

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:** Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, 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 ANGARI is:

*Intended Commercial Use of Vessel:* "The vessel is owned and operated by a non-profit foundation in order to fulfill its mission. The Foundation is dedicated to creating a global community that is interested, knowledgeable and invested in marine and environmental sciences by directly supporting research initiatives that foster a greater trust and dialogue between scientists and the public. The Foundation also uses innovative technology, film and other media to raise awareness and strengthen science education. The vessel offers dedicated indoor and outdoor research and work space as well as living areas. Vessel charter will mainly consist of research and educational trips with scientists, teachers and film crews onboard. The vessel will be uninspected and operate along the U.S. East Coast and Gulf of Mexico, including the Florida Keys and Dry Tortugas."

*Geographic Region:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington DC, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

The complete application is given in DOT docket MARAD-2016-0082 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: August 16, 2016.

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

*Secretary, Maritime Administration.*

[FR Doc. 2016-20222 Filed 8-23-16; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2016 0083]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel OCEANFLYER; 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 September 23, 2016.

**ADDRESSES:** Comments should refer to docket number MARAD-2016-0083. 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:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, 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 OCEANFLYER is:

*Intended Commercial Use of Vessel:* "Training in maneuvering and safe seamanship Rental Charter."

*Geographic Region:* "Washington State."

The complete application is given in DOT docket MARAD-2016-0083 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.

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By Order of the Maritime Administrator.

Dated: August 16, 2016.

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

*Secretary, Maritime Administration.*

[FR Doc. 2016–20224 Filed 8–23–16; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0031; Notice 2]

#### BMW of North America, LLC, Denial of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Denial of petition.

**SUMMARY:** BMW of North America, LLC (BMW), a subsidiary of BMW AG in Munich, Germany, has determined that certain model year (MY) 2014–2015 BMW R nineT motorcycles do not fully comply with paragraph S6.4.3(a) (Table V–b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices and Associated Equipment*. BMW has filed an appropriate report dated February 20, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. BMW then petitioned NHTSA under 49 CFR part 556 requesting a decision that the subject noncompliance is inconsequential to motor vehicle safety.

**ADDRESSES:** For further information on this decision contact Mike Cole, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5319, facsimile (202) 366–5930.

#### SUPPLEMENTARY INFORMATION:

*I. BMW's Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), BMW submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of BMW's petition was published, with a 30-day public comment period, on June 4, 2015 in the **Federal Register** (80 FR 31966). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number “NHTSA–2015–0031.”

*II. Motorcycles Involved:* Affected are approximately 1,792 MY 2014–2015 BMW R nineT motorcycles manufactured between November 27, 2013 and January 26, 2015.

*III. Noncompliance:* BMW explains that, due to an obstruction caused by the tail lamp assembly, the noncompliance is that the rear turn signal lamps were manufactured with a corner point of 5°IB. The turn signal lamps should have had a corner point of 20°IB as required by paragraph S6.4.3(a) (Table V–b) of FMVSS No. 108.

BMW has since revised its petition to indicate that the obstructed lens area was 666 sq-mm and that the photometric test point (20°IB/5° down) was also obstructed and measured only 1.1 cd (FMVSS No. 108, S6.1.3.1 and S7.1.2.13.2).

*IV. Rule Text:* FMVSS No 108 requires in pertinent part:

Paragraph S6.1.3.1: Each lamp, reflective device, and item of associated equipment must be securely mounted on a rigid part of the vehicle, other than glazing, that is not designed to be removed except for repair, within the mounting location and height limits as specified in Table I, and in a location where it complies with all applicable photometric requirements, effective projected luminous lens area requirements, and visibility requirements with all obstructions considered;

Paragraph S6.4.3(a): When a vehicle is equipped with any lamp listed in Table V–b each such lamp must provide not less than 1250 sq mm of unobstructed effective projected luminous lens area in any direction throughout the pattern defined by the corner points specified in Table V–b for each such lamp;

Paragraph S7.1.2.13.2: As an alternative to S7.1.2.13.1, a rear turn signal lamp installed on a motorcycle may be designed to conform to the photometry requirements of Table XIII–a.

*V. Summary of BMW's Analyses:* BMW stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) BMW states that when the subject motorcycles are upright on a level surface and equipped with standard tires at their recommended cold tire inflation pressure; the lower edge of the rear turn signal lenses are approximately 747 mm above ground, the lower edge of the tail lamp lens is approximately 710 mm above ground and the tail lamp lens extend upward. BMW believes that due to these geometric conditions there is some overlap in the vertical direction between the rear turn signal lenses and the tail lamp lens however, they are not aligned along the same longitudinal centerline [of the turn signals]. Specifically, the

tail lamp is on the motorcycle's longitudinal centerline while the rear turn signals are on stalks offset from the centerline. As a result, BMW believes that this has a very minor affect upon the effective projected luminous lens area.

(B) BMW stated its belief that the obstruction from the tail lamp only occurs if another road user in a following vehicle has an eye-point of approximately 747 mm above ground (extremely low for an average vehicle) and is a worst-case-scenario. For other road users with a higher eye-point, there is no apparent obstruction and the turn signal would appear to meet the requirements of FMVSS No. 108.

(C) BMW also stated its belief that the effect of the noncompliance, *i.e.*, the overlap or interference of the turn signal lamp by the tail lamp does not occur during critical traffic conditions. A road user, who is following an affected motorcycle, and in the same lane as an affected motorcycle, will be able to fully view an affected motorcycle's rear turn signal at a distance of approximately 1,935 mm (approximately 6 ft). BMW believes that in most traffic conditions, a road user would not want to be closer to a motorcycle than 6 ft. Thus, this “non-visible” rear turn signal condition is not likely to occur during the vast majority of traffic conditions. BMW provided detailed analysis of specific travel conditions including following directly behind an affected motorcycle and overtaking/passing an affected motorcycle that it believes supports its conclusion that the condition caused by the subject noncompliance will not interfere with the safety of the motorcycle rider or another road user.

(D) BMW Customer Relations has not received any contacts from motorcycle riders, or other road users regarding this issue. Also, BMW is not aware of any accidents or injuries that have occurred as a result of this issue.

BMW has additionally informed NHTSA that it has corrected the noncompliance so that all future production of the subject vehicles will fully comply with FMVSS No. 108.

In summation, BMW believes that the described noncompliance of the subject motorcycles is inconsequential to motor vehicle safety, and that its petition, to exempt BMW from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the noncompliance as required by 49 U.S.C. 30120 should be granted.

#### NHTSA'S Decision

*NHTSA's Analysis of BMW's Arguments:* BMW stated that a number