

Wohnwagenwerk Exclusive 650 KMFE trailers, as originally manufactured, comply with one applicable FMVSS and are capable of being modified to comply with all other applicable standards to which they were not originally manufactured to conform.

Specifically, the petitioner claims that 2002–2003 Hobby Wohnwagenwerk Exclusive 650 KMFE trailers have safety features that comply with Standard No. 119 *New Pneumatic Tires for Vehicles Other than Passenger Cars*.

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 rear mounted identification lamps and front side mounted amber clearance lamps.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles Other than Passenger Cars*: installation of a tire information placard.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket 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.] 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

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–21011]

#### Notice of Receipt of Petition for Decision That Nonconforming 2001–2005 Mercedes Benz Sprinter Trucks Are Eligible for Importation

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

**ACTION:** Notice of receipt of petition for decision that nonconforming 2001–2005 Mercedes Benz Sprinter trucks are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2001–2005 Mercedes Benz Sprinter trucks 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 May 23, 2005.

**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 am to 5 pm]. 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**.

Registered Importer Corporation of Oxnard, California (“RIC”)(Registered Importer 01–290) has petitioned NHTSA to decide whether nonconforming 2001–2005 Mercedes Benz Sprinter trucks are eligible for importation into the United States. The vehicles which RIC believes are substantially similar are 2001–2005 Dodge Sprinter 2500/3500 trucks 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 2001–2005 Mercedes Benz Sprinter trucks 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.

RIC submitted information with its petition intended to demonstrate that non-U.S. certified 2001–2005 Mercedes Benz Sprinter trucks 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 2001–2005 Mercedes Benz Sprinter trucks are identical to their U.S.-certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*, 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic and Electric Brake Systems*, 106 *Brake Hoses*, 113 *Hood Latch System*, 114 *Theft Protection*, 116 *Motor Vehicle Brake Fluids*, 118 *Power-Operated Window, Partition, and Roof Panel Systems*, 119 *New Pneumatic Tires for Vehicles Other than Passenger Cars*, 120 *Tire Selection and Rims for Motor Vehicles Other than Passenger Cars*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207

*Seating Systems, 209 Seat Belt Assemblies, 210 Seat Belt Assembly Anchorage, 212 Windshield Mounting, 219 Windshield Zone Intrusion, 301 Fuel System Integrity, and 302 Flammability of Interior Materials.*

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: installation of an indicator lamp lens cover inscribed with the word "brake" in the instrument cluster in place of one inscribed with the international ECE warning symbol.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: installation of U.S.-model (a) headlamp assemblies that incorporate front side marker lamps and front side reflex reflectors; (b) taillamp assemblies that incorporate rear side marker lamps and rear side reflex reflectors; and (c) a high-mounted stoplamp assembly.

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 the passenger side rearview mirror.

Standard No. 208 *Occupant Crash Protection*: installation of air bag warning labels to meet the requirements of this standard.

The petitioner states that the occupant protection system in these vehicles consists of an airbag and combination lap and shoulder belts at the driver's seating position.

Standard No. 214 *Side Impact Protection*: inspection of all vehicles and installation of U.S.-model components, on vehicles that are not already so equipped, to ensure compliance with the standard.

The petitioner also states that a vehicle identification plate must be affixed to the vehicles near the left windshield post to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. 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

### Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA-04-18817; Notice 2]

#### Pipeline Safety: Grant of Waiver; Tractebel Power, Inc.

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

**ACTION:** Notice; grant of waiver.

**SUMMARY:** The Pipeline and Hazardous Materials Safety Administration's (PHMSA), formerly the Research and Special Programs Administration (RSPA), Office of Pipeline Safety (OPS) is granting Tractebel Power, Inc.'s (TPI) petition for a waiver of the pipeline safety regulations to employ a 1.0 longitudinal joint factor (LJF) for austenitic stainless steel pipe in its Tractebel Calypso Pipeline (TCP) project.

#### SUPPLEMENTARY INFORMATION:

##### Background

TPI petitioned RSPA/OPS for a waiver from compliance with the gas pipeline safety regulations at 49 CFR 192.113 to allow it to employ a 1.0 longitudinal joint factor (LJF) for austenitic stainless steel pipe. TPI requested the waiver because it intends to install a 96 mile, 24-inch diameter, X65 steel, standard API 5L compliant interstate natural gas pipeline. The pipeline will extend from its liquefied natural gas (LNG) receiving and re-gasification terminal in Freeport, Grand Bahamas Island, to an onshore location in Broward County, FL. TPI intends to construct a portion of this pipeline through a U.S. Navy exclusion zone offshore of Port Everglades, in Broward County, FL. As a condition of the pipeline traversing the exclusion zone, the U.S. Navy stipulated that approximately 14,000 feet of the pipeline be constructed of a low magnetic permeability steel material to prevent electromagnetic interference with U.S. Navy operations. Therefore, TPI is proposing to use a 1.0 LJF and

install austenitic stainless steel pipe to satisfy the U.S. Navy requirement. TPI also intends to use mechanical joints to isolate the carbon steel from the austenitic stainless steel pipeline and will use fusion bond epoxy abrasion coating material to minimize coating disbondment. TPI gave the following reasons for selecting austenitic stainless steel pipe and the use of a 1.0 LJF:

- The pipeline meets the requirements of the U.S. Navy and is a low magnetic permeability pipe material;
  - The pipeline is manufactured to the American Society for Testing and Materials (ASTM) standards ASTM A 358 and A 999;
  - The plate material is manufactured to comply with standards ASTM A 240 and Unified Numbering System S31254;
  - The selected material is compatible with the bending properties and the test criteria in Appendix B of 49 CFR part 192;
  - The selected material is compatible with the weldability testing and inspection criteria required by Appendix B of 49 CFR part 192; and
  - The selected material is consistent with prior practice of the American Society of Mechanical Engineers (ASME) standard ASME B31.8 to allow a LJF of 1.0 when the longitudinal seam has been subjected to 100 percent X-ray.
- On September 17, 2004, RSPA/OPS published a notice in the **Federal Register** requesting public comment on TPI's waiver request (69 FR 056113). No comments were received in response to the Notice.

#### Findings and Grant of Waiver

For the reasons explained above and in Notice 1, PHMSA/OPS finds that the requested waiver is consistent with pipeline safety. Therefore, TPI's request for waiver of compliance with 49 CFR 192.113 is granted on the condition that TPI conducts the following activities:

- TPI must X-ray 100 percent of the girth welds of this pipeline as part of the procurement specification to comply with the requirements of Appendix B to Part 192—Qualification of Pipe, Section II (B) Weldability;
- TPI must purchase ASTM A 358, class 1 pipe and radiograph 100 percent of the longitudinal joint;
- TPI must employ qualified welding procedures specifically designed to address the material characteristics of austenitic stainless steel pipe;
- TPI must consider and address any special testing requirements unique to the material characteristics of austenitic stainless steel pipe;
- TPI must provide PHMSA/OPS—Southern Region the opportunity to