04, and JT-07).
3. Operate the vehicles only in support of aircraft fueling operations at Orlando International Airport and along the authorized route between the airport fuel farm and Atlantic Aviation's facility at 9245 Tradeport Drive.
4. Maintain the vehicles in a safe operating condition and comply with all other applicable FMCSRs.

C. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. Florida may, but is not required to, adopt the same exemption with respect to operations in intrastate commerce.

VIII. Termination

The exemption will be revoked if: (1) Atlantic Aviation 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 before it was 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).

Derek D. Barrs

FMCSA Administrator

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