

initiated after publication of the notice pending reevaluation of the informal hearing procedure (see 75 FR 32242). At that time, there were 20 pending cases awaiting informal hearings and an additional 13 cases in which respondents had requested informal hearings subject to objections by the Eastern and Midwestern Service Centers. In order to avoid further delaying the resolution of these cases, the Agency assigned them to a Hearing Officer located within the Office of Chief Counsel's Section of Adjudications. This section is not connected with the Agency's enforcement program and the attorneys assigned to this section currently draft decisions and orders in civil penalty cases, safety rating appeals, and Hazardous Materials Permit appeals for the review and signature of FMCSA's Assistant Administrator. See 49 CFR 386.3. In its June 7, 2010 notice, FMCSA sought public comment on options for implementing an effective informal hearing process.

#### Comments on the Notice

Only the American Trucking Associations (ATA) submitted a comment in response to the Notice. The ATA made three suggestions that it believed would either enhance the neutrality of the process or speed its resolution: (1) Allow service of claims and responses to claims via electronic means; (2) utilize hearing officers who are not employed by FMCSA to conduct informal hearings; and (3) permit carriers who opt for an informal hearing to preserve their right to a formal hearing.

#### Response to Comments

The ATA's first suggestion could potentially speed the adjudicatory process, not only for informal hearings, but for other matters coming before the Assistant Administrator under 49 CFR part 386. Implementation of this proposal, however, would require the Agency to revise its rules regarding service of documents to permit electronic service, and the Agency will consider doing so at the appropriate time.

ATA's second suggestion is based on the misconception that any FMCSA employee, regardless of his or her position in the agency, is necessarily biased and cannot act as a neutral arbiter. Under the Agency's Rules of Practice, the Chief Counsel, the Special Assistant to the Chief Counsel, and attorneys in the Chief Counsel's Section of Adjudications are separated from enforcement functions and enforcement counsel, and advise the Assistant

Administrator in contested cases. (See 49 CFR 386.3.) These attorneys have advised the Assistant Administrator, and prepared numerous orders and decisions in matters coming before the Assistant Administrator during the past several years, many of which have been favorable to respondents in contested enforcement cases.

After suspending the informal hearing process for enforcement actions initiated on or after June 7, 2010, the Agency held informal hearings in more than 30 cases pending before that date, with an Adjudications attorney serving as Hearing Officer. The informal hearings, which were held via teleconference, proved to be an efficient, less expensive means of adjudication than a formal hearing before an administrative law judge. They were less resource intensive for both parties, provided a timely means of resolution, and were an effective means to resolve enforcement cases. The Agency intends to continue to use personnel identified in section 386.3, including Adjudications counsel, as hearing officers, but reserves the right to use other neutral arbiters.

The ATA's third suggestion is essentially a request to amend 49 CFR 386.16(b)(4)(A) by eliminating the final sentence of that paragraph, which states: "By participating in an informal hearing, respondent waives its right to a formal hearing." Implementation of this recommendation would require notice and comment rulemaking and, as such, is beyond the scope of this notice. Moreover, it appears to be based on the erroneous assumption that a respondent waives its right to appeal the decision of the Hearing Officer by requesting an informal hearing. This is not the case.

The Hearing Officer issues a report to the Assistant Administrator that includes findings of fact and a recommended disposition of the case. The Assistant Administrator then issues either a Final Order adopting the report or other orders he or she may deem appropriate. If a respondent disagrees with the Final Order, it may submit a petition for reconsideration under 49 CFR 386.64. Final Orders in informal hearing cases are also subject to the appeal provisions of section 386.67. There is a right, therefore, to appeal the Hearing Officer's recommendation.

Furthermore, if a respondent is concerned about the fairness of the informal hearing process, it has the option of requesting a formal hearing in its reply to the Notice of Claim. A respondent requesting a formal hearing simply because it is dissatisfied with the results of the informal hearing process would essentially be engaging in forum

shopping. Permitting such a practice would be an inefficient use of Agency resources and delay resolution of the matter.

#### Reinstatement of Informal Hearings

Accordingly, FMCSA rescinds its June 7, 2010 notice suspending the availability of informal hearings for enforcement actions initiated on or after the date of that Notice. In addition, the Agency removes the geographical limitations on eligibility for informal hearings imposed on March 17, 2006 and February 13, 2007. The informal hearing option will be available to all respondents subject to civil penalty enforcement actions initiated by Notices of Claim issued on or after the date of this notice.

Issued on: March 14, 2014.

