

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: July 9, 2013.

By Order of the Maritime Administrator.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–16890 Filed 7–12–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD–2013–0081]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel COMPASS ROSE; 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 August 14, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0081. 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 COMPASS ROSE is:

*Intended Commercial Use Of Vessel:* “Sailboat charters six passengers or less”.

*Geographic Region:* “Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida”.

The complete application is given in DOT docket MARAD–2013–0081 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: July 8, 2013.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–16892 Filed 7–12–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0074]

#### Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Grant of petitions.

**SUMMARY:** This document announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards or because they have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

**DATES:** These decisions became effective on the dates specified in Annex A.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and/or sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being

readily altered to conform to all applicable FMVSS.

Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions.

**Comments:** No substantive comments were received in response to 16 of the 17 petitions identified in Appendix A. In response to the remaining petition, which covers 2004 model year Ford F-150 Crew Cab trucks that were manufactured for the Mexican Market (Docket No NHTSA-2012-0162), the Ford Motor Company stated in pertinent part:

Vehicles that are designed and manufactured for export to markets outside of the United States are not necessarily tested for compliance to all FMVSS requirements, unless the particular export markets have entirely equivalent safety standards. Therefore, Ford can neither confirm nor deny that a 2004 F-150 Crew Cab manufactured for sale in the Mexican Market would have complied with FMVSS No. 208 at the time it was manufactured.

The petitioner, Mesa Auto Wholesalers, responded in pertinent part:

We at Mesa auto wholesalers have carefully looked at both a 2004 Ford F-150 that was sold for the American market and the subject vehicle, in our research we discovered that both vehicles were exactly the same and therefore conformed to the

standard FMVSS No. 208 both units had factory installed airbags and seatbelts for all seating positions including outward and center seat positions in both the front seat and the rear seat.

NHTSA believes this response fully addresses the comment. The agency also notes that the comment lacks sufficient specificity to provide a basis for the denial of the petition.

**NHTSA Decision:** Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable FMVSS, is either substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable FMVSS or has safety features that comply with, or are capable of being altered to comply with, all applicable Federal Motor Vehicle Safety Standards.

**Vehicle Eligibility Number For Subject Vehicles:** The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

**Authority:** 49 U.S.C. 30141(a)(1)(A), (a)(1)(B) and (b)(1); 49 CFR 593.7; delegations of authority at 49 CFR 1.50 and 501.7.

Issued on: July 2, 2013.

**Claude H. Harris,**  
*Director, Office of Vehicle Safety Compliance.*

### **Annex A—Nonconforming Motor Vehicles Decided To Be Eligible for Importation**

#### **1. Docket No. NHTSA-2013-0032**

Nonconforming Vehicles: 2005, 2006 & 2007 BMW 5 Series Passenger Cars  
Manufactured before September 1, 2006  
Substantially Similar U.S. Certified Vehicles: 2005, 2006 & 2007 BMW 5 Series Passenger Cars Manufactured before September 1, 2006  
Notice of Petition  
Published at: 78 FR 24463 (April 25, 2013)  
Vehicle Eligibility Number: VSP-555 (effective date June 7, 2013)

#### **2. Docket No. NHTSA-2013-0031**

Nonconforming Vehicles: 1991 Volkswagen Transporter Multipurpose Passenger Vehicles  
Substantially Similar U.S. Certified Vehicles: 1991 Volkswagen Transporter Multipurpose Passenger Vehicles  
Notice of Petition  
Published at: 78 FR 22944 (April 17, 2013)  
Vehicle Eligibility Number: VSP-554 (effective date June 7, 2013)

#### **3. Docket No. NHTSA-2013-0022**

Nonconforming Vehicles: 2010 BMW Z4 Passenger Cars  
Substantially Similar U.S. Certified Vehicles: 2010 BMW Z4 Passenger Cars  
Notice of Petition  
Published at: 78 FR 20385 (April 4, 2013)  
Vehicle Eligibility Number: VSP-553 (effective date May 28, 2013)

#### **4. Docket No. NHTSA-2013-0015**

Nonconforming Vehicles: 2012 Porsche GT3 RS Passenger Cars  
Substantially Similar U.S. Certified Vehicles: 2012 Porsche GT3 RS Passenger Cars  
Notice of Petition  
Published at: 78 FR 20386 (April 4, 2013)  
Vehicle Eligibility Number: VSP-552 (effective date May 21, 2013)

