

Issued on: January 23, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

## Annex A

### Nonconforming Motor Vehicles Decided to be Eligible for Importation

#### 1. Docket No. NHTSA-2003-15683

*Nonconforming Vehicles:* 1982 Triumph TSS Motorcycles.

*Substantially similar U.S.-certified vehicle:* 1982 Triumph TSS Motorcycles.

*Notice of Petition Published at:* 68 FR 43254 (July 21, 2003).

*Vehicle Eligibility Number:* VSP-409.

#### 2. Docket No. NHTSA-2003-16206

*Nonconforming Vehicles:* 2000-2002 Jaguar S-Type Passenger Cars.

*Substantially similar U.S.-certified vehicle:* 2000-2002 Jaguar S-Type Passenger Cars.

*Notice of Petition Published at:* 68 FR 56042 (September 29, 2003).

*Vehicle Eligibility Number:* VSP-411.

#### 3. Docket No. NHTSA-2003-16402.

*Nonconforming Vehicles:* 2002 Nissan Pathfinder 4 Wheel Drive Multi-purpose Passenger Vehicles.

*Substantially similar U.S.-certified vehicle:* 2002 Nissan Pathfinder 4 Wheel Drive Multi-purpose Passenger Vehicles.

*Notice of Petition Published at:* 68 FR 62345 (November 3, 2003).

*Vehicle Eligibility Number:* VSP-412.

#### 4. Docket No. NHTSA-2003-16449

*Nonconforming Vehicles:* 2000 Mazda MPV Multi-Purpose Passenger Vehicles.

*Substantially similar U.S.-certified vehicle:* 2000 Mazda MPV Multi-Purpose Passenger Vehicles.

*Notice of Petition Published at:* 68 FR 63844 (November 10, 2003).

*Vehicle Eligibility Number:* VSP-413.

#### 5. Docket No. NHTSA-2003-16450

*Nonconforming Vehicles:* 2000-2002 BMW 5 Series Passenger Cars.

*Substantially similar U.S.-certified vehicle:* 2000-2002 BMW 5 Series Passenger Cars.

*Notice of Petition Published at:* 68 FR 63843 (November 10, 2003).

*Vehicle Eligibility Number:* VSP-414.

#### 6. Docket No. NHTSA-2003-16474

*Nonconforming Vehicles:* 1999-2003 Suzuki GSX-R 750 Motorcycles.

*Substantially similar U.S.-certified vehicle:* 1999-2003 Suzuki GSX-R 750 Motorcycles.

*Notice of Petition Published at:* 68 FR 64680 (November 14, 2003).

*Vehicle Eligibility Number:* VSP-417.

#### 7. Docket No. NHTSA-2003-16473

*Nonconforming Vehicles:* 2002-2003 Mercedes Benz E-320 (211 chassis) Passenger Cars.

*Substantially similar U.S.-certified vehicle:* 2002-2003 Mercedes Benz E-320 (211 chassis) Passenger Cars.

*Notice of Petition Published at:* 68 FR 64678 (November 14, 2003).

*Vehicle Eligibility Number:* VSP-418.

#### 8. Docket No. NHTSA-2003-16480

*Nonconforming Vehicles:* 1999 Chevrolet Corvette Coupe Passenger Cars.

*Substantially similar U.S.-certified vehicle:* 1999 Chevrolet Corvette Coupe Passenger Cars.

*Notice of Petition Published at:* 68 FR 64947 (November 17, 2003).

*Vehicle Eligibility Number:* VSP-419.

#### 9. Docket No. NHTSA-2003-16508

*Nonconforming Vehicles:* 2000 MV Agusta F4 Motorcycles.

*Substantially similar U.S.-certified vehicle:* 2000 MV Agusta F4 Motorcycles.

*Notice of Petition Published at:* 68 FR 65112 (November 18, 2003).

*Vehicle Eligibility Number:* VSP-420.

