

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before February 12, 2024.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2024-0003 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2024-0003 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2024-0003, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**Note:** If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

**Instructions:** All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](https://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

**FOR FURTHER INFORMATION CONTACT:** Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-461, Washington, DC 20590. Telephone: (202) 366-0903. Email: [patricia.hagerty@dot.gov](mailto:patricia.hagerty@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described in the application, the intended service of the vessel MAS PURA VIDA is:

—*Intended Commercial Use of Vessel:* Requester intends to use for charters.

—*Geographic Region Including Base of Operations:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, California, Oregon, Washington. Base of Operations: Montauk, NY.

—*Vessel Length and Type:* 72.3' Motor Yacht.

The complete application is available for review identified in the DOT docket as MARAD 2024-0003 at <https://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 employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

**Public Participation***How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

*Where do I go to read public comments, and find supporting information?*

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD-2024-0003 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

*Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

*May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to [SmallVessels@dot.gov](mailto:SmallVessels@dot.gov). Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

**Privacy Act**

Anyone can 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.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**  
*Secretary, Maritime Administration.*

[FR Doc. 2024-00539 Filed 1-11-24; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA-2018-0109 and NHTSA-2018-0074; Notice 2]

**Consolidated Glass & Mirror, LLC, Denial of Petitions for Decision of Inconsequential Noncompliance**

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

**ACTION:** Denial of petitions.

**SUMMARY:** Consolidated Glass & Mirror, LLC (CGM), a subsidiary of Guardian Industries Corporation (Guardian), has determined that certain laminated glass parts do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials*. CGM filed two separate noncompliance reports dated December 14, 2018, and April 15, 2020, and petitioned NHTSA on December 20, 2018 and May 23, 2018, respectively, for decisions that the subject noncompliances are inconsequential as it relates to motor vehicle safety. This document announces the denial of the petitions.

**FOR FURTHER INFORMATION CONTACT:** Jack Chern, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), (202) 366-0661, [Jack.Chern@dot.gov](mailto:Jack.Chern@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Overview**

CGM determined that certain laminated glass parts do not fully comply with paragraph S6 of FMVSS No. 205, *Glazing Materials* (49 CFR 571.205). On May 23, 2018, CGM petitioned NHTSA for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*, without initially filing a noncompliance report. NHTSA prompted CGM to file the required noncompliance report and Guardian, on behalf of CGM, did so on April 15, 2020, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

Guardian, on behalf of CGM, also filed a noncompliance report on December 14, 2018, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. CGM petitioned NHTSA on December 20, 2018, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of CGM's petitions was published with a 30-day public comment period, on November 10, 2020, in the **Federal Register** (85 FR 71712). No comments were received. To view the petitions and all supporting documents log onto the Federal Docket Management System (FDMS) website at

<https://www.regulations.gov/>. Then follow the online search instructions to locate docket numbers "NHTSA-2018-0109" and "NHTSA-2018-0074."

**II. Equipment Involved**

Approximately 223 laminated windshields manufactured on March 8, 2018, and shipped to IC Corp Tulsa Bus Plant for installation into Navistar buses are potentially involved with the noncompliance report dated December 14, 2018.

Approximately 1,390 bus door windowpanes, manufactured between November 1, 2017, and March 29, 2018, are potentially involved with the noncompliant report dated April 15, 2020. The windowpanes were sold to Vapor Bus for use in the fabrication of bus doors. Vapor Bus subsequently shipped the bus doors to Nova Bus for installation in their buses.

**III. Noncompliance**

Guardian explained that the noncompliance is that the markings on the subject laminated glass panes do not fully meet the requirements specified in paragraph S6 of FMVSS No. 205. Specifically, the laminated windshields shipped to IC Corp Tulsa Bus Plant were marked AS-2, when they should have been marked AS-1, and the laminated bus door windowpanes sold to Nova Bus were marked AS-S, when they should have been marked AS-2.

**IV. Rule Requirements**

Paragraph S6 of FMVSS No. 205 includes the requirements relevant to these petitions. A manufacturer or distributor who cuts a section of glazing material, to which FMVSS No. 205 applies, for use in a motor vehicle or camper, must correctly mark that material in accordance with section 7 of ANSI/SAE Z26.1-1996.

**V. Summary of CGM's Petitions**

The following views and arguments presented in this section, "V. Summary of CGM's Petitions," are the views and arguments provided by CGM and do not reflect the views of the Agency. The petitioner describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petitions, CGM submits the following reasoning:

1. CGM explains that the laminated glass parts are affixed with the Guardian trademark, the correct DOT manufacturer's code mark that NHTSA assigned to the manufacturer, and the model number that was assigned by the manufacturer of the safety glazing material. The manufacturer can use the

model number to identify the type of construction of the glazing material.

2. CGM claims that although the laminated glass parts are affixed with the misprinted AS numbers, the glass construction from which the laminated glass parts were fabricated is in full compliance with the technical requirements that 49 CFR 571.205 as it currently applies to laminated glass for use in a motor vehicle. CGM believes the misprinted AS numbers do not affect the safety of the laminated glass parts.

