components have to be replaced or repaired while authorized access to the central database is unavailable or the components are unauthorized, further operation and use of the vehicle is restricted or even impossible.

In its MY 2012 modification, Porsche stated that it believes its new 911 antitheft device will prove to be even more effective in reducing and deterring theft than its antitheft devices have proven in the past. Porsche also compared its device with other devices without alarms that NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. Porsche stated that similar systems without alarms, (i.e., GM PASS-Key, Mercedes Benz 202 vehicle line, Porsche Boxster (Cayman) as well as earlier 911 vehicle line devices were determined to be as effective as parts-marking. Porsche also referenced the agency’s theft rate data for the 911 vehicle line which indicates that its theft rates (2002–2009) are still below the median theft rate of 3.5826. The theft rate for the 911 vehicle line using the most current 3 MY’s theft rate data is 0.6339.

The agency has evaluated Porsche’s MY 2012 petition to modify the exemption for the 911 vehicle line from the parts-marking requirements of 49 CFR Part 541, and has decided to grant it. The agency believes that the proposed device will continue to provide the five types of performance listed in §543.6(a)(3): Promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

If Porsche decides not to use the exemption for this line, it should formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as de minimis, it should consult the agency before preparing and submitting a petition to modify.

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.

101 Innovations, LLC, of Ferndale, Washington (101 Innovations) (Registered Importer 07–350) has petitioned NHTSA to decide whether nonconforming 1987–1994 ALPINA B11 sedan model passenger cars are eligible for importation into the United States. 101 Innovations believes that these vehicles are capable of being modified to meet all applicable FMVSS.

In its petition, 101 Innovations described the 1987–1994 ALPINA B11 sedan as a modified version of the 1987–1994 BMW 7-series (e32) sedan that was manufactured for sale in the United States and certified by BMW as complying with all applicable FMVSS. The petitioner noted, however, that these vehicles were altered by ALPINA and, as altered, were assigned vehicle identification numbers (VINs) by ALPINA that differ from those assigned to the base vehicles manufactured by BMW. In view of these circumstances, the petitioner acknowledged that it could not base its petition on the substantial similarity of the 1987–1994 ALPINA B11 sedan to the U.S.-certified 1987–1994 BMW 7-series (e32) sedan, but would instead need to establish import eligibility on the basis that the vehicles have safety features that comply with, or are capable of being modified to comply with, the FMVSS based on destructive test data or such other evidence that NHTSA decides to be adequate. The petitioner did note, however, that the 1987–1994 ALPINA B11 sedan utilizes the same components as the U.S.-certified 1987–1994 BMW 7-series (e32) sedan in virtually all of the systems subject to the FMVSS.


In addition, the petitioner claims that the vehicles comply with the Bumper Standard found in 49 CFR Part 581. The petitioner also contends that the vehicles are capable of being altered to meet the following standards, in the manner indicated:

- Standard No. 108 Lamps, Reflective Devices and Associated Equipment: installation of U.S.-model: (a) headlamps; (b) front and rear side marker lamps; and (c) rear high mounted stop lamp and associated wiring.
- Standard No. 110 Tire Selection and Rims: installation on the vehicle of a tire information placard.
- Standard No. 111 Rearview Mirrors: installation of a U.S.-model passenger side rearview mirror, or inscription of the required warning statement on the face of that mirror.
- Standard No. 114 Theft Protection: installation of U.S.-version software and a U.S.-model ignition switch to meet the requirements of this standard.
- Standard No. 115 Vehicle Identification: installation of a vehicle identification plate near the left windshield post to meet the requirements of this standard.
- Standard No. 118 Power-Operated Window, Partition, and Roof Panel Systems: inspection of all vehicles and modification or deactivation of any remote activation features that cause the system not to conform to the standard.
- Standard No. 208 Occupant Crash Protection: (a) Installation of U.S.-model knee bolsters; and (b) inspection of all vehicles and replacement of any non-U.S.-model air bag system components, including all warning systems, warning labels and telltales, with U.S.-model components on vehicles not already so equipped.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: November 2, 2011.

Claude H. Harris, Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Delays in Processing of Special Permits Applications

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications Delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT:


Key to “Reason for Delay”

1. Awaiting additional information from applicant
2. Extensive public comment under review
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of special permit applications