

**DATES:** Submit comments on or before December 1, 2016.

**ADDRESSES:** Comments should refer to docket number MARAD-2016-0111. 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 MANNA is: *Intended Commercial Use of Vessel: "Day and Term Charters"*.

*Geographic Region:* "Florida, Alabama, Mississippi, Louisiana, Texas, Puerto Rico".

The complete application is given in DOT docket MARAD-2016-0111 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: October 24, 2016.

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

*Secretary, Maritime Administration.*

[FR Doc. 2016-26352 Filed 10-31-16; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2016 0112]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel Gotta Love It; 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 1, 2016.

**ADDRESSES:** Comments should refer to docket number MARAD-2016-0112. 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 GOTTA LOVE IT is: *Intended Commercial Use of Vessel: "Charter dive boat"*.

*Geographic Region:* "Florida and Dry Tortugas"

The complete application is given in DOT docket MARAD-2016-0112 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: October 24, 2016.

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

*Secretary, Maritime Administration.*

[FR Doc. 2016-26351 Filed 10-31-16; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2016 0114]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SPELLBOUND; 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 1, 2016.

**ADDRESSES:** Comments should refer to docket number MARAD-2016-0114. 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 SPELLBOUND is:

*Intended Commercial use of Vessel:* Passengers for hire, for recreational charters.

*Geographic Region:* "Washington State".

The complete application is given in DOT docket MARAD-2016-0114 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: October 24, 2016.

**T. Mitchell Hudson, Jr.,**  
*Secretary, Maritime Administration.*

[FR Doc. 2016-26356 Filed 10-31-16; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2016-0113]

#### Denial of Motor Vehicle Defect Petition, DP12-004

**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 (DP12-004) submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency conduct "a defect investigation into MY 2005-2010 Nissan Pathfinder, Frontier, and Xterra vehicles [the subject vehicles] for automatic transmission failures related to failed transmission coolers."

**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:** In support of his petition, received on February 29, 2012, Mr. Mathew Oliver, Director of Operations for the North Carolina Consumers Council, Inc. (NCCC); alleged the following:

(1) "During the past six months, five owners of 2005 Xterra vehicles, and one owner of a 2006 Frontier vehicle, reported that they experienced sudden jerking of their vehicle(s) at highway speeds. They report, in all instances, that dealers diagnosed the problem as a failed transmission fluid cooler located in the radiator that allowed coolant to mix with, and contaminate, the automatic transmission fluid resulting in damaged internal transmission

components and a damaged internal transmission computer. The complaints report no warning signs leading up to or just prior to the failures";

(2) "NCCC has learned from Web site searches, and through the NHTSA Web site, of many other similar complaints in the subject vehicles. Web site data and NHTSA reports usually [report] the same symptoms and lack of warning. Numerous complaints on the NHTSA Web site note repeat oil [sic] cooler and transmission failures";

(3) Nissan extended its warranty coverage of subject vehicles' radiator/transmission fluid coolers from 3yrs/36,000 miles to 8yrs/80,000 miles and that this coverage applied only to the radiator/cooler but not to transmissions that may have been damaged as a consequence of cooler failures;

(4) Nissan extended its warranty coverage of subject vehicles' radiator/transmission fluid coolers from 3yrs/36,000 miles to 8yrs/80,000 miles and that this coverage applied only to the radiator/cooler but not to transmissions that may have been damaged as a consequence of cooler failures.

Additionally, Nissan failed to conduct inspections that may have revealed a cooler failure was imminent thus helping consumers avoid a catastrophic transmission failure; and

(5) A class action lawsuit was filed in 2010 on behalf of clients relating to this alleged defect.

Mr. Oliver concluded his petition by stating, "through our limited investigation into the matter, all of the vehicles experiencing these [transmission] failures are within the 8 year period specified by the extended warranty but are often beyond the 80,000 mile limit. It also appears that the number of reported defects is increasing, which is concerning to say the least. Due to the nature of the reported defect, the severity of the reported failures, the repetitive nature of the failures and the limited or missing failure warning signs, we believe that an investigation is warranted."

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 DP12-004 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. Oliver's petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best