3. Despite the misprinted AS numbers being affixed to the laminated glass parts, CGM states that the correct parts were sold and shipped to Navistar and Nova Bus for use as windscreens and door windows.

4. CGM believes that the subject noncompliance could not result in the wrong part being used in an OEM application, given that the part would be ordered by its unique part number and not the model number. Furthermore, CGM says the parts are also easily traceable back to Guardian via their unique DOT manufacturer's code mark.

Guardian concluded by contending that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petitions to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

**VI. NHTSA's Analysis**

*1. General Principles*

Congress passed the National Traffic and Motor Vehicle Safety Act of 1966 (the Safety Act) with the express purpose of reducing motor vehicle accidents, deaths, injuries, and property damage. 49 U.S.C. 30101. To this end, the Safety Act empowers the Secretary of Transportation to establish and enforce mandatory FMVSS, pursuant to 49 U.S.C. 30111. The Secretary has delegated this authority to NHTSA. 49 CFR 1.95.

NHTSA adopts an FMVSS only after the Agency has determined that the performance requirements are objective, practicable, and meet the need for motor vehicle safety. See 49 U.S.C. 30111(a). Thus, there is a general presumption that the failure of a motor vehicle or item of motor vehicle equipment to comply with an FMVSS increases the risk to motor vehicle safety beyond the level deemed appropriate by NHTSA through the rulemaking process. To protect the public from such risks, manufacturers whose products fail to

comply with an FMVSS are normally required to conduct a safety recall under which they must notify owners, purchasers, and dealers of the noncompliance and provide a free remedy. 49 U.S.C. 30118–30120. However, Congress has recognized that, under some limited circumstances, a noncompliance could be “inconsequential” to motor vehicle safety. It, therefore, established a procedure under which NHTSA may consider whether it is appropriate to exempt a manufacturer from its notification and remedy (*i.e.*, recall) obligations. 49 U.S.C. 30118(d) and 30120(h). The Agency’s regulations governing the filing and consideration of petitions for inconsequentiality exemptions are set forth in 49 CFR part 556.

Under the Safety Act and part 556, inconsequentiality exemptions may be granted only in response to a petition from a manufacturer, and then only after notice in the **Federal Register** and an opportunity for interested members of the public to present information, views, and arguments on the petition. In addition to considering public comments, the Agency will draw upon its own understanding of safety-related systems and its experience in deciding the merits of a petition. An absence of opposing argument and data from the public does not require NHTSA to grant a manufacturer’s petition.

Neither the Safety Act nor part 556 defines the term “inconsequential.” The Agency determines whether a particular noncompliance is inconsequential to motor vehicle safety based upon the specific facts before it in a particular petition. An important issue to consider in determining inconsequentiality is the safety risk to individuals who experience the type of event against which the recall would otherwise protect.<sup>1</sup> NHTSA also does not consider the absence of complaints or injuries to show that the issue is inconsequential to motor vehicle safety. “Most importantly, the absence of a complaint does not mean there have not been any safety

issues, nor does it mean that there will not be safety issues in the future.”<sup>2</sup>

## 2. NHTSA’s Response to the Petitioner’s Arguments

The purpose of FMVSS No. 205 is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through the vehicle windows in collisions.

NHTSA has reviewed documentation provided by Guardian, on which Guardian bases its certification of the affected laminated windshields and laminated door windowpanes. This documentation shows the product met the safety performance requirements of the standard based on the intended design of the product. NHTSA also analyzed whether the documentation shows that the product met the safety performance requirements of the affected windshields and door windowpanes based on how they are labeled and used.

There is a safety-related purpose for every required marking on motor vehicles or items of motor vehicle equipment. The Agency also has a long-standing position that an incorrect marking reduces the safety effectiveness. The required markings are an assuring indication to the Agency and to consumers, including secondhand vehicle owners, that the item of equipment is certified to the applicable Federal requirements and provides the required minimum level of safety protection. *See* 49 CFR 571.205, S6. The vehicle owners (including firsthand and secondhand vehicle owners) might go to the original vehicle manufacturer and glazing supplier to obtain replacement parts when the affected glazing needs to be replaced. However, it is also likely that many vehicle owners will instead purchase replacement parts from aftermarket suppliers and rely on the marking suggested on the glazing, which will trigger safety-related concerns if the vehicle owners replace the glazing solely based on the incorrect marking suggested on the glazing. The Agency believes it is important to inform all vehicle owners, including firsthand and secondhand vehicle owners, what the proper specifications are for replacement products.

Guardian stated that the laminated windshields shipped to IC Corp Tulsa Bus Plant were marked as AS–2 when

they should have been marked as AS–1. Because the affected windshield is marked as AS–2, consumers might replace the windshield according to the suggested AS–2 marking. Importantly, AS–2 laminated glazing is not permitted to be installed as a vehicle windshield because the test requirements for AS–2 are not as comprehensive as for AS–1. For example, the test requirements for certifying AS–1 laminated glazing require additional tests relating to deviation, distortion, and penetration resistance of the glazing, which are not required for certifying AS–2 laminated glazing. Therefore, the potential consequence to vehicle owners, especially for secondhand vehicle owners, to replace the windshield with an AS–2 laminated glazing is high and unsafe.

