

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-2005-21912]

Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

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 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 Federal motor vehicle safety standards.

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 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**.

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 Federal motor vehicle safety standards, 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 Federal motor vehicle safety standards 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.

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Annex A—Nonconforming Motor Vehicles Decided to be Eligible for Importation

1. Docket No. NHTSA-2005-20489: Nonconforming Vehicles: 2004-4005

Porsche Carrera GT Passenger Cars.

Substantially Similar U.S.—Certified Vehicles: 2004-4005 Porsche Carrera GT Passenger Cars.

Notice of Petition Published at: 70 FR 11308 (March 8, 2005).

Vehicle Eligibility Number: VSP-463 (effective date April 15, 2005).

2. Docket No. NHTSA-2005-20649: Nonconforming Vehicles: 2003-2004 Porsche Cayenne Multipurpose Passenger Vehicles.

Substantially Similar U.S.—Certified Vehicles: 2003-2004 Porsche Cayenne Multipurpose Passenger Vehicles.

Notice of Petition Published at: 70 FR 13229 (March 18, 2005).

Vehicle Eligibility Number: VSP-464 (effective date April 26, 2005).

3. Docket No. NHTSA-2005-20645: Nonconforming Vehicles: 1981 BMW R100 Motorcycles.

Substantially Similar U.S.—Certified Vehicles: 1981 BMW R100 Motorcycles.

Notice of Petition Published at: 70 FR 13230 (March 18, 2005).

Vehicle Eligibility Number: VSP-465 (effective date April 26, 2005).

4. Docket No. NHTSA-2005-20663: Nonconforming Vehicles: 2002 Jeep Liberty Multipurpose Passenger Vehicles.

Substantially Similar U.S.—Certified Vehicles: 2002 Jeep Liberty Multipurpose Passenger Vehicles.

Notice of Petition Published at: 70 FR 14749 (March 23, 2005).

Vehicle Eligibility Number: VSP-466 (effective date May 4, 2005).

5. Docket No. NHTSA-2005-20686: Nonconforming Vehicles: 1989

Volkswagen Golf Rallye Passenger Cars.

Substantially Similar U.S.—Certified Vehicles: 1989 Volkswagen Golf Rallye Passenger Cars.

Notice of Petition Published at: 70 FR 14751 (March 23, 2005).

Vehicle Eligibility Number: VSP-467 (effective date May 4, 2005).

6. Docket No. NHTSA-2005-21011: Nonconforming Vehicles: 2001-2005

Mercedes Benz Sprinter Trucks.

Substantially Similar U.S.—Certified Vehicles: 2001-2005 Mercedes Benz Sprinter Trucks.

Notice of Petition Published at: 70 FR 20798 (April 21, 2005).

Vehicle Eligibility Number: VSP-468 (effective date June 15, 2005).

7. Docket No. NHTSA-2005-21263: Nonconforming Vehicles: 1991 Mercedes Benz 560 SEL Passenger Cars.

Substantially Similar U.S.—Certified Vehicles: 1991 Mercedes Benz 560 SEL Passenger Cars.

Notice of Petition Published at: 70 FR 30182 (May 25, 2005).

Vehicle Eligibility Number: VSP-469 (effective date July 6, 2005).

8. Docket No. NHTSA-2005-21010:

Nonconforming Vehicles: 2002-2003 Hobby Wohnwagenwerk Exclusive 650 KMFE Trailers.

Because there are no substantially similar U.S.-certified versions of the 2002-2003 Hobby Wohnwagenwerk Exclusive 650 KMFE Trailers, the petitioner sought import eligibility under 49 U.S.C. 30141(a)(1)(B).

Notice of Petition Published at: 70 FR 20797 (April 21, 2005).

Vehicle Eligibility Number: VCP-29 (effective date June 15, 2005).

9. Docket No. NHTSA-2005-21334:

Nonconforming Vehicles: 2005 Smart Car Fortwo Coupe & Cabriolet, (including trim levels Passion, Pulse and Pure) Passenger Cars.

Because there are no substantially similar U.S.-certified versions of the 2005 Smart Car Fortwo Coupe & Cabriolet, (including trim levels Passion, Pulse and Pure) Passenger Cars, the petitioner sought import eligibility under 49 U.S.C. 30141(a)(1)(B).

Notice of Petition Published at: 70 FR 32701 (June 3, 2005).

Vehicle Eligibility Number: VCP-30 (effective date July 14, 2005).

