

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., “Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,” Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 19 applicants, two of the applicants were convicted for a moving violation and none of the applicants were involved in a crash. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants’ ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants’ intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The

veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 19 applicants listed in the notice of February 11, 2011 (76 FR 7894).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 19 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency’s vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist’s or optometrist’s report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file, or keep a copy in his/her driver’s qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received one comment in this proceeding. The comment was considered and discussed below.

The Pennsylvania Department of Transportation is in favor of granting a Federal vision exemption to James W. Hoover, George D. Ruth, and Ronald C. Wolfe. The Department indicated that they have reviewed the driving histories of these three applicants and have no objections to FMCSA granting them vision exemptions.

Conclusion

Based upon its evaluation of the 19 exemption applications, FMCSA exempts, James L. Acree, Tracey M. Baucom, David L. Botkins, Richard D. Flaherty, Michael R. Holmes, James W. Hoover, Mark C. Jeffrey, Paul J. Jones, Pedro G. Limon, William G. Marshall, Timothy S. Moore, Kenneth H. Morris, Shelby V. Nicholson, Tracy J. Omeara, Gary W. Pope, George D. Ruth, Benjamin Stone, James H. Wallace, Sr., and Ronald C. Wolfe from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: March 31, 2011.

Pamela M. Pelcovits,

Director, Office of Policy, Plans and Regulations.

[FR Doc. 2011–8562 Filed 4–8–11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD 2011 0030]

Inventory of U.S.-Flag Launch Barges

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Inventory of U.S.-Flag Launch Barges.

SUMMARY: The Maritime Administration is updating its inventory of U.S.-flag launch barges. Additions, changes and comments to the list are requested. Launch barge information may be found at http://www.marad.dot.gov/ships_shipping_landing_page/domestic_shipping/launch_barge_program/Launch_Barge_Program.htm.

DATES: Any comments on this inventory should be submitted in writing to the contact person by May 11, 2011.

FOR FURTHER INFORMATION CONTACT: Joann Spittle, Office of Cargo Preference and Domestic Trade, Maritime

Administration, MAR-730, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone 202-366-5979; e-mail: Joann.Spittle@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 CFR part 389 (Docket No. MARAD-2008-0045) Determination of Availability of Coastwise-Qualified Vessels for the Transportation of Platform Jackets, the Final Rule requires that the Maritime Administration publish a notice in the Federal Register requesting that owners or operators (or potential owners or operators) of coastwise qualified launch barges notify us of:

(1) Their interest in participating in the transportation and, if needed, the launching or installation of offshore platform jackets; (2) the contact information for their company; and (3) the specifications of any currently owned or operated coastwise qualified launch barges or plans to construct same.

In addition, we are also seeking information on non-coastwise qualified (U.S.-flag) launch barges as well.

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: April 5, 2011.

By Order of the Maritime Administrator.

Murray Bloom,

Acting Secretary, Maritime Administration.

REPORTED U.S.-FLAG LAUNCH BARGES

[September 2010]

Vessel name	Owner	Built	Length (ft.)	Beam (ft.)	DWT (L.T.)	Approx launch capacity (L.T.)	Coastwise qualified
Julie B	Crowley Marine Services	2008	400	130	23,600	23,100	X
Marty J	Crowley Marine Services	2008	400	105	19,226	18,766	X
Barge 455-3	Crowley Marine Services	2008	400	105	19,226	18,766	X
Barge 400L	Crowley Marine Services	1997	400	100	19,646	19,146	X
Barge 500-1	Crowley Marine Services	1982	400	105	16,397	15,897	X
Barge 410	Crowley Marine Services	1974	400	99.5	12,035	11,535	X
455 4	Crowley Marine Services	2009	400	105	19,226	18,766	X
455 5	Crowley Marine Services	2009	400	105	19,226	18,766	X
455 6	Crowley Marine Services	2009	400	105	19,226	18,766	X
455 7	Crowley Marine Services	2009	400	105	19,226	18,766	X
455 8	Crowley Marine Services	2010	400	105	19,226	18,766	X
455 9	Crowley Marine Services	2010	400	105	19,226	18,766	X
MWB 403	HMC Leasing, Inc.	1979	400	105	16,322	6,800	X
H-851	Heerema Shipping	1987	853	206.7	128,452	60,000	
H-114	Heerema Shipping	1982	525	137.8	39,226	25,000	
H-122	Heerema Shipping	1978	400	100	16,788	5,500	
H-541	Heerema Shipping	2000	540	138	41,067	20,500	
H-627	Heerema Shipping	1978	580	160	51,829	26,000	
McDermott Tidelands 021	J. Ray McDermott, Inc.	1980	240	72	4,700	2,200	X
McDermott Tidelands No. 012.	J. Ray McDermott, Inc.	1973	240	72.2	4,217	4,000	X
McDermott Tidelands No. 014.	J. Ray McDermott, Inc.	1973	240	72.2	4,217	4,000	X
McDermott Tidelands 020	J. Ray McDermott, Inc.	1980	240	72	5,186	5,000	X
McDermott Tidelands 021	J. Ray McDermott, Inc.	1981	240	72	5,186	5,000	X
INTERMAC 600	J. Ray McDermott, Inc.	1973	500	120	32,290	15,600	
MARMAC 400	McDonough Marine Service	2001	400	99'-9"	10,861	4,400	X
MARMAC 300	McDonough Marine Service	1998	300	100	10,267	4,200	X
MARMAC 22	McDonough Marine Service	2003	260	72	5,198	2,400	X
MARMAC 21	McDonough Marine Service	2002	260	72	5,120	2,400	X
MARMAC 20	McDonough Marine Service	1999	250	72	4,943	2,200	X
MARMAC 19	McDonough Marine Service	1999	250	72	4,765	2,200	X
MARMAC 18	McDonough Marine Service	1998	250	72	4,765	2,200	X
MARMAC 17	McDonough Marine Service	1997	250	72	4,765	2,200	X
MARMAC 16	McDonough Marine Service	1995	250	72	4,765	2,200	X
MARMAC 15	McDonough Marine Service	1995	250	72	4,765	2,200	X
MARMAC 12	McDonough Marine Service	1994	250	72	4,765	2,200	X
MARMAC 11	McDonough Marine Service	1994	250	72	4,765	2,200	X
MARMAC 9	McDonough Marine Service	1993	250	72	4,765	2,200	X
COLUMBIA NORFOLK	Moran Towing	1982	329' 3 1/2"	78	8,036	8,000	X
FAITHFUL SERVANT	Puglia Engineering, Inc.	1979	492	131	23,174	23,000	
ATLANTA BRIDGE	Trailer Bridge, Inc.	1998	402	100	6,017	6,017	X
BROOKLYN BRIDGE	Trailer Bridge, Inc.	1998	402	100	6,017	6,017	X
CHARLOTTE BRIDGE	Trailer Bridge, Inc.	1998	402	100	6,017	6,017	X
CHICAGO BRIDGE	Trailer Bridge, Inc.	1998	402	100	6,017	6,017	X
MEMPHIS BRIDGE	Trailer Bridge, Inc.	1998	402	100	6,017	6,017	X

