

the date specified and remains in effect for such period as the Secretary of Transportation determines appropriate by regulation. Title 49 U.S.C. 13905(c) grants the Secretary the authority to amend or revoke a registration at the registrant's request. Form OCE-46 is used by transportation entities to voluntarily apply for revocation of their registration in whole or in part. The form requests the registrant's docket number, name and address, and the reasons for the revocation request.

Respondents: Motor carriers, freight forwarders, and brokers.

Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 250 hours (1,000 motor carriers $\times$ 15 minutes/60 minutes).

3. *Title:* Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers Under 49 U.S.C. 13902(c).

OMB Approval Number: 2126-0019.

Background: Title 49 U.S.C. 13902(c) sets forth basic licensing procedures for registering foreign motor carriers to operate across the border into the United States. Title 49 CFR 368 sets forth related regulations. The FMCSA carries out this registration program under authority delegated by the Secretary of Transportation. Foreign motor carriers use Form OP-2 to apply for registration with the FMCSA. The form requests information on the motor carrier's location, form of business, ownership and control, and proposed operations.

Respondents: Foreign motor carriers.

Average Burden per Response: 2 hours.

Estimated Total Annual Burden: 2,000 hours (1,000 motor carriers $\times$ 2 hours).

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.73.

Issued on: February 7, 2001.

Julie Anna Cirillo,

Assistant Administrator and Chief Safety Officer.

[FR Doc. 01-3633 Filed 2-12-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-7645]

Developing and Implementing a Long-Term Strategy and Performance Plan for Improving Commercial Motor Vehicle, Operator, and Carrier Safety

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; request for comments.

SUMMARY: To comply with section 104 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA), the FMCSA developed a draft long-term strategy and performance plan for the period between fiscal years 2002 and 2009. Both the Congress and the Department of Transportation have stated long-term goals for improving commercial motor vehicle safety. This notice asks for public comment on the draft long-term plan. A copy of the plan is available electronically at <http://dmses.dot.gov/submit> by referencing the docket number at the heading of this document. It is also available electronically at <http://spp.fmcsa.dot.gov>.

DATES: You should submit your comments to this notice no later than February 28, 2001. We will consider late comments if we can within our tight deadline for action.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at <http://dmses.dot.gov/submit>. Please include the docket number that appears in the heading of this document. You can examine and copy comments at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal Holidays. If you want notification of receipt of comments, you must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Proferes, Chief, Strategic Planning and Program Evaluation Division, (202) 366-9220, Federal Motor Carrier Safety Administration (MC-PRS), 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or retrieve comments online through the Document

Management System (DMS) at: <http://dmses.dot.gov/submit>. Acceptable formats include: MS Word (versions 95 to 97), MS Word for Mac (versions 6 to 8), Rich Text File (RTF), American Standard Code Information Interchange (ASCII)(TXT), Portable Document Format (PDF), and WordPerfect (versions 7 to 8). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site. Internet users also may find this document at <http://spp.fmcsa.dot.gov>.

Authority: 49 U.S.C. 322; 49 CFR 1.73.

Dated: February 7, 2001.

Julie Anna Cirillo,

Assistant Administrator and Chief Safety Officer.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-6209; Notice 2]

American Transportation Corp., Partial Grant and Partial Denial of Application for Decision of Inconsequential Noncompliance

American Transportation Corporation (AmTran) has determined certification labels on its AmTran buses are not in full compliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire selection and rims for motor vehicles other than passenger cars," and 49 CFR part 567, "Certification," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." AmTran has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliances and the failures to meet part 567 are inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on September 27, 1999, in the **Federal Register** (64 FR 52118). NHTSA received no comments.

From October 27, 1991 through February 11, 1999, AmTran produced 1,514 buses with incorrect certification labels. AmTran states that the tire inflation pressure, as it is written on the certification label required by part 567, cannot support the weight capacity of the bus. AmTran has determined that a majority of the certification labels specify an inflation pressure that is five

to ten pounds below the inflation pressure that is necessary to support the weight of the bus when it operates with a full load of passengers. In addition, a few certification labels specify an inflation pressure that is ten to twenty pounds below the inflation pressure that is necessary to support the weight of the bus when it operates at maximum capacity. However, if the same tires are inflated to the maximum inflation pressure that is molded on the sidewall, then the tires will support the vehicle's weight. AmTran, in effect, is asking to be excused from preparing and sending corrected certification labels to the vehicles' owners.

