

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: June 4, 2013.

By Order of the Maritime Administrator.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–13834 Filed 6–10–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD–2013 0071]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel EYE DOC; 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 July 11, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0071. 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 EYE DOC is: INTENDED COMMERCIAL USE OF VESSEL: “Charter fishing on Lake Erie” GEOGRAPHIC REGION: “Ohio, Michigan”

The complete application is given in DOT docket MARAD–2013–0071 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

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By Order of the Maritime Administrator

Dated: June 4, 2013.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–13836 Filed 6–10–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD–2013–0067]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LIVERNANO; 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 July 11, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0067. 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 LIVERNANO is: *Intended Commercial Use of Vessel:* “Occasional charter to special group” *Geographic Region:* “Florida”.

The complete application is given in DOT docket MARAD–2013–0067 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: June 4, 2013.

By Order of the Maritime Administrator.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–13831 Filed 6–10–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Motor Vehicle Defect Petition, DP12–001

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

**ACTION:** Denial of petition for a defect investigation.

**SUMMARY:** This notice describes the reasons for denying a petition (DP12–001) submitted to NHTSA under 49 U.S.C. Subtitle B, Chapter V, Part 552, Subpart A, requesting that the agency “open an investigation” into “the repeated final drive bearing failure and possibly flawed assembly controls of the final drive unit on BMW K1200LT [motorcycles].”

**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 letter dated November 28, 2011, Mr. Christopher D. Cimino wrote to NHTSA

requesting that the agency open an investigation into “the repeated final drive bearing failure and possibly flawed assembly controls of the final drive unit on BMW K1200LT [motorcycles]” and to require BMW to “recall the affected models for inspection of component wear and proper assembly of the [final drive].”

NHTSA reviewed the material provided by the petitioner and other pertinent data that the agency gathered since first learning of this issue in February, 2003. The results of this review and NHTSA's analysis of the petition's merit is set forth in the DP12–001 Petition Analysis Report, published in its entirety as an appendix to this notice.

For the reasons presented in the petition analysis report, it is unlikely that an order concerning the notification and remedy of a safety-related defect would be issued as a result of granting Mr. Cimino's request. 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: June 5, 2013.

**Nancy Lummen Lewis,**

*Associate Administrator for Enforcement.*

#### Appendix

##### Petition Analysis—DP12–001

###### 1.0 Introduction

On December 5, 2011 the National Highway Traffic Safety Administration (NHTSA) received a letter (dated November 28, 2011) from Mr. Christopher D. Cimino, requesting NHTSA to investigate repeated final drive bearing failure[s] on certain BMW K1200LT model motorcycles and require BMW to recall the affected models for inspection of component wear and proper assembly of the unit. In support of his request, Mr. Cimino cites: an earlier BMW motorcycle recall addressing a final drive oil loss issue (06V399);<sup>1</sup> related consumer complaints filed with NHTSA;<sup>2</sup> an internet-based registry of owners experiencing a final drive “failure”;<sup>3</sup> an article appearing in a motorcycle related magazine;<sup>4</sup> and his own personal experience wherein he had to replace the final drive ring gear ball-type

<sup>1</sup> NHTSA Recall 06V399 was filed on 10–9–06. This recall addresses oil leaking from the speed sensor o-ring of approximately 700 BMW motorcycles.

<sup>2</sup> Mr. Cimino cites 145 consumer complaints which he found at <http://www-odi.nhtsa.dot.gov/complaints/>.

<sup>3</sup> Now defunct, a internet-based registry of related final-drive complaints could be found at [www.bmwfinaldrive.com](http://www.bmwfinaldrive.com).

<sup>4</sup> Bill Shaw, “Tarnished Roundel—Final Drive Failures Taint BMW's Image,” *Motorcycle Consumer News*, Sep. 2008.

bearing twice. Mr. Cimino also included the damaged bearing parts from his most recent incident. While Mr. Cimino did not style his letter as a petition in accordance with 49 U.S.C. Part 552.4, NHTSA is treating it as such.

In analyzing the petitioner's allegations and preparing a response, NHTSA:

- Reviewed and analyzed the petitioner's November 28th letter and attachments;
  - Discussed Mr. Cimino's allegations with him;
  - Reviewed NHTSA consumer complaints identified by Mr. Cimino and those submitted to the agency after he filed his request;
  - Reviewed Early Warning Reporting (EWR) data submitted by BMW pursuant to C.F.R. § 579.23;
  - Reviewed information related to BMW's safety recall (06V399);
  - Conducted a comprehensive internet-based search for information concerning sudden, unforeseen subject final drive bearing failure resulting in loss of motorcycle control;
  - Reviewed NHTSA's consumer complaint database for relevant reports;
  - Reviewed [www.bmwlt.com](http://www.bmwlt.com), [www.ibmwr.org](http://www.ibmwr.org), [www.bmwmoa.org](http://www.bmwmoa.org), and [www.bmwra.org](http://www.bmwra.org) for relevant Internet forum postings;
  - Analyzed data related to the internet-based registry of final drive-related complaints found at [www.bmwfinaldrive.com](http://www.bmwfinaldrive.com);
  - Conducted informal interviews with K1200LT owners at various BMW Motorcycle Owners of America (BMWMOA) and BMW Riders Association (BMWRA) national rallies;
  - Participated in discussions with technical experts at the BMWMOA and BMWRA national rallies;
  - Participated in discussions with BMW Motorrad (BMW's motorcycle division) dealer service personnel;
  - Reviewed magazine articles pertaining to the final drive bearing issue, and conducted informal discussions with the authors of those articles;
  - Conducted a comprehensive, internet-based search for information (including forum postings) concerning sudden, unforeseen subject final drive bearing failure resulting in loss of motorcycle control.
- The information gathered and reviewed during this comprehensive effort fails to establish that a safety-related defect trend involving a final drive bearing failure exists in the subject motorcycles. Consequently, the petition is denied.

###### 2.0 The Petitioner's Allegations

The petitioner wrote to NHTSA on November 28, 2011 requesting that the agency open an investigation into “the repeated final drive bearing failure and possibly flawed assembly controls of the final drive unit on BMW K1200LT [motorcycles].” Prior to sending this letter, the petitioner experienced two crown gear bearing failures involving his model year (MY) 2001 K1200LT motorcycle. The first failure occurred in December, 2008 when the motorcycle had been driven 59,310 miles; the