

The complete application is available for review identified in the DOT docket as MARAD–2019–0086 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 vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

### Public Participation

#### *How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

#### *Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD–2019–0086 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

#### *Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

#### *May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the

basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL–14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

**Authority:** 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121. \* \* \*

Dated: May 23, 2019.

By Order of the Maritime Administrator.

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

*Secretary, Maritime Administration.*

[FR Doc. 2019–11138 Filed 5–28–19; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD–2019–0081]

#### **Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MC 1218TX (Motor Vessel); Invitation for Public Comments**

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. 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 June 28, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD–2019–0081 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search

MARAD–2019–0081 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0081, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**Note:** If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

**Instructions:** All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

#### **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 MC 1218TX is:

—INTENDED COMMERCIAL USE OF VESSEL: “Sport fishing charters (fish caught are not sold commercially)”

—GEOGRAPHIC REGION INCLUDING BASE OF OPERATIONS: “Michigan, Ohio” (Base of Operations: Saginaw Bay, MI)

—VESSEL LENGTH AND TYPE: 24’ motor vessel

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MARAD's regulations at 46 CFR part 388.

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**Authority:** 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121. \* \* \*

Dated: May 23, 2019.

By Order of the Maritime Administrator.

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

*Secretary, Maritime Administration.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2018-0085]

#### Denial of Motor Vehicle Defect Petition

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

**ACTION:** Denial of petition for a defect investigation.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted on August 6, 2014, by Mr. Donald Friedman to the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation (ODI). The petition requests that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety with respect to the rollover crash performance of the model year (MY) 2010 Chevrolet Tahoe and similarly constructed General Motors (GM) vehicles. The petition alleges that the rollover side curtain air bag system in these vehicles is defectively designed and can allow second and third row occupants to be ejected in rollover crashes. In addition, the petition alleges that the side window glass, rear seat belts, and roof structure are defectively designed. After examination of the petition and available data relating to the rollover crash performance of the subject vehicles, NHTSA does not believe that a safety-related defect currently exists in the design of the rollover side curtain air bags in the MY 2010 Chevrolet Tahoe and other similarly designed Chevrolet Tahoe and GMC Yukon vehicles. The agency has accordingly denied the petition. The petition is hereinafter identified as DP15-004.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Lee, Vehicle Defect Division C, Office of Defects Investigation, NHTSA,

1200 New Jersey Ave. SE, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** By letter dated August 6, 2014, Mr. Donald Friedman of Santa Barbara, CA, submitted a petition requesting that the agency investigate the rollover crash performance of the MY 2010 Chevrolet Tahoe. The petitioner alleges that the rollover side curtain air bag (RSCAB) system in the MY 2010 Chevrolet Tahoe and similarly constructed GM vehicles is defectively designed and can allow second and third row occupants to be ejected in rollover crashes when the RSCAB has deployed. The petitioner also broadly requested NHTSA's ODI to conduct an investigation of the "structural and consumer expectation defects in millions of General Motors vehicles that result in severe injury and death." In support of these claims, the petitioner submitted a two-page summary of his investigation and analysis of a rollover crash involving a MY 2010 Chevrolet Tahoe in which a second row passenger was fatally ejected, a summons and complaint from an ensuing lawsuit against GM, an electronic data recorder (EDR) readout from the vehicle, and his rebuttal of various expert opinions offered by GM during its defense of the lawsuit.

The petitioner alleges the following defects in the Chevrolet Tahoe allow ejection of second and third row occupants in rollover crashes despite a fully deployed RSCAB:

- **Safety Belts:** The safety belts in the second seating row of the Chevrolet Tahoe failed to restrain an occupant and allowed that occupant's ejection.
- **Roof Strength:** The roof design fails to provide sufficient structural integrity for the occupant compartment and allows the side windows to fracture. The fractured side windows become ejection portals through which occupants are ejected.
- **Containment/Glazing:** The petitioner states that readily available window glazing technology that would prevent side window fractures in a rollover should have been used in the Chevrolet Tahoe.
- **Window Curtain Tethers:** The RSCAB design employed in the Chevrolet Tahoe did not incorporate tethers that would have prevented occupants from being ejected.

On August 20, 2011, a MY 2010 Chevrolet Tahoe traveling on a highway in McAllen, Texas, rolled over several times in a grassy median after being hit by another vehicle. Of the eight occupants riding in the Chevrolet Tahoe, three were ejected. A 72-year-old