**Anne S. Ferro,**  
Administrator.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA-2014-0008]

#### State of Good Repair Grants Program: Proposed Circular; Correction

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of availability of proposed circular and request for comments; correction.

**SUMMARY:** On March 3, 2014, the Federal Transit Administration (FTA) published a notice of available guidance regarding the State of Good Repair Grants program. In the March 3, 2014, notice, the **DATES** section was incorrect and this notice corrects it.

**DATES:** Comments must be received by May 2, 2014. Late filed comments may be considered so far as practicable.

**ADDRESSES:** You may submit comments, identified by docket number FTA-2014-0008, by any of the methods described in the March 3, 2014, notice.

**FOR FURTHER INFORMATION CONTACT:** Eric Hu, FTA Office of Program Management, (202) 366-0870, [Eric.Hu@dot.gov](mailto:Eric.Hu@dot.gov).

**SUPPLEMENTARY INFORMATION:** On March 3, 2014, the FTA published a notice in the **Federal Register** (79 FR 11865) stating that the FTA had placed in the docket and on its Web site proposed guidance in the form of a circular, FTA Circular 5300.1, to assist recipients of financial aid under the 49 U.S.C. 5337 State of Good Repair (SGR) Grants

program. The March 3, 2014, notice also provided a summary of and sought public comment on the proposed FTA Circular 5300.1.

The March 3, 2014, notice incorrectly stated that the deadline for the submission of comments on the proposed FTA Circular 5300.1 was April 2, 2014. The correct deadline for the submission of comments is May 2, 2014.

**Therese W. McMillan,**  
Deputy Administrator.

[FR Doc. 2014-06823 Filed 3-26-14; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2014-0032]

#### Aston Martin Lagonda Limited; Receipt of Petition for Temporary Exemption From New Requirements of Standard No. 214

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of receipt of a petition for a temporary exemption from new requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 214, *Side impact protection*; request for comment.

**SUMMARY:** In accordance with the procedures in 49 CFR part 555, Aston Martin Lagonda Limited (Aston Martin) has petitioned the agency for a temporary exemption from new pole and moving deformable barrier test requirements of FMVSS No. 214. The petitioner states that compliance would cause Aston Martin substantial economic hardship and that it has tried in good faith to comply with the standard. NHTSA is publishing this document in accordance with statutory and administrative provisions, and requests comments on the petition. NHTSA has made no judgment on the merits of the petition.

**DATES:** If you would like to comment on the petition, you should submit your comment not later than April 28, 2014.

**FOR FURTHER INFORMATION CONTACT:** Deirdre Fujita, Office of the Chief Counsel, NCC-112, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., West Building, Washington, DC 20590. Telephone: (202) 366-2992; Fax: (202) 366-3820.

**ADDRESSES:** You may submit your comment, identified by the docket number in the heading of this

document, by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the instructions for submitting comments on the electronic docket site by clicking on "Help and Information" or "Help/Info."
- Fax: 1-202-493-2251.
- Mail: U.S. Department of Transportation, Docket Operations, M-30, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

• Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number.

Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366-9826.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://www.dot.gov/privacy.html>.

**Confidential Business Information:** If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION**

**CONTACT.** In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### a. Statutory Authority for Temporary Exemptions

The National Traffic and Motor Vehicle Safety Act (Safety Act), codified as 49 U.S.C. Chapter 301, provides the Secretary of Transportation authority to exempt, on a temporary basis and under specified circumstances, motor vehicles from a motor vehicle safety standard or bumper standard. This authority is set forth at 49 U.S.C. 30113. The Secretary has delegated the authority for implementing this section to NHTSA.

In recognition of the more limited resources and capabilities of small manufacturers, authority to grant exemptions based on substantial economic hardship and good faith efforts is provided in the Safety Act to enable the agency to give those manufacturers additional time to comply with the Federal safety standards. The Safety Act authorizes the Secretary to grant a temporary exemption to a manufacturer whose total motor vehicle production in the most recent year of production is not more than 10,000 motor vehicles, on such terms as the Secretary deems appropriate, if the exemption would be consistent with the public interest and the Safety Act and "compliance with the standard would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith." (49 U.S.C. 30113(b)(3)(B)(i).)

NHTSA established 49 CFR part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards*, to implement the statutory provisions concerning temporary exemptions. Under Part 555, a petitioner must provide specified information in submitting a petition for exemption. These requirements are specified in 49 CFR 555.5, and include a number of items. Foremost among them are that the petitioner must set forth the basis of the application under § 555.6, and the reasons why the exemption would be in the public interest and consistent with the objectives of the Safety Act (49