DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Notice 1]

Receipt of Petition for Decision That Nonconforming 2000–2003 Kawasaki ZR750 Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that nonconforming 2000–2003 Kawasaki ZR750 motorcycles that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) 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 January 30, 2012.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the online instructions for submitting comments.
- Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- Fax: (202) 493–2251.

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to http://www.regulations.gov, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: 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 (65 FR 19477–78).

How to Read Comments submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at http://www.regulations.gov. Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202) 366–5308.

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 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.

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 a copy of 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, LLC (‘US SPECS”), of Havre de Grace, Maryland (Registered Importer 03–321) has petitioned NHTSA to decide whether non-U.S. certified 2000–2003 Kawasaki ZR750 motorcycles are eligible for importation into the United States. The vehicles that US SPECS believes are substantially similar are 2000–2003 Kawasaki ZR750 motorcycles that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it carefully compared non-U.S. certified 2000–2003 Kawasaki ZR750 motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

US SPECS submitted information with its petition intended to demonstrate that non-U.S. certified 2000–2003 Kawasaki ZR750 motorcycles, as originally manufactured, conform to many FMVSS 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 2000–2003 Kawasaki ZR750 motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standards Nos. 106 Brake Hoses, 116 Brake Fluid, 119 New Pneumatic Tires for Vehicles other than Passenger Cars, and 122 Motorcycle Brake Systems.

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

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: Installation of the following U.S.-certified components on vehicles not already so equipped: (a) Headlamp; (b) front and rear side-mounted reflex reflectors; (c) rear-mounted reflex reflector; and (d) rear turn signal lamps.

Standard No. 111 Rearview Mirrors: Inspection of all vehicles, and installation of U.S.-model mirrors on vehicles that are not already so equipped.

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: Installation of a U.S.-
model speedometer/odometer unit.
Standard No. 205 Glazing Materials: 
Inspection of all vehicles, and removal 
of noncompliant glazing or replacement 
of the glazing with U.S.-certified 
components on vehicles that are not 
already so equipped.

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 addresses 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 
close of business on the closing date 
will be considered, and

To preserve rail service, as BNSF 
temporary rates were set to expire, the 
Board issued an emergency service 
order directing BNSF to provide service 
while the Board adjudicates the merits 
of this case. Canexus Chemicals Canada 
L.P. v. BNSF Ry., FD 35524 et al. (STB 
served Oct. 14, 2011). In that same 
decision, the Board issued a procedural 
schedule for opening statements, 
replies, and rebuttals. Subsequently, 
BNSF offered to provide service 
voluntarily and the Board found that, 
with such service in place, the 
emergency service order could be 
terminated.

On November 3, 2011, UP, Canadian 
Pacific Railway Company (CP),2 and 
Canexus filed opening statements. BNSF 
filed a reply on November 23, 2011.

By January 12, 2012, each party shall 
submit to the Board the name of the 
counsel who will be presenting 
argument and the name of the party 
counsel will be representing. CP is 
invited to participate in the argument, 
but is not required to do so. Canexus 
and UP shall have 30 minutes to present 
their argument and BNSF shall have 30 
minutes to present its argument. 
Canexus and UP, in their filings, shall 
advise the Board how they choose to 
divide their time and shall address the 
requested time reserved for rebuttal, if 
any.

Counsel for the parties shall check in 
with Board staff in the hearing room 
prior to the argument.

The video broadcast of the oral 
argument will be available via the 
Board’s Web site at http:// 
www.stb.dot.gov, under “Information 
Center”/“Webcast”/“Live Video” on the 
home page.

Instructions for Attendance at 
Argument

The STB requests that all persons 
attending the argument use the Patriots 
Plaza Building’s main entrance at 395 E 
Street SW. (closest to the northeast 
corner of the intersection of 34th and E 
Streets). There will be no reserved 
seating, except for those scheduled to 
present oral arguments. The building 
will be open to the public at 7 a.m., and 
participants are encouraged to arrive 
early. There is no public parking in the 
building.

Upon arrival, check in at the 1st floor 
security desk in the main lobby. Be 
prepared to produce valid photographic 
identification (driver’s license or local, 
state, or Federal government 
identification); sign-in at the security 
desk; receive a hearing room pass (to be 
displayed at all times); submit to an 
inspection of all briefcases, handbags, 
etc.; then pass through a metal detector. 
Persons choosing to exit the building 
during the course of the argument must 
surrender their hearing room passes to 
security personnel and will be subject to 
the above security procedures if they 
choose to re-enter the building. Hearing 
room passes likewise will be collected 
from those exiting the argument upon 
its conclusion.

Laptops and recorders may be used in 
the hearing room, but no provision 
will be made for connecting personal 
computers to the Internet. Cellular 
telephone use is not permitted in the 
hearing room; cell phones may be used 
quietly in the corridor surrounding the 
hearing room or in the building’s main 
lobby.

The Board’s hearing room complies 
with the Americans with Disabilities 
Act, and persons needing such 
accommodations should call (202) 245– 
0245 by the close of business on January 
16, 2012.

For further information regarding the 
oral argument, contact Amy Ziehm, 
(202) 245–0391. Assistance for the 
hearing impaired is available through 
the Federal Information Relay Service 
(FIRS) at (800) 877–8339.

This action will not significantly 
afford either the quality of the human 
environment or the conservation of 
energy resources.

It is ordered:

1. Oral argument in this proceeding 
will be held on January 17, 2012, at 9:30 
am. in the Surface Transportation 
Board Hearing Room, at 395 E Street 
SW., Washington, DC, as described 
above.

2. By January 12, 2012, the 
participants shall submit to the Board 
the names of the counsel who will be