

**DEPARTMENT OF TRANSPORTATION****Maritime Administration****[Docket No. MARAD-2014 0139]****Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SOUTHERN ACCENT; Invitation for Public Comments****AGENCY:** Maritime Administration, Department of Transportation.**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before December 1, 2014.

**ADDRESSES:** Comments should refer to docket number MARAD-2014-0139. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-0903, Email [Linda.Williams@dot.gov](mailto:Linda.Williams@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel SOUTHERN ACCENT is:

*Intended Commercial Use of Vessel:* "The vessel will be used for Passenger Charter and charter fishing trips".

*Geographic Region:* "Maryland and Virginia".

The complete application is given in DOT docket MARAD-2014-0139 at <http://www.regulations.gov>. Interested

parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**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).

Dated: October 23, 2014.

By Order of the Maritime Administrator.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2014-25955 Filed 10-30-14; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION****Maritime Administration****[Docket No. MARAD-2014 0133]****Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PATTY T; Invitation for Public Comments****AGENCY:** Maritime Administration, Department of Transportation.**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before December 1, 2014.

**ADDRESSES:** Comments should refer to docket number MARAD-2014-0133. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-0903, Email [Linda.Williams@dot.gov](mailto:Linda.Williams@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel PATTY T is:

*Intended Commercial Use of Vessel:* "Carrying of charter passengers and charter fishing passengers"  
*Geographic Region:* "New York"

The complete application is given in DOT docket MARAD-2014-0133 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**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).

Dated: October 23, 2014.

By Order of the Maritime Administrator.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2014–25954 Filed 10–30–14; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0032]

#### Aston Martin Lagonda Limited; Partial Grant 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 partial grant of a petition for a temporary exemption from new requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 214, *Side Impact Protection*.

**SUMMARY:** In accordance with the procedures in 49 CFR Part 555, NHTSA is partially granting a petition from Aston Martin Lagonda Limited (Aston Martin), a small volume manufacturer, for a temporary exemption from new side impact protection requirements of FMVSS No. 214. The agency is granting the petitioner's request for a temporary exemption from the standard's new pole test requirements, limited to 670 vehicles. The basis for the grant is that compliance would cause substantial economic hardship to a low volume manufacturer that has tried in good faith to comply with the standard. In accordance with NHTSA's regulations, prominent labels must be affixed to each exempted vehicle to warn prospective purchasers that the vehicle has been exempted from the pole test requirements.

However, NHTSA is denying the petitioner's separate request for a temporary exemption from FMVSS No. 214's moving deformable barrier (MDB) test requirement. The agency does not believe that the petitioner has shown a need for such an exemption.

**DATES:** This exemption from the pole test requirements applies to the following vehicles:

- DB9 coupe model produced from September 1, 2014 until August 31, 2016;

- DB9 convertible model produced from September 1, 2015 until August 31, 2016;

- Vantage coupe model produced from September 1, 2014 until August 31, 2017; and

- Vantage convertible model produced from September 1, 2015 until August 31, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Deirdre R. 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.

**SUPPLEMENTARY INFORMATION:** NHTSA is granting a request from Aston Martin for a temporary exemption from FMVSS No. 214's new pole test requirements. The basis for the grant is that compliance would cause substantial economic hardship to a low volume manufacturer that has tried in good faith to comply with the standard. NHTSA finds that Aston Martin has made a good faith effort to meet the pole test requirements by, *inter alia*, installing side air bags in its vehicles substantially ahead of the date on which it was required to do so by that standard. Further, Aston Martin believes that its test data indicate that its vehicles may in fact pass the performance criteria of the pole test with the current side air bag. However, the petitioner believes further that a tested vehicle did not produce test results with a margin sufficient to enable it to certify compliance with the pole test.

NHTSA also concludes that denying the petition regarding the pole test, thus forcing a cessation of production until the affected vehicles could be upgraded, would cause petitioner substantial economic hardship and that it is warranted under Part 555 to provide the petitioner time to produce vehicles with a side air bag system that enables the vehicle to pass the pole test requirement with a greater margin.

#### I. Background

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

The National Traffic and Motor Vehicle Safety Act (Safety Act) recognizes that small manufacturers have more limited resources and capabilities than large manufacturers for meeting NHTSA's standards. The Safety Act provides the Secretary of Transportation authority 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 vehicles, 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.<sup>1</sup> Such an exemption may be granted for not more than 3 years (49 U.S.C. 30113(e)).<sup>2</sup>

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. Among other matters, the petitioner must set forth the basis of the application and a description of its efforts to comply with the standards.

##### b. FMVSS No. 214

In 2007, NHTSA published a final rule upgrading FMVSS No. 214.<sup>3</sup> The rule incorporated a dynamic pole test into the standard, requiring vehicle manufacturers to assure head and improved chest protection in side crashes by technologies such as head protection side air bags and torso side air bags. The final rule adopted use of two advanced test dummies in the new pole test, one called the ES–2re representing mid-size males, and the other called the SID–IIs, which represents small stature females. The final rule also enhanced the standard's MDB test by replacing the then-existing 50th percentile adult male dummy used in the front seat of tested vehicles with the more biofidelic ES–2re dummy and by using the SID–IIs dummy in the rear seat.

The pole and enhanced MDB test requirements were phased in, starting in 2010 for most vehicles (see S13<sup>4</sup>), but manufacturers producing or assembling fewer than 5,000 vehicles annually for sale in the United States had a different

<sup>1</sup> This authority is set forth at 49 U.S.C. 30113. The Secretary has delegated the authority for implementing this section to NHTSA.

<sup>2</sup> The Safety Act expressly provides for renewal of an exemption on reapplication. A renewal under subsection (b)(3)(B)(i) may be granted for not more than 3 years. However, NHTSA cautions manufacturers that the agency's decision to grant an initial petition in no way predetermines that the agency will repeatedly grant renewal petitions, thereby imparting semi-permanent status to an exemption from a safety standard. Exempted manufacturers seeking renewal must bear in mind that the agency is directed to consider financial hardship as but one factor. We also consider the manufacturer's ongoing good faith efforts to comply with the regulation, the public interest, consistency with the Safety Act generally, as well as other such matters provided in the statute.

<sup>3</sup> 72 FR 51908 (September 11, 2007); response to petitions for reconsideration 73 FR 32473 (June 9, 2008), 75 FR 12123 (March 15, 2010).

<sup>4</sup> References in this paragraph are to sections in FMVSS No. 214.