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[4910-EX-P]

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2026-3400]

Commercial Driver's License: Nikolai Kostarev; Application for Exemption

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

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on Nikolai Kostarev's application for an exemption from the non-domiciled Commercial Driver's License (CDL) eligibility provisions to allow a State to treat his evidence of granted asylum in the United States as sufficient documentation to issue or renew his CDL. The applicant requests an exemption until he receives lawful permanent resident status or for two years, whichever is earlier. FMCSA is required by statute to publish a notice explaining each exemption request. This notice does not indicate what decision FMCSA will ultimately reach on the request. After reviewing the application, safety analyses, and public comments submitted, FMCSA will grant or deny the exemption.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2026-3400 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the Public Participation and Request for Comments section below for further information.
- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58-213, West Building, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, W58-213, West Building, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251. Each submission must include the Agency name and the docket number (FMCSA-2026-3400) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; richard.clemente@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2026-3400), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. 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 the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to https://www.regulations.gov/docket/FMCSA-2026-3400/document, click on this notice, click "Comment," and type your comment into the text box on the following screen.

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.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as "PROPIN" to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Sarah Stella, Chief, Regulatory Development Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at sarah.stella@dot.gov. At this time, you need

not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to https://www.regulations.gov, insert FMCSA-2026-3400 in the keyword box, select the document tab 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, SE, W58-213, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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 its decision in the *Federal Register* (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision(s) from which the exempted party will be exempt, 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. Applicant's Request

Current Regulatory Requirements

On February 13, 2026, FMCSA published a final rule amending the Federal regulations for State Driver's Licensing Agencies (SDLAs) issuing commercial driving credentials to foreign-domiciled individuals, effective March 16, 2026 (91 FR 7044). Under 49 CFR 383.73(f)(3)(ii)(A), as amended, SDLAs must not issue non-domiciled commercial learner's permits (CLPs) or CDLs unless the applicant provides evidence of lawful immigration status, as defined under 49 CFR 383.5. Section 383.5 provides that *evidence of lawful immigration status,* for applicants domiciled in foreign jurisdictions (other than U.S. territories), consists of an unexpired foreign passport and a Form I-94/94A issued by the U.S. Department of Homeland Security with an unexpired Admit Until Date indicating a classification of H-2A-Temporary Agricultural Workers, H-2B-Temporary Non-Agricultural Workers, or E-2-Treaty Investors.

Applicant's Request

Nikolai Kostarev's Oregon CDL expired in August 2026. Prior to his CDL expiring, Mr. Kostarev states that he was an owner-operator who drove for Jacob Transport Inc. in Vancouver, Washington. The applicant indicates that he was granted asylum on March 18, 2026 and is lawfully present and authorized to work. He states that his Form I-485, Application to Register Permanent Residence or Adjust Status, is pending and he is waiting for issuance of his Form I-551, which is a United States permanent resident card, commonly known as a green card.

Mr. Kostarev requests an exemption from 49 CFR 383.71(f) and 49 CFR 383.73(f) (including the definition of *evidence of lawful immigration status* as used in those sections) to allow a State to issue or renew a CDL or CLP based on his evidence of

granted asylum and his statement that he would not request to skip verification of his asylee status through the Systematic Alien Verification for Entitlements system. Mr. Kostarev requests that the exemption last until he receives his Form I-551 or for two years from the date FMCSA grants his request, whichever is earlier.

Applicant's Equivalent Level of Safety

Mr. Kostarev believes the exemption would not compromise safety because he has a multi-year CDL history in the United States and a current or recent medical examiner's certificate. In addition, he indicates that, if the exemption is granted, he would retain a valid medical certificate, operate only for Jacob Transport Inc., and submit to any further monitoring FMCSA or the licensing State requires. Mr. Kostarev indicates that there is no basis in his record to treat him as an unvetted, foreign-domiciled, new driver. He asserts that without the exemption, he would face severe financial loss because he owns his truck and commercial driving is his livelihood. The exemption application includes a letter of support from Jacob Transport Inc.

A copy of Nikolai Kostarev's application for exemption is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Nikolai Kostarev's application for an individual exemption from 49 CFR 383.71(f) and 49 CFR 383.73(f) (including the definition of *evidence of lawful immigration status* as used in those sections) to the extent these regulatory provisions bar a State from issuing or renewing a CDL to a granted asylee who is not in H-2A, H-2B, or E-2 status. All comments received before the close of business on the comment closing date 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.

Larry W. Minor,
Associate Administrator for Policy.

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