

locomotives. Specifically, RVPR has petitioned FRA for a waiver for three (3) 60-ton 500 horsepower diesel electric locomotives numbered 4029, 1251, and 1273. These locomotives were built for the Department of Defense (DoD) by Baldwin-Lima-Hamilton in 1953–54, and remanufactured by DoD circa 1987–90. RVPR operates these locomotives on a terminal/switching railroad at the former Savanna [IL] Army Ordnance Depot, presently controlled by the Jo Daviess/Carroll County Local Redevelopment Authority. RVPR operates at speeds of 10 miles per hour (or less) storing cars for customers, and servicing a railcar repair facility.

RVPR states that all adjoining land to the railroad is controlled by itself, or privately owned and access controlled. All trackage is enclosed, and there are no overhead structures or bridges from where objects could be thrown. Interchange to the general system is accomplished with BNSF Railway on five interchange tracks at Robinson Spur, Illinois.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2008–0028) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for

inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and 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).

Issued in Washington, DC, on March 19, 2008.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2008–0052]

Decision that Certain Nonconforming Motor Vehicles are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

SUMMARY: This document announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and/or sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards or because they have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

DATES: These decisions became effective on the dates specified in Annex A.

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/or 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**.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No substantive comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

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. Vehicle eligibility numbers assigned to vehicles admissible

under this decision are specified in Annex A.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable FMVSS, is either (1) substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable FMVSS or (2) has safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

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

Issued on: March 19, 2008.

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

Annex A

Nonconforming Motor Vehicles Decided to be Eligible for Importation

1. Docket No. NHTSA-2007-28262

Nonconforming Vehicles: 2005 Honda CR-V Multipurpose Passenger Vehicle.

Substantially Similar U.S. Certified Vehicles: 2005 Honda CR-V Multipurpose Passenger Vehicle.

Notice of Petition Published at: 72 FR 30428 (May 31, 2007).

Vehicle Eligibility Number: VSP-489 (effective date July 11, 2007).

2. Docket No. NHTSA-2007-28261

Nonconforming Vehicles: 1986-1987 Volkswagen Transporter Multipurpose Passenger Vehicle.

Substantially Similar U.S. Certified Vehicles: 1986-1987 Volkswagen Vanagon Multipurpose Passenger Vehicle.

Notice of Petition Published at: 72 FR 30424 (May 31, 2007).

Vehicle Eligibility Number: VSP-490 (effective date July 11, 2007).

3. Docket No. NHTSA-2007-28263

Nonconforming Vehicles: 2006 Harley Davidson FX, FL, & XL Motorcycle

Substantially Similar U.S. Certified Vehicles: 2006 Harley Davidson FX, FL, & XL Motorcycle.

Notice of Petition Published at: 72 FR 30425 (May 31, 2007).

Vehicle Eligibility Number: VSP-491 (effective date July 11, 2007).

4. Docket No. NHTSA-2007-28264

Nonconforming Vehicles: 2003 Kawasaki VN1500-P1/P2 Motorcycle.

Substantially Similar U.S. Certified Vehicles: 2003 Kawasaki VN1500-P1/P2 Motorcycle.

Notice of Petition Published at: 72 FR 30429 (May 31, 2007).

Vehicle Eligibility Number: VSP-492 (effective date July 11, 2007).

5. Docket No. NHTSA-2007-28531

Nonconforming Vehicles: 2004 Hyundai XG350 Passenger Car.

Substantially Similar U.S. Certified Vehicles: 2004 Hyundai XG350 Passenger Car.

Notice of Petition Published at: 72 FR 35541 (June 28, 2007).

Vehicle Eligibility Number: VSP-494 (effective date August 14, 2007).

6. Docket No. NHTSA-2007-0006

Nonconforming Vehicles: 2000-2001 Moto Guzzi California Motorcycles.

Substantially Similar U.S. Certified Vehicles: 2000-2001 Moto Guzzi California Motorcycles.

Notice of Petition Published at: 72 FR 59591 (October 22, 2007).

Vehicle Eligibility Number: VSP-495 (effective date November 28, 2007).

7. Docket No. NHTSA-2007-0005

Nonconforming Vehicles: 2004-2005 Vespa LX and PX Model Motorcycles.

Substantially Similar U.S. Certified Vehicles: 2004-2005 Vespa LX and PX Model Motorcycles.

Notice of Petition Published at: 72 FR 59588 (October 22, 2007).

Vehicle Eligibility Number: VSP-496 (effective date November 28, 2007).

8. Docket No. NHTSA-2007-0004

Nonconforming Vehicles: 1999-2007 Yamaha Drag Star 1100 Motorcycles.

Substantially Similar U.S. Certified Vehicles: 1999-2007 Yamaha V Star 1100 Motorcycles.

Notice of Petition Published at: 72 FR 59586 (October 22, 2007).

Vehicle Eligibility Number: VSP-497 (effective date November 28, 2007).

9. Docket No. NHTSA-2007-0007

Nonconforming Vehicles: 1988 Ducati 851 Motorcycles.

Substantially Similar U.S. Certified Vehicles: 1988 Ducati 851 Motorcycles. Notice of Petition Published at: 72 FR 59584 (October 22, 2007).

Vehicle Eligibility Number: VSP-498 (effective date November 28, 2007).

10. Docket No. NHTSA-2007-0009

Nonconforming Vehicles: 2007 Harley Davidson FXSTC Soft Tail Custom Motorcycles.

Substantially Similar U.S. Certified Vehicles: 2007 Harley Davidson FXSTC Soft Tail Custom Motorcycles.

Notice of Petition Published at: 72 FR 59590 (October 22, 2007).

Vehicle Eligibility Number: VSP-499 (effective date November 28, 2007).

11. Docket No. NHTSA-2007-0008

Nonconforming Vehicles: 1993 Ducati 888 Motorcycles.

Substantially Similar U.S. Certified Vehicles: 1993 Ducati 888 Motorcycles. Notice of Petition Published at: 72 FR 59589 (October 22, 2007).

Vehicle Eligibility Number: VSP-500 (effective date November 28, 2007).

12. Docket No. NHTSA-2007-0036

Nonconforming Vehicles: 1992 Alfa Romeo Spyder Passenger Cars.

Substantially Similar U.S. Certified Vehicles: 1992 Alfa Romeo Spyder Passenger Cars.

Notice of Petition Published at: 72 FR 65833 (November 23, 2007).

Vehicle Eligibility Number: VSP-503 (effective date January 16, 2008).

13. Docket No. NHTSA-2007-0021

Nonconforming Vehicles: 2000-2003 BMW C1 Motorcycles. Because there are no substantially similar U.S.-certified version 2000-2003 BMW C1 Motorcycles, the petitioner sought import eligibility under 49 U.S.C. 30141(a)(1)(B).

Notice of Petition Published at: 72 FR 63652 (November 9, 2007).

Vehicle Eligibility Number: VCP-40 (effective date January 16, 2008).

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0048; Notice 1]

Hyundai Motor Company, Receipt of Petition for Decision of Inconsequential Noncompliance

Hyundai Motor Company (Hyundai), has determined that certain vehicles that it manufactured during the period beginning July 14, 2006 through November 23, 2007, did not fully comply with paragraph S9.5 of 49 CFR 571.225 (Federal Motor Vehicle Safety Standards (FMVSS) No. 225 *Child Restraint Anchorage Systems*. Hyundai has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49