

DEPARTMENT OF TRANSPORTATION**Maritime Administration****[Docket No. MARAD 2012 0045]****Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LOST SOUL; 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 May 9, 2012.

ADDRESSES: Comments should refer to docket number MARAD-2012-0045. 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.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LOST SOUL is:

Intended Commercial Use of Vessel: "Pleasure charter."

Geographic Region: "California, Oregon, Washington."

The complete application is given in DOT docket MARAD-2012-0045 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: April 3, 2012.

Julie P. Agarwal,

Secretary, Maritime Administration.

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DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****[Docket No. NHTSA-2012-0008; Notice 1]****OSRAM SYLVANIA Products Inc., Receipt of Petition for Decision of Inconsequential Noncompliance****AGENCY:** National Highway Traffic Safety Administration, DOT.**ACTION:** Receipt of Petition.

SUMMARY: OSRAM SYLVANIA Products, Inc.¹ (OSRAM) has determined that certain Type HB2 replaceable light sources, manufactured between September 25, 2011, and October 8, 2011, do not fully comply with paragraph S7.7 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamp, Reflective Devices, and Associated Equipment*. OSRAM has filed an appropriate report dated November 23, 2011², pursuant to 49

¹ OSRAM SYLVANIA Products Inc., is a manufacturer of motor vehicle replacement equipment and is registered under the laws of the state of Delaware.

² OSRAM submitted an amended version of the report on January 6, 2012.

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), OSRAM 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 OSRAM'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 40,544 Type HB2 replaceable light sources that were manufactured by OSRAM Sylvania Products, Inc., between September 25, 2011, and October 8, 2011.

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 subject Type HB2 replaceable light sources that OSRAM no longer controlled at the time it determined that the noncompliance existed.

Noncompliance: OSRAM explains that the noncompliance is due to an error in the production facility. Certain Type HB2 replaceable light sources were produced with an incorrect upper beam filament wire which results in an upper beam luminous flux outside (below) the specifications as required in paragraph S7.7 of FMVSS No. 108.

Rule text: Paragraph S7.7 of FMVSS No. 108 requires in pertinent part:

S7.7 Each replaceable light source shall be designed to conform to the dimensions and electrical specifications furnished with respect to it pursuant to part 564 of this chapter, and shall conform to the following requirements: * * *

Summary of OSRAM's Analysis and Arguments:

OSRAM stated its belief that although the subject Type HB2 replaceable light source may not meet the required luminous flux specifications the noncompliance is inconsequential to motor vehicle safety. OSRAM came to this conclusion based on the following results of testing that it conducted on a large sample of lamps using the subject noncompliant Type HB2 replaceable light sources: