

to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC, 20503, Attention: MARAD Desk Officer. Alternatively, comments may be sent via e-mail to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, at the following address: [oir.submissions@omb.eop.gov](mailto:oir.submissions@omb.eop.gov).

*Comments Are Invited On:* Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Dated: October 13, 2011.

By Order of the Maritime Administrator.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 2011-27618 Filed 10-24-11; 8:45 am]

**BILLING CODE 4910-81-Ps**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 15, 2011, and comments were due by September 13, 2011. No comments were received.

**DATES:** Comments should be submitted on or before November 25, 2011.

**FOR FURTHER INFORMATION CONTACT:** Dennis Brennan, Maritime

Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202-366-1029; or e-mail: [dennis.brennan@dot.gov](mailto:dennis.brennan@dot.gov). Copies of this collection also can be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration (MARAD).

*Title:* Monthly Report of Ocean Shipments Moving under Export-Import Bank Financing.

*OMB Control Number:* 2133-0013.

*Type of Request:* Extension of currently approved collection.

*Affected Public:* Shippers subject to Export/Import Bank Financing.

*Form Numbers:* MA-518.

*Abstract:* 46 U.S.C. 55304, requires MARAD to monitor and enforce the U.S.-flag shipping requirements relative to the loans/guarantees extended by the Export-Import Bank (EXIMBANK) to foreign borrowers. Public Resolution 17 requires that shipments financed by Eximbank and that move by sea, must be transported exclusively on U.S.-flag registered vessels unless a waiver is obtained from MARAD.

*Annual Estimated Burden Hours:* 169 hours.

*Addresses:* Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC, 20503, Attention: MARAD Desk Officer. Alternatively, comments may be sent via e-mail to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, at the following address: [oir.submissions@omb.eop.gov](mailto:oir.submissions@omb.eop.gov).

*Comments Are Invited On:*

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

By the Order of the Maritime Administrator.

Dated: October 13, 2011.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 2011-27615 Filed 10-24-11; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2011 0126]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CAP II; 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 November 25, 2011.

**ADDRESSES:** Comments should refer to docket number MARAD-2011-0126. 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, E-mail [Joann.Spittle@dot.gov](mailto:Joann.Spittle@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel CAP II is:

*Intended Commercial Use of Vessel:* "CAP II is a charter vessel used for pleasure sailing only."

*Geographic Region:* "CAP II may be visiting ports in the following states: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Illinois, Indiana, Wisconsin and Michigan."

The complete application is given in DOT docket MARAD-2011-0126 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 13, 2011.

**Christine Gurland,**

*Acting Secretary,*

Maritime Administration.

[FR Doc. 2011-27619 Filed 10-24-11; 8:45 am]

BILLING CODE 4910-81-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2010-0106; Notice 2]

#### CFMOTO Powersports, Inc., Denial of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Denial of petition for inconsequential noncompliance.

**SUMMARY:** CFMOTO Powersports, Inc. (CFMOTO),<sup>1</sup> agent for the Chunfeng Holding Group Hangshou Motorcycles Manufacturing Co., LTD. (formerly known as Zhejiang CFMOTO Power Co., Ltd. (CHG)) has determined that certain model year 2005-2009 CHG Model

CF250T-3(V3) and CF250T-5(V5) motorcycles that CFMOTO imported did not fully comply with paragraph S5.2.1 of 49 CFR 571.123 Federal Motor Vehicle Safety Standard (FMVSS) No. 123, *Motorcycle Controls and Displays*. CFMOTO filed an appropriate report, dated January 13, 2010, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Specifically, CFMOTO estimated that approximately 6,405 model year 2005-2009 CHG model CF250T-3(V3) and CF250T-5(V5) motorcycles, produced January 1, 2005, through December 31, 2009 are affected (hereafter referred to as "noncompliant vehicles").

Pursuant to 49 U.S.C. 30118(d) and 30120(h), and 49 CFR Part 556, CFMOTO has petitioned for an exemption from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act as amended and rectified, 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of CFMOTO's petition was published, with a 30-day public comment period, on August 10, 2010, in the **Federal Register** (75 FR 49020). No comments were received.

**FOR FURTHER INFORMATION CONTACT:** For further information on CFMOTO's petition or this decision, contact Mr. Stuart Seigel, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5287, facsimile (202) 366-7002.

**SUPPLEMENTARY INFORMATION:** In October 2009, OVSC tested a model year (MY) 2009 V3 CF250T to the performance requirements of FMVSS No. 122 *Motorcycle Brakes* at Transportation Research Center (VRTC) in East Liberty, Ohio. At the conclusion of the testing,<sup>2</sup> it was noted that the vehicle appeared to not comply with S5.2.1 Control Location and Operation requirements of FMVSS No. 123. Specifically, according to Table 1 row 11 within that standard, the control for the rear wheel brake must be a right foot control unless the vehicle is a motor-driven cycle or a scooter with an automatic clutch in which case the left handlebar actuator is to be used. As the vehicle was equipped with only a left handlebar lever for rear brake actuation, but did not meet the definition of a scooter, and with an advertised 14 horsepower motor, did not meet the definition of a motor-

driven cycle,<sup>3</sup> a non-compliance appeared to be present. NHTSA notified CFMOTO of the apparent noncompliance in a letter dated December 4, 2009.

#### CFMOTO's Analysis of Noncompliance

CFMOTO provided the following arguments to support its contention that the subject noncompliance, (i.e., that the rear wheel brake control is located on the left handlebar instead of a right foot control as required by paragraph S5.2.1 FMVSS No. 123), is inconsequential to motor vehicle safety:

The subject vehicles were manufactured and certified as scooters by CHG. CHG believed that the vehicles met all of the requirements for a scooter under FMVSS No. 123. As a result of the scooter certification the rear wheel brake was placed on the left handlebar.

The placement of the rear brake on the left handlebar should be deemed by the NHTSA as an inconsequential noncompliance, based on the history and safety records of the vehicles. No consumer complaints and no warranty claims or incident reports have been received by CFMOTO or CHG that relate to the lack of a right foot actuated rear wheel brake.

One of the main reasons consumers have been attracted to the subject vehicles is that they have the appearance of a motorcycle and the operation or function of a scooter. Aside from a lack of pass-through leg area, the vehicles are scooters in all technical respects. It is the scooter functionality that has been the driving force behind consumer demand for the vehicles.

Individuals with disabilities prefer the left hand rear brake controls to those of a foot operated actuator. Similarly, many consumers want to upgrade from a scooter to a "motorcycle look" without the complexities of operating a motorcycle and therefore choose the subject vehicles.

In summation, CFMOTO believes that the described noncompliance is inconsequential to motor vehicle safety. Therefore, CFMOTO requests that its petition, to exempt it from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

CFMOTO also stated that CHG has corrected the problem that caused these errors so that they will not be repeated in future production.

#### NHTSA Decision

##### Background of the Requirements for a Motorcycle

Federal Motor Vehicle Safety Standard (FMVSS) No. 123, *Motorcycle*

<sup>1</sup> CFMOTO Powersports, Inc., a Minnesota Corporation, is an importer of motor vehicles.

<sup>2</sup> NHTSA No. C91202.

<sup>3</sup> CFR 49 571.3—Motor-driven cycle means a motor cycle with a motor that produces 5-brake horsepower or less.