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Integrity Management Notifications for Gas Transmission Lines

AGENCY: Office of Pipeline Safety (OPS), Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of advisory bulletin.

SUMMARY: Current regulations require operators to notify OPS and state pipeline safety agencies of certain events related to integrity management programs for gas transmission lines. This bulletin provides guidance on notifying OPS and state agencies and describes OPS' review of notifications. OPS expects this bulletin to improve the efficiency of the notification and review process.

FOR FURTHER INFORMATION CONTACT:

Zach Barrett by phone at (405) 954-5559 or by e-mail at zbarrett@tsi.jcabi.gov, regarding the subject matter of this guidance. General information about the PHMSA/OPS programs may be obtained by accessing OPS's Home page at <http://OPS.dot.gov>.

SUPPLEMENTARY INFORMATION: OPS' safety regulations for managing the integrity of gas transmission lines (49 CFR part 192, subpart O) require operators to notify OPS and certain state pipeline safety agencies whenever the operators significantly change their integrity management programs (49 CFR 192.909(b)). Notifications are also required before operators can use technology other than in-line inspection, pressure testing, or direct assessment to assess pipeline integrity (49 CFR 192.921(a)(4) and 192.937(c)(4)). Notifications are required when operators cannot meet the schedule required for remediation of anomalous conditions and safety is not otherwise provided (49 CFR 192.933(c)).

OPS and state agencies review the notifications to assure compliance of the underlying actions with applicable integrity management requirements in Subpart O of Part 192. The following Advisory Bulletin provides additional details regarding this notification and review process.

Advisory Bulletin (ADB-05-04)

To: Operators of gas transmission lines.

Subject: Notifications required by the integrity management regulations in 49 CFR part 192, subpart O.

Purpose: To provide guidance on notifying OPS and state agencies and information about OPS's review of the notifications.

Advisory

Introduction

The integrity management regulations for gas transmission lines (49 CFR part 192, subpart O) require that operators notify OPS of each of the following events:

1. When operators make changes to their integrity management programs that may substantially affect the program's implementation or may significantly modify the program or schedule for carrying out the program elements (49 CFR 192.909(b)).
2. When operators plan to use technology other than in-line inspection, pressure testing, or direct assessment to perform assessments of pipeline integrity (49 CFR 192.921(a)(4) and 192.937(c)(4)).
3. When operators cannot meet the schedule required by the rule for remediating any identified condition and cannot provide safety through a temporary reduction in operating pressure or other action (49 CFR 192.933(c)).

In addition, operators must send notifications of these events to each

state or local pipeline safety agency that either regulates the safety of the transmission line involved or inspects the line under an interstate agent agreement with OPS. Operators may notify OPS by mail, facsimile, or the on-line database (49 CFR 192.949). Notification of state agencies should be done according to state agency procedures.

The following sections of this advisory bulletin provide guidance on notifying OPS and state agencies and explain OPS's review of notifications. The bulletin gives special attention to notifications concerning "other technology"—particularly guided wave ultrasound—and scheduling problems. OPS developed the bulletin based on its experience with Subpart O notifications.

Notifying OPS

As provided by § 192.949, operators may notify OPS by mail, facsimile, or via the Web at <http://primis.rspa.dot.gov/gasimp/>. The Web option is OPS's preferred method of receiving notifications because it enables operators to enter information directly into the Integrity Management Database (IMDB). (Note that as a result of the recent creation of the Pipeline and Hazardous Materials Safety Administration within DOT, a new Web address, <http://primis.phmsa.dot.gov/gasimp>, was established. The old address will continue to work for some time, and OPS plans to revise § 192.949 to include the new address.)

OPS uses the IMDB to coordinate its review of notifications among its regional offices and with state pipeline safety agencies. OPS transfers notifications submitted via other means to the IMDB, with the attendant possibility for error.

Operators desiring to notify OPS via the Web should go to the specified Web address and select "Notifications" from the topic links in the left-hand frame. This will open a page with instructions for submitting notifications and for downloading a Microsoft Word template for use in stating each notification. Operators can download the template from the link within the section of this Web page entitled "How to: Download and Use the Notification Template." (Some users may have to scroll down the page to see this section). As described further in the downloading instructions, an operator can use the template on a local computer system to create a Word document that includes the notification and a table for entering pipeline data. Although OPS does not require operators to submit this data with the notification, OPS believes it would facilitate its review of the