

Washington, DC 20590. Telephone 202–366–9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

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

—*Intended Commercial Use of Vessel:*

“Take on paying passengers/clients for sailing trips and recreational SCUBA diving of up to 1–2-week duration liveaboard.”

—*Geographic Region Including Base of Operations:* “Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York (excluding New York Harbor), Connecticut, Rhode Island, Maine, Puerto Rico” (Base of Operations: Delaware)

—*Vessel Length and Type:* 52’ Catamaran

The complete application is available for review identified in the DOT docket as MARAD–2019–0024 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 vessel name, state the commenter’s interest in the waiver application, and address the waiver 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 <http://www.regulations.gov>, keyword search MARAD–2019–0024 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 three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL–14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

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

\* \* \* \* \*

Dated: February 25, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2019–03604 Filed 2–28–19; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2018–0003; Notice 2]

#### Forest River, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of petition.

**SUMMARY:** Forest River, Inc. (Forest River), has determined that certain model year (MY) 2017–2018 Forest River buses and school buses do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, Glazing Materials. Forest River filed two separate noncompliance reports, both dated November 30, 2017. Forest River then petitioned NHTSA on December 12, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces the grant of this petition.

**FOR FURTHER INFORMATION CONTACT:** Leroy Angeles, Office of Vehicle Safety Compliance, NHTSA, telephone (202) 366–5304, facsimile (202) 366–3081.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Overview**

Forest River has determined that certain MY 2017–2018 Forest River buses and school buses do not fully comply with FMVSS No. 205, *Glazing Materials* (49 CFR 571.205). Forest River filed two separate noncompliance reports, both dated November 30, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Forest River then petitioned NHTSA on December 12, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

##### **II. Buses Involved**

Approximately 544 MY 2017–2018 Forest River school buses and approximately 2,121 MY 2017–2018 Forest River buses, manufactured between June 26, 2017, and November 10, 2017, are potentially involved. The following Forest River buses are involved:

##### *School Buses*

- Starcraft Allstar XL, Quest XL and Prodigy

### Buses

- Starcraft Allstar XL, Allstar, Starlite, XLT, Starquest, and Allstar MVP
- StarTrans President, PS2, Senator, Senator II, Candidate, and Candidate II
- Glaval Apollo, Commute, Concorde II, Entourage, Legacy, Primetime, Sport, Titan II, Titan II LF and Universal
- Elkhart Coach ECII

### III. Noncompliance

Forest River explains that the noncompliance is that the subject buses were equipped with curbside entry door glass that does not fully comply with paragraph S6 of FMVSS No. 205. Specifically, the curbside entry door glass has the AS3 glazing marking when it should have been marked with the AS2 glazing marking.

### IV. Rule Requirements

Section S6 of FMVSS No. 205, titled "Certification and Marking" includes the requirements relevant to this petition:

- A prime glazing material manufacturer must certify, in accordance with 49 U.S.C. 30115, each piece of glazing material to which this standard applies is designed as:
  - a. A component of any specific motor vehicle or camper; or
  - b. To be cut into components for use in motor vehicles or items of motor vehicle equipment.
- A prime glazing manufacturer certifies its glazing by adding to the marks required by section 7 of ANSI/SAE Z26.1–1996, in letters and numerals of the same size, the symbol "DOT" and a manufacturer's code mark that NHTSA assigns to the manufacturer.
- NHTSA will assign a code mark to a manufacturer after the manufacturer submits a written request to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration. The request must include the company name, address, and a statement from the manufacturer certifying its status as a prime glazing manufacturer as defined in paragraph S4.
- A manufacturer or distributor who cuts a section of glazing material to which this standard applies, for use in a motor vehicle or camper, must:
  - a. Mark that material in accordance with section 7 of ANSI/SAE Z26.1–1996; and
  - b. Certify that its product complies with this standard in accordance with 49 U.S.C. 30115.

### V. Summary of Forest River's Petition

Forest River described the subject noncompliance and stated its belief that

the noncompliance is inconsequential as it relates to motor vehicle safety. In support of its petition, Forest River submitted the following arguments:

1. As an initial matter, the noncompliance does not present a safety risk because it has no effect on the structure, performance, or safety of the glass. That is, the noncompliance relates solely to the glass' markings, specifically the use of the marking "AS3," instead of "AS2."