#### **5. Docket No. NHTSA-2012-0164**

Nonconforming Vehicles: 2007 Ford Escape Multipurpose Passenger Vehicles  
Manufactured for the Mexican Market  
Substantially Similar U.S. Certified Vehicles: Ford Escape Multipurpose Passenger Vehicles  
Notice of Petition  
Published at: 78 FR 20388 (April 4, 2013)  
Vehicle Eligibility Number: VSP-551 (effective date May 20, 2013)

#### **6. Docket No. NHTSA-2013-0016**

Nonconforming Vehicles: 1992, 1993 & 1994 BMW 3 Series Passenger Cars  
Substantially Similar U.S. Certified Vehicles: 1992, 1993 & 1994 BMW 3 Series Passenger Cars  
Notice of Petition  
Published at: 78 FR 19364 (March 29, 2013)  
Vehicle Eligibility Number: VSP-550 (effective date May 6, 2013)

#### **7. Docket No. NHTSA-2013-0012**

Nonconforming Vehicles: 2005 Mercedes-Benz G Class (463 chassis) Long-Wheelbase (LWB) Multipurpose Passenger Vehicles  
Substantially Similar U.S. Certified Vehicles: 2005 Mercedes-Benz G Class (463 chassis) Long-Wheelbase (LWB) Multipurpose Passenger Vehicles  
Notice of Petition  
Published at: 78 FR 10686 (February 14, 2013)  
Vehicle Eligibility Number: VSP-549 (effective date April 22, 2013)

#### **8. Docket No. NHTSA-2012-0162**

Nonconforming Vehicles: 2004 Ford F-150 Crew Cab Trucks Manufactured for the Mexican Market  
Substantially Similar U.S. Certified Vehicles: 2004 Ford F-150 Crew Cab Trucks  
Notice of Petition  
Published at: 78 FR 13754 (February 28, 2013)  
Vehicle Eligibility Number: VSP-548 (effective date April 17, 2013)

#### **9. Docket No. NHTSA-2012-0161**

Nonconforming Vehicles: 2003 Jeep Wrangler Multipurpose Passenger Vehicles  
Manufactured for the Mexican Market  
Substantially Similar U.S. Certified Vehicles: 2003 Jeep Wrangler Multipurpose

Passenger Vehicles  
Notice of Petition  
Published at: 78 FR 13755 (February 28, 2013)  
Vehicle Eligibility Number: VSP-547  
(effective date April 17, 2013)

**10. Docket No. NHTSA-2013-0014**  
Nonconforming Vehicles: 1992 Porsche Carrera (964 Series) Passenger Cars  
Substantially Similar U.S. Certified Vehicles: 1992 Porsche Carrera (964 Series) Passenger Cars  
Notice of Petition  
Published at: 78 FR 10687 (February 14, 2013)  
Vehicle Eligibility Number: VSP-546  
(effective date March 26, 2013)

**11. Docket No. NHTSA-2012-0163**  
Nonconforming Vehicles: 2005 Ferrari 612 Scaglietti Passenger Cars  
Substantially Similar U.S. Certified Vehicles: 2005 Ferrari 612 Scaglietti Passenger Cars  
Notice of Petition  
Published at: 77 FR 76599 (December 28, 2012)  
Vehicle Eligibility Number: VSP-545  
(effective date February 12, 2013)

**12. Docket No. NHTSA-2012-0151**  
Nonconforming Vehicles: 2007 Chevrolet Corvette Passenger Cars  
Substantially Similar U.S. Certified Vehicles: 2007 Chevrolet Corvette Passenger Cars  
Notice of Petition  
Published at: 77 FR 69539 (November 19, 2012)  
Vehicle Eligibility Number: VSP-544  
(effective date January 16, 2013)

**13. Docket No. NHTSA-2012-0150**  
Nonconforming Vehicles: 2009 Porsche Cayenne S Multipurpose Passenger Vehicles  
Substantially Similar U.S. Certified Vehicles: 2009 Porsche Cayenne S Multipurpose Passenger Vehicles  
Notice of Petition  
Published at: 77 FR 67732 (November 13, 2012)  
Vehicle Eligibility Number: VSP-543  
(effective date January 16, 2013)