In addition, the information on the certification label is required to be specified in English and metric units. According to AmTran, all of the AmTran buses produced prior to February 11, 1999, have a certification label that correctly specifies the weight of the vehicle without identifying it as "lbs."

AmTran supports its application for inconsequential noncompliance for the certification label by stating the following:

- Most buses do not run at full GVWR or full capacity.
- When buses operate at full capacity, it is for a very short period of time.
- There have been no tire warranty claims related to low pressure.
- Most tires are inflated by charts used at maintenance areas and the certification document is not used as a guide.
- The difference between the specified tire pressure and the required tire pressure is not a safety issue in this case.

In addition, AmTran supports its application for inconsequential noncompliance for the missing units of "lbs" by stating the following:

- Not aware of any problems created by the missing unit identification.
- It is understood in the U.S. bus industry that the GAWR and GVWR are listed in pounds.

We have reviewed the petitioner's arguments. The purpose for the labeling requirements in FMVSS No. 120 is to provide the vehicle user with information for the safe operation of the vehicle. FMVSS No. 120 paragraph S5.3.1 specifies that the certification label on buses include the recommended cold inflation pressure for the tires such that the sum of the load ratings of the tires on each axle is appropriate for the GAWR. Part 567 specifies the content and location of the certification label. In this case, no units of measure were provided.

Of the 1,514 buses, our analysis indicates that 557 have specified a tire inflation pressure on the label that is incorrect and may not be able to handle the load. Under-inflation and overloading produces structural failure in a tire; this could cause loss of control while the vehicle is traveling on the highway. This presents a clear and distinct safety hazard. However, the remaining 957 buses, based on our analysis of supplemental data, should be able to handle the full occupant capacity loads when the vehicle tires are inflated to the recommended inflation pressures.

In consideration of the foregoing, NHTSA has decided that the applicant has not met its burden of persuasion that the noncompliance it describes is inconsequential to safety for 557 buses. Accordingly, in regards to the certification label, its application is hereby denied for 557 buses and granted for 957 buses. In addition, the replacement labels should contain the correct data in both metric and English units.

According to AmTran, the processes have been extensively reviewed, the causes of these noncompliances have been isolated, and changes in the processes have been instituted to prevent any future occurrences. In addition, the noncompliance is limited to the buses addressed in this notice, and AmTran stated that its future products will comply with the prescribed requirements.

The agency agrees with AmTran that the label on these buses whose only deficiency is the failure to provide the marking "lbs" for the units, and a metric conversion, is likely to achieve the safety purpose of the required label. The vehicle user will have the correct safety information in the prescribed location and format. Since petitioning the agency on this subject, AmTran has corrected its certification label process to include the prescribed format.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that this labeling noncompliance portion of its petition is inconsequential to motor vehicle safety. Accordingly, we grant its petition on this issue.

(49 U.S.C. 30118, 30120, delegations of authority at 49 CFR 1.50 and 501.8)

Issued on February 2, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01-3557 Filed 2-12-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2001-8827; Notice 1]

Dan Hill & Associates, Inc.; Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

We are asking for comments on the application by Dan Hill & Associates, Inc. ("Dan Hill"), of Norman, Oklahoma, for an exemption of one year from Motor Vehicle Safety Standard No. 224 *Rear Impact Protection*. Dan Hill asserts that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

We are publishing this notice of receipt of the application in accordance with our regulations on the subject. This action does not mean that we have made a judgment yet about the merits of the application.

Dan Hill has been the beneficiary of temporary exemptions from Standard No. 224 beginning on January 26, 1998 (see 63 FR 3784 and 64 FR 49047). The information below is based on material from Dan Hill's original and renewal applications of 1998 and 1999, and its most recent application of 2000.

Why Dan Hill Says That it Continues To Need an Exemption

Dan Hill manufactures and sells a horizontal discharge trailer ("Flow Boy") that is used in the road construction industry to deliver asphalt and other road building materials to the construction site. The Flow Boy is designed to connect with and latch onto various paving machines ("pavers"). The Flow Boy, with its hydraulically controlled horizontal discharge system, discharges hot mix asphalt at a controlled rate into a paver which overlays the road surface with asphalt material.

Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more, including Flow Boy trailers, be fitted with a rear impact guard that conforms to Standard No. 223 *Rear impact guards*. Dan Hill argued that installation of the rear impact guard will prevent the Flow Boy from connecting to the paver. Thus, Flow Boy trailers will no longer be functional. Paving contractors will be forced to use either competitors' horizontal discharge trailers that comply with Standard No. 224 or standard dump body trucks or trailers which, according to Dan Hill, have inherent limitations and safety risks. In spite of