2. The glass required for the subject buses and school buses must meet the requirements of ANSI 26.1–1996 AS2. Forest River requested that a sample of the glass be tested to ensure its compliance with all applicable standards. The test results have affirmed that the glass indeed meets ANSI 26.1–1996 AS2's requirements and is compliant for the designed position in which it is applied.

3. Forest River is enclosing copies of statements from the glass manufacturer Clear Vision, and test data confirming the glass' compliance with ANSI and FMVSS No. 205's performance standards.

4. Forest River stated that the agency has previously granted numerous petitions for determinations of inconsequential noncompliance in regard to FMVSS No. 205, including petitions involving mismarkings similar to the instant matter. See the following recent examples:

a. Mitsubishi Motors North America, Inc. Petition, 80 FR 72482 (November 19, 2015) (involving rear door windows marked with the model number "M66" instead of the correct "M131");

b. Custom Glass Solutions Upper Sandusky Corporation Petition, 79 FR 49833 (January 23, 2015) (involving laminated glass panes mistakenly marked as "tempered" and with the incorrect manufacturer's DOT number, model number, and manufacturer's trademark).

c. Mitsubishi Motors North America, Inc. Petition, 79 FR 49833 (August 22, 2014) (involving rear door windows marked with the model number "M131" instead of the correct "M129");

d. General Motors LLC Petition, 79 FR 23402 (April 28, 2014) (involving quarter windows marked as "AS2" instead of the correct "AS3").

Forest River concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition 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.

Forest River's complete petition and all supporting documents are available

by logging onto the Federal Docket Management System (FDMS) website at: <https://www.regulations.gov> and following the online search instructions to locate the docket number listed in the title of this notice.

### VI. NHTSA's Analysis

NHTSA has reviewed Forest River's petition and agrees with Forest River that the subject noncompliance is inconsequential to motor vehicle safety. The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is that the mismarking of the glazing material has no effect on the operational safety of the subject buses. This noncompliance to the labeling requirements in FMVSS No. 205 will have an inconsequential effect on motor vehicle safety because:

Forest River's petition included letters from Clear Vision, stating that the glass inadvertently marked AS3 does in fact meet all requirements of AS2 certification including, but not limited to, the visual light transmittance being 70 percent or greater. Clear Vision provided a Certificate of Conformity from Guardian Industries certifying that the float glass products they manufacture comply with applicable FMVSS specifications with respect to thickness, optics, inclusions, and transmittance. Guardian Industries' provided data showing the average visible light transmittance as 80.03 percent, thus greater than the minimum 70 percent for AS2.

ANSI Z26.1–1996 requires that all AS3 tempered glass pass the ball impact test, fracture test, and the shot bag impact test. In addition to AS3 tempered glass requirements, Forest River's AS2 tempered glass must also meet the light stability, luminous transmittance, and abrasion resistance requirements set forth in ANSI Z26.1–1996 for AS2 tempered glass. Since Forest River's petition focused largely on luminous transmittance, NHTSA contacted Forest River requesting test data confirming that the subject glass meets all the requirements set forth in ANSI Z26.1–1996 for AS2 tempered glass.

In response, Forest River provided a test report documenting the results of testing to all of the requirements for AS2 tempered glass. NHTSA reviewed Forest River's report and verified that the subject glass meets the performance requirements set forth in ANSI Z26.1–1996 for AS2 tempered glass incorporated by reference in FMVSS No. 205.

The agency contacted Forest River on April 2, 2018, asking Forest River what they will do to ensure the

noncompliance does not happen again in the future. In response, Forest River stated that they have implemented a triple verification process between the supplier and Forest River to further prevent future occurrences.

#### VII. NHTSA's Decision

In consideration of the foregoing analysis, NHTSA has decided that Forest River has met its burden of persuasion that the FMVSS No. 205 noncompliance is inconsequential to motor vehicle safety. Accordingly, Forest River's petition is hereby granted and Forest River is exempted from the obligation of providing notification of, and a remedy for, the subject noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject buses that Forest River no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant buses under their control after Forest River notified them that the subject noncompliance existed.