Guardian also stated that the laminated bus door windowpanes sold to Nova Bus were marked as AS–S when they should have been marked as AS–2. There is no “AS–S” marking as specified in the FMVSS No. 205 standard. Vehicle owners, especially secondhand vehicle owners, will be confused as to which AS-marked glazing they need as a replacement part when they need to replace their windowpane.

Moreover, it is highly possible for consumers to mis-read the “AS–S” marking as an “AS–5” marking because of the physical similarity of the printed characters “S” and “5.” Replacing an AS–2 windowpane with an AS–5 glazing is not permitted because AS–5 glazing should only be used for installation in locations at levels not requisite for driving visibility. Conversely, an AS–2 marked glazing is required in locations at levels requisite for driving visibility. Consequently, using an AS–5 glazing as a replacement part poses a risk to motor vehicle safety because it would impair the bus driver’s ability to see clearly.

In summary, the petitioner’s noncompliant markings are not inconsequential to motor vehicle safety due to the possibility that vehicle owners may purchase incorrect and unsafe replacement parts for their vehicles.

## VII. NHTSA’s Decision

In consideration of the foregoing, NHTSA has decided that Guardian has not met its burden of persuasion that the subject FMVSS No. 205 noncompliance in the affected vehicles is inconsequential to motor vehicle safety. Accordingly, Guardian’s petitions are hereby denied, and Guardian is consequently obligated to provide notification of and free remedy for that

<sup>1</sup> *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

<sup>2</sup> *Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance*, 81 FR 21663, 21666 (Apr. 12, 2016).

noncompliance under 49 U.S.C. 30118 and 30120.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

**Eileen Sullivan,**

*Associate Administrator for Enforcement.*

[FR Doc. 2024-00391 Filed 1-11-24; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Bureau of Transportation Statistics

[Docket ID Number: DOT-OST-2014-0031  
BTS Paperwork Reduction Notice]

#### Agency Information Collection; Activity Under OMB Review; Report of Extension of Credit to Political Candidates—Form 183

**AGENCY:** Office of the Assistant Secretary for Research and Technology (OST-R), Bureau of Transportation Statistics (BTS), Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, Public Law 104-13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need and usefulness of BTS collecting reports from air carriers on the aggregated indebtedness balance of a political candidate or party for Federal office. The reports are required when the aggregated indebtedness is over \$5,000 on the last day of a month.

**DATES:** Written comments should be submitted by March 12, 2024.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number DOT-OST-2014-0031 and the associated OMB approval #2138-0016 by any of the following methods:

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

*Mail:* Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

*Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

*Fax:* 202-366-3383.

*Instructions:* Identify docket number, DOT-OST-2014-0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT

received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at <http://www.regulations.gov>. All comments are posted electronically without charge or edits, including any personal information provided.

*Privacy Act:* Anyone can 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 (65 FR 19477-78).

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>, or the street address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Jeff Gorham, Office of Airline Information, RTS-42, Bureau of Transportation Statistics, 1200 New Jersey Avenue Street SE, Washington, DC 20590-0001, (202) 366-4406.

#### SUPPLEMENTARY INFORMATION:

*OMB Approval No.* 2138-0016.

*Title:* Report of Extension of Credit to Political Candidates—Form 183, 14 CFR part 374a.

*Form No.:* 183.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Certificated air carriers.

*Number of Respondents:* 2 (Monthly Average).

*Number of Responses:* 24.

*Estimated Time per Response:* 1 hour.

*Total Annual Burden:* 24 hours.

*Needs and Uses:* The Department uses this form as the means to fulfill its obligation under the Federal Election Campaign Act of 1971 (the Act). The Act's legislative history indicates that one of its statutory goals is to prevent candidates for Federal political office from incurring large amounts of unsecured debt with regulated transportation companies (e.g., airlines). This information collection allows the Department to monitor and disclose the amount of unsecured credit extended by airlines to candidates for Federal office. All certificated air carriers are required to submit this information.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under

this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on January 9, 2024.

**William Chadwick, Jr.,**

*Director, Office of Airline Information,  
Bureau of Transportation Statistics.*

[FR Doc. 2024-00566 Filed 1-11-24; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Bureau of Transportation Statistics

[Docket ID Number: DOT-OST-2014-0031  
BTS Paperwork Reduction Notice]

#### Agency Information Collection; Activity Under OMB Review; Submission of Audit Reports—Part 248

**AGENCY:** Office of the Assistant Secretary for Research and Technology (OST-R), Bureau of Transportation Statistics (BTS), Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS requiring U.S. large certificated air carriers to submit a true and complete copy of its annual audit that is made by an independent public accountant. If a carrier does not have an annual audit, the carrier must file a statement that no audit has been performed. Comments are requested concerning whether the audit reports are needed by BTS and DOT; BTS accurately estimated the reporting burden; there are other ways to enhance the quality, utility and clarity of the information collected; and there are ways to minimize reporting burden, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted by March 12, 2024.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number DOT-OST-2014-0031 and the associated OMB approval #2138-0004 by any of the following methods:

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