

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA-2004-19121]

**Notice of Receipt of Petition for Decision That Nonconforming 2000 BMW R1150 GS Motorcycles Are Eligible for Importation****AGENCY:** National Highway Traffic Safety Administration, DOT.**ACTION:** Notice of receipt of petition for decision that nonconforming 2000 BMW R1150 GS motorcycles are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2000 BMW R1150 GS motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is 30 days after publication in the **Federal Register**.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) 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), or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

**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 Federal motor vehicle safety standards 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 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 Federal motor vehicle safety standards.

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**.

Wallace Environmental Testing Laboratories, Inc. (WETL) (Registered Importer 90-005) has petitioned NHTSA to decide whether non-U.S. certified 2000 BMW R1150 GS motorcycles are eligible for importation into the United States. The vehicles that WETL believes are substantially similar are 2000 BMW R1150 GS motorcycles that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2000 BMW R1150 GS motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified 2000 BMW R1150 GS motorcycles as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2000 BMW R1150 GS motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses*, 111 *Rearview Mirrors*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, 122 *Motorcycle Brake Systems*, and 205 *Glazing Materials*.

The petitioner further contends that the vehicles are capable of being readily

altered to meet the following standards, in the manner indicated below:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: installation of the following components (a) U.S.-model headlamps; and (b) U.S.-model front and rear reflex reflectors.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*: (a) Installation of a tire information placard; and (b) inspection of all vehicles to ensure compliance with rim marking requirements, and replacement of rims that are not properly marked.

Standard No. 123 *Motorcycle Controls and Displays*: installation of U.S.-model speedometer and odometer units, or modification of the speedometer and odometer unit components so that the speedometer reads in miles per hour.

The petitioner also states that a certification label must be affixed to the motorcycle to comply with the requirements of 49 CFR part 567.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

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 address 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.

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

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**DEPARTMENT OF TRANSPORTATION****Research and Special Programs Administration****Office of Hazardous Materials Safety; Notice of Application for Exemptions****AGENCY:** Research and Special Programs Administration, DOT.**ACTION:** List of applications for exemption.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's

Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Name of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

**DATES:** Comments must be received on or before October 25, 2004.

**ADDRESSES:** Address Comments To: Record Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If Confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the application are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW.,

Washington, DC or at <http://dms.dot.gov>.

This notice of receipt of applications for modification of exemption is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 27, 2004.

**R. Ryan Posten,**  
Exemption Program Officer, Office of Hazardous Materials Safety Exemptions and Approvals.

**NEW EXEMPTION**

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13856-N .....	.....	Dow Chemical Company, Midland MI.	49 CFR 172.203(a); 173.26 and 179.13.	To authorize the manufacture and use of DOT class 111S tank cars exceeding the presently authorized weight limit for use in transporting Class 3 materials. (mode 2.)
13858-N .....	.....	US Ecology Idaho, Inc. (USEI) Grand View, ID.	49 CFR 173.427(b) .....	To authorize the transportation in commerce of exclusive use shipments of bulk soil-like radioactive LSA-II waste material in covered dump trucks. (mode 1.)
13859-N .....	.....	Degussa Corporation, Parsippany, NJ.	49 CFR 177.848 .....	To authorize the transportation in commerce of certain hazardous materials to be transported together in the same transport vehicle.
13860-N .....	.....	United States Enrichment Corporation (USEC), Paducah, KY.	49 CFR 173.420(a)(3)(ii) and (iii).	To authorize the transportation in commerce of non-specification DOT cylinders for use in transporting uranium hexafluoride, class 7. (mode 1.)
13876-N .....	.....	City of Kotzebue, Kotzebue, AK.	49 CFR 173.159 .....	To authorize the transportation in commerce of wet batteries for disposal to be transported in non-DOT specification packaging. (modes 4, 5.)
13896-N .....	.....	FIBA Technologies, Inc., Westboro, MA.	49 CFR 180.211 .....	To authorize the repair of DOT-3 series cylinders by external re-threading of the cylinder neck. (modes 1, 6.)

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**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption**

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** List of applications for modification of exemption.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This

notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new application for exemption to facilitate processing.

**DATES:** Comments must be received on or before October 8, 2004.

**ADDRESSES:** Address Comments to: Record Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the application are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at <http://dms.dot.gov>.

This notice of receipt of applications for modification of exemption is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 16, 2004.

**R. Ryan Posten,**  
Exemptions Program Officer, Office of Hazardous Materials Exemptions & Approvals.