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

**Michael A. Cole,**

*Acting Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2019-03573 Filed 2-28-19; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2007-27057]

### Notice of Submission of Proposed Information Collections to OMB; Agency Request for OMB Approval of Information Collections: Increasing Charter Air Transportation Options

**AGENCY:** Office of the Secretary (OST), Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Department of Transportation's (DOT or Department) intention to request an Office of Management and Budget (OMB) control number for requirements in the Department's final rule, *Increasing Charter Air Transportation Options*, that certain disclosures be made to consumers by air charter brokers, air taxi operators, and commuter air carriers.

**DATES:** Written comments should be submitted by April 30, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number OST-2007-27057 through one of the following methods:

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

- *Fax:* 1-202-493-2251.

- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, 1200 New Jersey Avenue SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. The telephone number is 202-366-9329.

**FOR FURTHER INFORMATION CONTACT:** Sohum Karia, Office of the General Counsel, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-366-9342 (Voice), 202-366-7152 (Fax), or [sohum.karia@dot.gov](mailto:sohum.karia@dot.gov) (Email). Arrangements to receive this document in an alternative format may be made by contacting the above-named individual.

**SUPPLEMENTARY INFORMATION:**

*Title:* Increasing Charter Air Transportation Options.

*Type of Review:* New Information Collections.

*Background:* This notice concerns two new information collection requirements in the Department's final rule, *Increasing Charter Air Transportation Options*, 83 FR 46867 (September 17, 2018), which is effective on February 14, 2019. Under the final rule, air charter brokers<sup>1</sup> are authorized to act as indirect air carriers<sup>2</sup> by

<sup>1</sup> The final rule defines an air charter broker as "any person or entity that, as an indirect air carrier, foreign indirect air carrier, or a *bona fide agent*, holds out, sells, or arranges single entity charter air transportation using a direct air carrier."

<sup>2</sup> "Indirect air carrier" means any person who undertakes to engage indirectly in air transportation operations and who uses for such transportation the services of a direct air carrier. 14 CFR 380.2. "Direct air carrier" means a certificated commuter or foreign air carrier, or an air taxi operator registered under 14 CFR part 298, or a Canadian charter air

contracting in their own right with customers to provide charter air transportation and separately arranging with direct air carriers to provide such transportation services. The first information collection pertains to the requirement that air charter brokers disclose in all solicitation materials and advertisements that they are air charter brokers and not direct air carriers. The second information collection involves the requirement that air charter brokers, air taxi operators, and commuter air carriers provide notification to consumers containing pertinent information regarding the terms of the charter air transportation at the time a consumer is considering the purchase of air transportation. If the information is not known at that time or changes thereafter, then the entities must provide notification within a reasonable time after the information becomes known. This information is intended to aid the prospective charterer in making a more informed choice regarding the purchase of charter air transportation, and to facilitate travel by reducing the possibility that the consumer will be misled or ill-informed about key information regarding a given flight before and during his or her trip.

The title, a description of the information collection and respondents, and the periodic reporting burden are set forth below for each of the information collections:

1. Requirement to disclose that air charter brokers are not direct air carriers in advertising and solicitation materials (14 CFR 295.23)

All air charter broker solicitation materials and advertising, including internet web pages, must clearly and conspicuously state that the air charter broker is not a direct air carrier in operational control of aircraft, and that the air service advertised would be provided by a properly licensed direct air carrier.

*Respondents:* Air charter brokers.

*Estimated Number of Respondents:* 700. To reach this estimate, the Department began by determining the approximate number of flights arranged by air charter brokers annually, using flight records information from the air traffic control radar system and data reports from private sector aviation research organizations.<sup>3</sup> These data

taxi operator registered under 14 CFR part 294, that directly engages in the operation of aircraft under a certificate, authorization, permit or exemption issued by the Department. *Id.*

<sup>3</sup> These data are developed from the Enhanced Traffic Management System (ETMS) flight records, and rely on aircraft and user classifications made by air traffic controllers as well as tail number and operator data. The development of these data for the