**14. Docket No. NHTSA-2012-0160**  
Nonconforming Vehicles: 2009 Porsche 911 (997) Passenger Cars  
Substantially Similar U.S. Certified Vehicles: 2009 Porsche 911 (997) passenger cars  
Notice of Petition  
Published at: 77 FR 70541 (November 26, 2012)  
Vehicle Eligibility Number: VSP-542  
(effective date January 16, 2013)

**15. Docket No. NHTSA-2012-0095**  
Nonconforming Vehicles: 2005 Chevrolet Suburban Multipurpose Passenger Vehicles  
Substantially Similar U.S. Certified Vehicles: 2005 Chevrolet Suburban Multipurpose Passenger Vehicles  
Notice of Petition  
Published at: 77 FR 46803 (August 6, 2012)  
Vehicle Eligibility Number: VSP-541  
(effective date November 27, 2012)

**16. Docket No. NHTSA-2013-0035**  
Nonconforming Vehicles: 2011 Thule 3008 BL Boat Trailer  
Because there are no substantially similar U.S.-certified version 2011 Thule 3008 BL Boat Trailer the petitioner sought import eligibility under 49 U.S.C. 30141(a)(1)(B).  
Notice of Petition:  
Published at: 78 FR 24464 (April 25, 2013)  
Vehicle Eligibility Number: VCP-52  
(effective date June 7, 2013)

**17. Docket No. NHTSA-2012-0148**  
Nonconforming Vehicles: 1991 Mercedes-Benz G Class (463 chassis) Multipurpose Passenger Vehicles  
Because there are no substantially similar U.S.-certified version 1991 Mercedes-Benz G Class (463 chassis) Multipurpose Passenger Vehicles the petitioner sought import eligibility under 49 U.S.C. 30141(a)(1)(B).  
Notice of Petition  
Published at: 77 FR 65444 (October 26, 2012)  
Vehicle Eligibility Number: VCP-51  
(effective date December 11, 2012)  
[FR Doc. 2013-16792 Filed 7-12-13; 8:45 am]  
**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0145; Notice 1]

#### BHC Investment Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Receipt of petition.

**SUMMARY:** BHC Investment Corporation (BHC)<sup>1</sup> has determined that certain “Choice” brand reflective warning triangles that BHC distributed to its dealers from June 2011 to August 27, 2012, do not fully comply with paragraph S5.2.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 125 *Warning Devices*. BHC has filed an appropriate report dated August 30, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), BHC 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.

This notice of receipt of BHC’s petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

**Equipment Involved:** Affected are approximately 13,305 “Choice” brand reflective warning triangle kits. Each kit includes three warning devices for a total of 39,915 devices. The affected kits were manufactured by Torch Industrial Company, LTD (TORCH) in its plant located in Fujin, China. The affected kits were imported to and distributed in the United States from June 2011 to August 27, 2012 by BHC.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the 39,915<sup>2</sup> warning devices that BHC no longer controlled at the time it determined that the noncompliance existed.

**Ruled Text:** Paragraph S5.2.3 of FMVSS No. 125 requires in pertinent part:

S5.2.3 Each face of the triangular portion of the warning device shall have an outer border of red reflex reflective material of uniform width and not less than 0.75 and not more than 1.75 inches wide, and an inner border of orange fluorescent material of uniform width and not less than 1.25 and not more than 1.30 inches wide . . .

**Summary of BHC’s Analyses:** BHC explains that the only noncompliance that it has confirmed is that the measurement of the inner orange fluorescent material is only 1.23 inches versus 1.25 inches required by paragraph S5.2.3 of FMVSS No. 125. The other discrepancies alleged in the competitor’s notice cannot be verified without supplying samples to an independent testing laboratory and having them tested and confirmed.

<sup>2</sup> BHC’s petition, which was filed under 49 CFR part 556, requests an agency decision to exempt BHC as a motor vehicle equipment manufacturer from the notification and recall responsibilities of 49 CFR part 573 for the affected equipment. However, a decision on this petition cannot relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant motor vehicle equipment under their control after BHC notified them that the subject noncompliance existed.

<sup>1</sup> BHC Investment Corporation is registered under the laws of the state of Delaware, and as the importer of record for the subject noncompliant equipment is treated as a manufacturer of motor vehicle equipment with respect to the subject petition.