#### 10. Docket No. NHTSA-2003-16510

*Nonconforming Vehicles:* 1999-2003 Ducati 748 and 916 Motorcycles.

*Substantially similar U.S.-certified vehicle:* 1999-2003 Ducati 748 and 916 Motorcycles.

*Notice of Petition Published at:* 68 FR 65112 (November 18, 2003).

*Vehicle Eligibility Number:* VSP-421.

#### 11. Docket No. NHTSA-2003-16528

*Nonconforming Vehicles:* 2004 Harley Davidson FX, FL, XL and VRSCA Motorcycles.

*Substantially similar U.S.-certified vehicle:* 2004 Harley Davidson FX, FL, XL and VRSCA Motorcycles.

*Notice of Petition Published at:* 68 FR 65489 (November 20, 2003).

*Vehicle Eligibility Number:* VSP-422.

#### 12. Docket No. NHTSA-2003-16481

*Nonconforming Vehicles:* 1991-1994 Mercedes Benz S class (140 car line) Passenger Cars.

*Substantially similar U.S.-certified vehicle:* 1991-1994 Mercedes Benz S class (140 car line) Passenger Cars.

*Notice of Petition Published at:* 68 FR 64945 (November 17, 2003).

*Vehicle Eligibility Number:* VSP-423.

[FR Doc. 04-1862 Filed 1-28-04; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-16948]

### Notice of Receipt of Petition for Decision that Nonconforming 2003-2004 CFMOTO CF125T-2 Motorcycles Are Eligible for Importation

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

**ACTION:** Notice of receipt of petition for decision that nonconforming 2003-2004 CFMOTO CF125T-2 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 2003-2004 CFMOTO CF125T-2 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 they have safety features that comply with, or are capable of being altered to comply with, all such standards.

**DATES:** The closing date for comments on the petition is March 1, 2004.

**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. 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 Federal motor vehicle safety standards 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**.

US SPECS of Aberdeen, Maryland (Registered Importer 03-321) has petitioned NHTSA to decide whether 2003-2004 CFMOTO CF125T-2 motorcycles that were not originally manufactured to conform to all applicable Federal motor vehicle safety standards are eligible for importation into the United States. U.S. SPECS contends that these vehicles are eligible for importation under 49 U.S.C. 30141(a)(1)(B) because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that 2003-2004 CFMOTO CF125T-2 motorcycles have safety features that comply with Standard Nos. 111 *Rearview Mirrors*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, and 122 *Motorcycle Brake Systems*.

The petitioner claims that the vehicles are assigned vehicle identification numbers that conform to the requirements of 49 CFR part 565.

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

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of a DOT compliant headlamp system assembly; (b) installation of red rear side reflectors and amber front side reflectors that conform to the requirements of the standard. The petitioner states that the vehicles are already equipped with a tail lamp system, a stop lamp system, a white license plate lamp, a red rear

reflector, and front and rear turn signals that conform to the requirements of the standard.

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*: (a) Inscription of the appropriate symbol on the supplemental stop engine control mounted on the right handlebar; (b) modification of the speedometer to read in miles per hour. The petitioner states that other controls and displays on the vehicles conform to the requirements of the standard.

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)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 23, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 04-1863 Filed 1-28-04; 8:45 am]

**BILLING CODE 4910-59-P**

## 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 "Nature 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 March 1, 2004.

**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:** Copies of the applications 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 January 22, 2004.

**R. Ryan Poston,**

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

## NEW EXEMPTION

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13346-N .....	.....	Stand-By-Systems, Inc., Dallas, TX.	49 CFR 171.8 .....	To authorize the transportation in commerce of a specially designed medical oxygen device to be classed and described as "sodium chlorate", Division 5.1, limited quantity, in lieu of an oxygen generator. (Modes 1, 2, 3).
13356-N .....	.....	Bayshore Vinyl Compounds Inc., Tennent, NJ.	49 CFR 174.67(j)&(i) .....	To authorize rail cars without adapter fittings to be used for transporting Class 9 hazardous materials. (Mode 2).