

of the “registrant-only” USDOT Number as part of the PRISM program. In an August 9, 2010, **Federal Register** notice, the Agency initially set September 1, 2011, as the effective date of the change. The extension will allow the Agency to provide additional implementation guidance based on feedback and information received since the August 9, 2010, notice of procedural change and will allow States and other stakeholders to make necessary changes to their systems and processes pursuant to this additional guidance.

DATES: The new effective date to eliminate use of the “registrant-only” USDOT Number as part of the PRISM program is September 1, 2012.

FOR FURTHER INFORMATION CONTACT: Stephen Parker, Transportation Specialist, Office of Enforcement and Compliance, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001; (202) 366-6407 (telephone); stephen.parker@dot.gov (e-mail).

Background

On August 9, 2010, FMCSA published a **Federal Register** notice announcing plans to eliminate the practice of allowing non-motor carrier registrants to obtain registrant-only USDOT Numbers under the PRISM program (76 FR 47883). The Agency developed the concept of a “registrant-only” USDOT Number in 1999 to identify registered owners of commercial motor vehicles (CMVs) that are not motor carriers but lease their CMVs to entities that are motor carriers. The Agency later concluded that registrant-only USDOT Numbers were being used differently than intended and announced the decision to eliminate the requirement for registrant-only USDOT Numbers. The FMCSA set September 1, 2011, as the effective date for the change.

Today’s action extends the effective date until September 1, 2012, providing adequate time for all States participating in the PRISM program to complete process changes and for the Agency to provide updated guidance, as needed, to PRISM member jurisdictions and other stakeholders.

Issued on: August 25, 2011.

Anne S. Ferro,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2010-0139]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May 11, 2011, Fillmore & Western Railway Company (FWRY) has resubmitted a petition letter to the Federal Railroad Administration (FRA) requesting a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 and 224.

Previously, by a letter dated November 15, 2010, from FWRY to FRA, FWRY requested to withdraw its petition as announced in the **Federal Register** (Ref. Volume 75, No. 192, Tuesday, October 5, 2010, Pages 61562 and 61563) in the same docket as the current one, i.e. Docket Number: FRA-2010-0139.

Specifically, FWRY seeks a waiver of compliance from the Railroad Freight Car Safety Standards, 49 CFR 215.301, which requires stenciling or otherwise displaying the reporting marks and built date of freight cars; 49 CFR 215.303, which requires stenciling on restricted freight cars; and Reflectorization of Rail Freight Rolling Stock, 49 CFR 224.101, which requires the application of reflective materials for freight rolling stock. FWRY requests this relief for five freight cars: Tank Car #8803, Flat Car #8017, Box Car #2326, Box Car #16600, and Flat Car #680.

As information, FWRY also requests approval of continued inservice of the above-mentioned freight cars that are more than 50 years from their original construction dates.

Specifically, FWRY seeks permission to move the stenciling location of the reporting marks and built date from each side of the freight carbody (49 CFR 215.301(a) and (b)) to both ends of the car. To justify this request, FWRY stated that although FWRY is considered a general system railroad, these cars are not interchanged in or with the general system. These cars are not freight revenue cars, and are only used for tourist passengers, films, movies, props, and still photos. FWRY requests this waiver due to the fact that the movie and television companies and still photographers want the cars to be authentic in their antiquated and historic look, or to have them renamed, numbered, and painted to their particular themed set, film, movie, or still photo. FWRY has been known to

renumber and repaint cars and engines two or three times a month to accommodate filming or still photo requests. Re-establishing the reporting marks and built date to the sides after each instance that they are removed is very costly. With the small amount of equipment that FWRY has, all of the train crew and staff are very familiar with each piece of equipment. FWRY does not transport any type of hazardous loads or freight. FWRY runs its trains at very low speeds, generally 10–15 mph.

To support its petition to seek relief from the stenciling (49 CFR 215.303) and reflectorization (49 CFR 224.101) requirements, FWRY states that the cars subject to this waiver are only used for tourist passengers, films, movies, props, and still photos. Although FWRY is considered a general system railroad, these subject cars are not interchanged in or with the general system, and are not freight revenue cars. FWRY asks for this waiver due to the fact that the movie and television companies and still photographers want the cars to be authentic in their antiquated and historic look.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the U.S. Department of Transportation’s (DOT) Docket Operations Facility, 1200 New Jersey Ave., SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays.

Communications received by October 17, 2011 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and 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), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on August 26, 2011.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2011–22320 Filed 8–30–11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2011–0124]

Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

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

ACTION: Notice of decision by National Highway Traffic Safety Administration (NHTSA) that certain nonconforming motor vehicles are eligible for importation.

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: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

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: Safe Ride News (Safe Ride), a Division of the Willapa Bay Company, Inc., submitted comments to petition dockets NHTSA–2011–0057, NHTSA–2011–0019, and NHTSA–2011–0061 expressing its concern that a nonconforming vehicle's ability to meet all safety requirements intended to protect child occupants (specifically those required by FMVSS Nos. 208 *Occupant Crash Protection* and 225

Child Restraint Anchorage Systems) be verified before the vehicle is released by a Registered Importer (RI). Safe Ride also questioned whether it is advisable for the agency to permit the importation of older vehicles that cannot be required to meet safety standards put into place after their date of manufacture.

Addressing the first issue raised by Safe Rides, it is worth noting that under the agency's existing regulations, a nonconforming vehicle cannot be found eligible for importation unless it is shown to be capable of being modified to conform to all applicable FMVSS in effect on its date of manufacture. Moreover, such a vehicle cannot be released by an RI for the purpose of being licensed or registered for on-road use until the RI proves to NHTSA's satisfaction that the vehicle does in fact comply with all such standards. In instances where modifications are necessary to achieve compliance, the RI must provide descriptions of the modifications required along with documentary and photographic evidence that the modifications have been made. When modifications require components that are different from those installed in a substantially similar U.S.-certified version of a vehicle, proof that the substituted components will bring the vehicle into compliance with all applicable FMVSS are also necessary. With regard to the second issue raised by Safe Rides, the agency notes that it lacks authority to deny import eligibility to an older model vehicle on the basis that the vehicle could not be made to comply with FMVSS put into place after the vehicle's date of manufacture.

No other substantive comments were received in response to the subject petitions.

Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

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.

Final 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