

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]

**BILLING CODE 4910-06-P**

## 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](mailto: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.