

**SUMMARY:** This document announces a decision by the National Highway Traffic Safety Administration (NHTSA) that certain 1999–2000 Hatty 45 foot double-axle trailers that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

**DATES:** This decision was effective April 19, 2007. The agency notified the petitioner at that time that the petition had been granted. This document provides public notice of that decision.

**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 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 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**.

Barry Taylor Enterprises of Richmond, California (BTE)(Registered

Importer 01–280) petitioned NHTSA to decide whether 1999–2000 Hatty 45 foot double-axle trailers are eligible for importation into the United States. NHTSA published notice of petition on November 21, 2006 (71 FR 67424) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

Comments were received in response to the notice of the petition from ArvinMeritor, Inc., d.b.a. Meritor WABCO (WABCO), the manufacturer of the ABS braking system components installed on the subject vehicles. WABCO stated that the purpose for its comments are; to provide detailed information about the capabilities of the ABS system installed on the subject vehicles and to describe differences between that system and those installed in typical U.S. conforming vehicles regarding the activation signal and control system programming for the lamp check function of the antilock malfunction indicator lamp (required by paragraph S5.2.3.3 of FMVSS No. 121 *Air Brake Systems*).

In its review of the petition, NHTSA found insufficient data, views, and arguments for it to make a determination as to conformity of the subject vehicles with FMVSS No. 223, *Rear Impact Guards* and FMVSS No. 224, *Rear Impact Protection*. As a result, NHTSA requested that BTE provide test data demonstrating that the rear impact guards originally installed on the subject trailers met or were capable of being altered to meet the requirements of FMVSS Nos. 223 and 224. BTE responded by stating that it had been unable to obtain the necessary test documentation. As an alternative to providing the test data, BTE proposed that conformance could be achieved by installing a replacement rear impact guard that was certified by its manufacturer as conforming to all applicable requirements of FMVSS No. 223, provided that it was installed as required by FMVSS No. 224.

NHTSA's *Analysis*: After reviewing the petition as well as the supplemental information received from both BTE and WABCO, NHTSA determined that the subject vehicles were capable of being altered to conform with all applicable safety standards. However, the agency concluded that the RI must demonstrate, in the conformity statement submitted for any vehicle imported under this eligibility decision, that the following modifications, in addition to those included in the instant petition, have been made:

Standard No. 121 *Air Brake Systems*: inspection of the vehicles and rewiring

and/or reprogramming of the ABS brake control system to ensure that the antilock malfunction indicator lamp functions as required by the standard.

Standard No. 223, *Rear Impact Guards*: installation of a rear impact guard that is certified as conforming to the requirements of FMVSS No. 223.

Standard No. 224, *Rear Impact Protection*: installation of a rear impact guard that is certified as conforming to the requirements of FMVSS No. 223 in a manner that meets the requirements of FMVSS No. 224.

Based on these considerations, the agency decided to grant this petition.

**Final Decision**

Accordingly, on the basis of the foregoing, NHTSA has decided that 1999–2000 Hatty 45 foot double-axle trailers that were not originally manufactured to comply with all applicable FMVSS have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

**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. VCP–38 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

**Authority:** 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.7; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: October 16, 2007.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*  
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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA–2007–0004]

**Notice of Receipt of Petition for Decision That Nonconforming 1999–2007 Yamaha Drag Star 1100 Motorcycles Are Eligible for Importation**

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

**ACTION:** Notice of receipt of petition for decision that nonconforming 1999–2007 Yamaha Drag Star 1100 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 1999–2007 Yamaha Drag Star 1100 motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) 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 November 21, 2007.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- **Hand Delivery or Courier:** West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- **Fax:** 202–493–2251.

**Instructions:** Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**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 (65 FR 19477–78) or you may visit <http://DocketInfo.dot.gov>.

**How to Read Comments submitted to the Docket:** You may read the comments

received by Docket Management at the address and times given above. You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

(1) Go to the Federal Docket Management System (FDMS) Web page <http://www.regulations.gov>.

(2) On that page, click on “search for dockets.”

(3) On the next page (<http://www.regulations.gov/fdmspublic/component/main>), select National Highway Traffic Safety Administration from the drop-down menu in the Agency field, enter the Docket ID number and title shown at the heading of this document, and select “Nonrulemaking” from the drop-down menu in the Type field and “Vehicle Import Eligibility” in the drop-down menu in the Sub-Type field.

(4) After entering that information, click on “submit.”

(5) The next page contains docket summary information for the docket you selected. Click on the comments you wish to see. You may download the comments. Although the comments are imaged documents, instead of the word processing documents, the “pdf” versions of the documents are word searchable. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

**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 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 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.

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**.

US SPECS of Aberdeen, Maryland (Registered Importer 03–321) has petitioned NHTSA to decide whether non-U.S. certified 1999–2007 Yamaha Drag Star 1100 motorcycles are eligible for importation into the United States. The vehicles that U.S. SPECS believes are substantially similar are 1999–2007 V Star 1100 motorcycles that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it carefully compared non-U.S. certified 1999–2007 Yamaha Drag Star 1100 motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

US SPECS submitted information with its petition intended to demonstrate that non-U.S. certified 1999–2007 Yamaha Drag Star 1100 motorcycles, as originally manufactured, conform to many FMVSS 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 1999–2007 Yamaha Drag Star 1100 motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, and 122 *Motorcycle Brake Systems*.

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:** Inspection of all vehicles and replacement of the following with U.S.-certified components on vehicles not already so equipped: (a) Headlamps; (b) front and rear turn signal lamps; (c) tail lamp assembly; (d) front and rear side-mounted reflex reflectors; and (e) rear-mounted reflex reflector.

**Standard No. 111 Rearview Mirrors:** Inspection of all vehicles, and installation of U.S.-conforming model rearview mirrors on vehicles that are not already so equipped.

**Standard No. 120 Tire Selection and Rims for Vehicles other than Passenger**

*Cars*: Installation of a tire information placard.

Standard No. 123 *Motorcycle Controls and Displays*: Installation of a U.S.-model speedometer, or modification of the speedometer so that it reads in miles per hour.

Standard No. 205 *Glazing Materials*: Inspection of all vehicles, and removal of noncompliant glazing or replacement of the glazing with U.S.-certified components on vehicles that are 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 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.

Issued on: October 16, 2007.

**Claude H. Harris**,

*Director, Office of Vehicle, Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-0005]

#### Notice of Receipt of Petition for Decision That Nonconforming 2004-2005 Vespa LX and PX Model Motorcycles Are Eligible for Importation

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

**ACTION**: Notice of receipt of petition for decision that nonconforming 2004-2005 Vespa LX and PX model 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 2004-2005 Vespa LX and PX model motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) 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 November 21, 2007.

**ADDRESSES**: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- **Federal eRulemaking Portal**: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Mail**: Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

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[component/main](#)), select NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION from the drop-down menu in the Agency field, enter the Docket ID number and title shown at the heading of this document, and select "Nonrulemaking" from the drop-down menu in the Type field and "Vehicle Import Eligibility" in the drop-down menu in the Sub-Type field.

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#### 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 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.

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J.K. Technologies, LLC, of Baltimore, Maryland ("J.K.") (Registered Importer 90-006) has petitioned NHTSA to decide whether non-U.S. certified 2004-