

from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles J. Kennedy

Mr. Kennedy, 61, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye 20/20 and in his left eye, 20/60. Following an examination in 2011, his ophthalmologist noted, "I am able to certify in my medical opinion, you do have sufficient vision required to perform driving tasks associated with operating a commercial vehicle." Mr. Kennedy reported that he has driven straight trucks for 35 years, accumulating 525,000 miles and tractor-trailer combinations for 22 years, accumulating 176,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John E. Nichols

Mr. Nichols, 54, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye 20/20 and in his left eye, 20/200. Following an examination in 2011, his ophthalmologist noted, "he does have full visual field and color vision to allow him to perform the driving tasks required to operate a commercial vehicle." Mr. Nichols reported that he has driven straight trucks for 30 years, accumulating 1.1 million miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Greg W. Story

Mr. Story, 54, has had retinal detachment and repair in his right eye since June 15, 2008. The best corrected visual acuity in his right eye is light perception and in his left eye, 20/40. Following an examination in 2011, his optometrist noted, "I feel confident that Mr. Story has adequate vision to perform his duties as a commercial truck driver." Mr. Story reported that he has driven straight trucks for 12 years, accumulating 249,996 miles and tractor-trailer combinations for 12 years, accumulating 999,996 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes but one conviction for speeding in a CMV. He exceeded the speed limit by 10 mph.

Gilford J. Whittle

Mr. Whittle, 62, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye

20/20 and in his left eye, count-finger vision. Following an examination in 2011, his ophthalmologist noted, "I do not see where there have been any changes which would complicate his ability to drive a commercial vehicle at this time." Mr. Whittle reported that he has driven tractor-trailer combinations for 22½ years, accumulating 2.7 million miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business December 29, 2011. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: November 18, 2011.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2011-30736 Filed 11-28-11; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2011-0083]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated September 27, 2011, Genesis Worldwide Logistics (GWWL) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 223.11, 231.30, 229.47, 229.115 and 229.125. FRA assigned the petition Docket Number FRA-2011-0083.

GWWL requests a waiver for TrackMobile 4650 used for in-plant switching confined to the tracks and facility known as GWWL, located in Houston, Harris County, Texas, of the

following: 49 CFR 223.11, *Requirements for existing locomotives*; 231.30, *Locomotives used in switching service*; 229.47, *Emergency brake valve*; 229.115, *Slip/slide alarms*; and 229.125, *Headlights and auxiliary lights*.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave., SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** (202) 493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by January 13, 2012 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and 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 online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on November 22, 2011.

Robert C. Lauby,

*Deputy Associate Administrator for
Regulatory and Legislative Operations.*

[FR Doc. 2011-30748 Filed 11-28-11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD 2011 0153]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel OCEAN VUE; 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 29, 2011.

ADDRESSES: Comments should refer to docket number MARAD-2011-0153. 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:

Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W21-203, Washington, DC 20590. Telephone (202) 366-5979, email Joann.Spittle@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel OCEAN VUE is:

Intended Commercial Use of Vessel: "conduct water tour for vacationers & tourists."

Geographic Region: "Florida."

The complete application is given in DOT docket MARAD-2011-0153 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).

By Order of the Maritime Administrator.

Dated: November 17, 2011.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2011-30595 Filed 11-28-11; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition, DP10-002

AGENCY: National Highway Traffic
Safety Administration (NHTSA).

ACTION: Denial of Petition for a Defect
Investigation.

SUMMARY: This notice describes the reasons for denying a petition (DP10-002) submitted to NHTSA under 49 U.S.C. Subtitle B, Chapter V, Part 552, Subpart A, requesting that the agency conduct "an investigation of defective products manufactured by Dayton Wheel Concepts, Inc. ('Dayton Wheel' and American Wire Wheel, LLC

('American Wheel'))." The petition listed the allegedly defective products and the alleged defect (which varied by allegedly defective product).

FOR FURTHER INFORMATION CONTACT: Bob Young, Office of Defects Investigation (ODI), NHTSA; 1200 New Jersey Ave., SE; Washington, DC 20590. *Telephone:* (202) 366-4806.

SUPPLEMENTARY INFORMATION: By a letter dated December 31, 2009, Mr. Thomas M. Gisslen; 707 Miamisburg-Centerville Rd. #158; Dayton, OH 45459, through his lawyer John R. Folkerth, JR; 109 North Main Street; 500 Performance Place; Dayton, OH 45402; petitioned the NHTSA requesting that it investigate "defective products manufactured by Dayton Wheel

Concepts, Inc. ('Dayton Wheel' and American Wire Wheel, LLC ('American Wheel')) and that the Agency "order * * * Dayton Wheel [to] remedy the indicated design defects and to cease and desist from the manufacture of the defective products until such time as the indicated design defects have been corrected, that all inventory of such defective product be impounded and destroyed, that all defective product be recalled, and that [Dayton Wheel] provide the notice specified in 49 U.S.C. 30118 and 30119" [basically that Dayton conduct a safety recall of the allegedly defective product(s) and so notify the NHTSA].

NHTSA has reviewed the material provided by the petitioner and other pertinent data. The results of this review and our analysis of the petition's merit is set forth in the DP10-002 Petition Analysis Report, published in its entirety as an appendix to this notice.

For the reasons presented in the petition analysis report, there is no reasonable possibility that an order concerning the notification and remedy of a safety-related defect would be issued as a result of granting Mr. Gisslen's petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: November 22, 2011.

Nancy Lummen Lewis,

Associate Administrator for Enforcement.

APPENDIX

Petition ANALYSIS—DP10-002

1.0 Introduction

On January 27, 2010, the National Highway Traffic Safety Administration (NHTSA) received a December 31, 2009, letter from attorney John R. Folkerth, Jr.