

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

[Docket No. NHTSA-2005-21334]

Notice of Receipt of Petition for Decision That Nonconforming 2005 Smart Car Passion, Pulse, and Pure (Coupe and Cabriolet) Passenger Cars Are Eligible for Importation**AGENCY:** National Highway Traffic Safety Administration, DOT**ACTION:** Notice of receipt of petition for decision that nonconforming 2005 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2005 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) passenger cars 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 July 5, 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)(B), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that

the motor vehicle has safety features that 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**.

G&K Automotive Conversion, Inc. of Santa Ana, California ("G&K") (Registered Importer 90-007) has petitioned NHTSA to decide whether nonconforming 2005 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) passenger cars are eligible for importation into the United States. In its petition, G&K noted that NHTSA has granted import eligibility to 2002-2004 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) passenger cars, that they claim are identical to the 2005 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) passenger cars that are the subject of this petition. In their petition for the 2002-2004 vehicles the petitioner claimed that the vehicles were capable of being altered to comply with all applicable FMVSS (see NHTSA docket no. NHTSA-2003-1401). Because those vehicles were not manufactured for importation into and sale in the United States, and were not certified by their original manufacturer (Daimler Benz), as conforming to all applicable FMVSS, they cannot be categorized as "substantially similar" to the 2002-2004 versions for purposes of establishing import eligibility under 49 U.S.C. 30141(a)(1)(A). However, the petitioner seeks to rely on the data, views and arguments submitted as part of the 2002-2004 petition; proof of conformity information that the petitioner submitted for the first vehicle it conformed under the 2002-2004 vehicle eligibility decision; and upon the contention that the 2005 model vehicles differ from the 2002-2004 models only in that they were manufactured as 2005 model vehicles.

G&K contends that nonconforming 2005 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) passenger cars 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 2005 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) passenger cars have safety features that comply with Standard Nos. 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 116 *Brake Fluid*, 118 *Power Window Systems*, 124 *Accelerator Control Systems*, 135 *Passenger Car Brake Systems*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, and 219 *Windshield Zone Intrusion*.

Petitioner further contends that the vehicles are capable of being altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) inscription of the word "Brake" and a seat belt warning symbol on the dash; and (b) modification of the speedometer to read in miles per hour.

Standard No. 102 *Transmission Shift Lever Sequence*: inscription of shift sequence markings on the instrument cluster.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Replacement or modification of the headlamps; (b) installation of side markers; and (c) installation of turn signal lamps to meet the standard. The petition does not describe the headlamp modifications. G&K is claiming confidentiality with respect to some of these modifications.

Standard No. 110 *Tire Selection and Rims*: installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: inscription of the required warning statement on the face of the passenger side rearview mirror.

Standard No. 114 *Theft Protection*: modification of the key locking system, and installation of a supplemental key warning buzzer system to meet the requirements of this standard. The petition does not describe these modifications. G&K is claiming confidentiality with respect to these modifications.

Standard No. 201 *Occupant Protection in Interior Impact*: replacement of interior components with components fabricated by, and available only through, G&K. The

petition does not describe these components or their manner of installation. G&K is claiming confidentiality with respect to these modifications.

Standard No. 208 *Occupant Crash Protection*: installation of supplemental wiring and replacement of the driver's seat belt buckle assembly to comply with the seat belt warning requirements of this standard.

Standard No. 209 *Seat Belt Assemblies*: replacement of the driver's seat belt buckle assembly with one that conforms to the requirements of Standards No. 208 and 209.

Standard No. 214 *Side Impact Protection*: modification of the vehicles through the installation of components available only from G&K. The petition does not describe these modifications. G&K is claiming confidentiality with respect to these modifications.

Standard No. 225 *Child Restraint Anchorage Systems*: installation of a tether anchorage behind the passenger seat on coupe models.

Standard No. 301 *Fuel System Integrity*: modification of the vehicles' fuel system through the installation of three components and associated attachment hardware available only from G&K. The petition does not describe these modifications. G&K is claiming confidentiality with respect to these modifications.

Standard No. 302 *Flammability of Interior Materials*: treatment of interior materials and components covered by the standard with material available only from G&K. G&K is claiming confidentiality with respect to these modifications.

The petitioner states that a vehicle identification number plate must be affixed to the vehicles to meet the requirements of 49 CFR Part 565. The petitioner further states that a certification label must be affixed to the driver's doorjamb to meet the requirements of 49 CFR Part 567.

Additionally, petitioner states components available only from G&K will be installed on the vehicle to comply with the Bumper Standard found in 49 CFR Part 581. The petition does not describe these modifications. G&K is claiming confidentiality with respect to these modifications.

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

Harry Thompson,

Chief, Vehicle Crash Avoidance Division, Office of Vehicle Safety Compliance.

[FR Doc. 05-11009 Filed 6-2-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Delays in Processing of Exemption Applications

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of Applications delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of exemption applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: Delmer Billings, Office of Hazardous Materials Exemptions and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001, (202) 366-4535.

Key to "Reason for Delay"

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of exemption applications.

Meaning of Application Number Suffixes

- N—New application.
- M—Modification request.
- PM—Party to application with modification request.

Issued in Washington, DC, on May 27, 2005.

R. Ryan Posten,

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

Application No.	Applicant	Reason for delay	Estimated date of completion
New Exemption Applications			
13183-N	Becton Dickinson, Sandy, UT	4	06-30-2005
13188-N	General Dynamics, Lincoln, NE	4	06-30-2005
13281-N	The Dow Chemical Company, Midland, MI	4	06-30-2005
13295-N	Taylor-Wharton, Harrisburg, PA	4	06-30-2005
13309-N	OPW Engineered Systems, Lebanon, OH	4	06-30-2005
13266-N	Luxfer Gas Cylinders, Riverside, CA	4	06-30-2005
13422-N	Puritan Bennett, Plainfield, IN	3	06-30-2005
13314-N	Sunoco Inc., Philadelphia, PA	4	06-30-2005
13341-N	National Propane Gas Association, Washington, DC	1	06-30-2005
14037-N	Air Products & Chemicals, Inc., Allentown, PA	4	06-30-2005
14038-N	Dow Chemical Company, Midland, MI	1	06-30-2005
14010-N	Varsal, LLC, Warminster, PA	4	06-30-2005
13999-N	Kompozit-Praha s.r.o., Dysina u Plzne, Czech Republic, CZ	4	06-30-2005
14008-N	Air Products & Chemicals, Inc., Allentown, PA	4	06-30-2005
13958-N	Department of Defense, Fort Eustis, VA	1	06-30-2005