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2011-0006]

Koenigsegg Automotive AB; Morgan Motor Company Limited; Receipt of Applications for Renewals of Temporary Exemptions From the Advanced Air Bag Requirements of FMVSS No. 208

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

ACTION: Notice of receipt of applications for renewals of temporary exemptions and request for comments.

SUMMARY: In accordance with the procedures in 49 CFR Part 555, Koenigsegg Automotive AB (Koenigsegg) and Morgan Motor Company Limited ("Morgan") have petitioned the agency for renewals of temporary exemption from advanced air bag requirements of FMVSS No. 208, "Occupant crash protection." The basis for each application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

This notice of receipt of applications for renewal of temporary exemptions is published in accordance with the statutory provisions of 49 U.S.C. 30113(b)(2). Please note that we are publishing together the notice of receipt of the two applications for renewal to ensure efficient use of agency resources and to facilitate processing of the applications. NHTSA has made no judgments on the merits of each application. NHTSA will consider each application separately. We ask that commenters also consider each application separately and submit comments specific to individual applications.

DATES: Comments must be received on or before May 11, 2011.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground

Floor, Rm. W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

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

- *Fax:* (202) 493-2251.

Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket at 202-366-9324.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. 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.

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 (65 FR 19477-78).

We shall consider all comments received before the close of business on the comment closing date indicated below. To the extent possible, we shall also consider comments filed after the closing date.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy Nakama, Office of the Chief Counsel, NCC-112, National Highway Traffic Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590. Telephone: (202) 366-2992; Fax: (202) 366-3820.

I. Advanced Air Bag Requirements and Small Volume Manufacturers

In 2000, NHTSA upgraded the requirements for air bags in passenger cars and light trucks, requiring what are commonly known as "advanced air bags."¹ The upgrade was designed to meet the goals of improving protection for occupants of all sizes, belted and unbelted, in moderate-to-high-speed crashes, and of minimizing the risks posed by air bags to infants, children, and other occupants, especially in low-speed crashes. The rule accomplished this by establishing new test requirements and injury criteria and specifying the use of an entire family of

test dummies: the then-existing dummy representing 50th percentile adult males, and new dummies representing 5th percentile adult females, 6-year-old children, 3-year-old children, and 1-year-old infants.

The advanced air bag requirements were a culmination of a comprehensive plan that the agency announced in 1996 to address the adverse effects of air bags. This plan also included an extensive consumer education program to encourage the placement of children in rear seats.

The new requirements were phased in beginning with the 2004 model year. Small volume manufacturers (*i.e.*, original vehicle manufacturers producing or assembling fewer than 5,000 vehicles annually for sale in the United States) were not subject to the advanced air bag requirements until September 1, 2006.

In recent years, NHTSA has addressed a number of petitions for exemption from the advanced air bag requirements of FMVSS No. 208. The majority of these requests have come from small manufacturers which have petitioned on the basis of substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

Although NHTSA has granted a number of these petitions in situations where the manufacturer is supplying standard air bags in lieu of advanced air bags,² NHTSA is considering (1) whether it is in the public interest to continue to grant such petitions, particularly in the same manner as in the past, given the number of years these requirements have now been in effect and the benefits of advanced air bags, and (2) to the extent such petitions are granted, what plans and countermeasures to protect child and infant occupants, short of compliance with the advanced air bags, should be expected.

Given the passage of time since the advanced air bag requirements were established and have been implemented, and in light of the benefits of advanced air bags, NHTSA is considering whether it is in the public interest to continue to grant exemptions from these requirements, particularly in the same manner as in the past. The costs of compliance with the advanced air bag requirements of FMVSS No. 208 are costs that all entrants to the U.S. automobile marketplace should expect to bear. Furthermore, NHTSA understands that, in contrast to the

¹ See 65 FR 30680 (May 12, 2000) (Docket No. NHTSA-2000-7013).

² See, *e.g.*, grant of petition to Panoz, 72 FR 28759 (May 22, 2007), or grant of petition to Koenigsegg, 72 FR 17608 (April 9, 2007).