

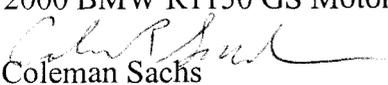


U.S. Department
of Transportation

Memorandum

**National Highway
Traffic Safety
Administration**

Subject: Petition for Import Eligibility of
2000 BMW R1150 GS Motorcycles

From: 
Coleman Sachs
Office of Vehicle Safety Compliance

To: Docket Management

Date: SEP 20 2004

Please place the attached petition for a decision that 2000 BMW R1150 GS Motorcycles are eligible for importation in Docket No. NHTSA-2004-19121.—/

Attachment

#

SEP 20 2004
10 10 AM '04
NHTSA

DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration

Docket No. NHTSA-2004-19121
Notice of Receipt of Petition for Decision that
Nonconforming 2000 BMW R1150 GS Motorcycles
Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Notice of receipt of petition for decision that nonconforming 2000 BMW R1150 GS 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 2000 BMW R1150 GS 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 (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.

DATE: The closing date for comments on the petition is 30 days after publication in the Federal Register.

ADDRESS: 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.

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

Wallace Environmental Testing Laboratories, Inc.

(WETL) (Registered Importer 90-005) has petitioned NHTSA to decide whether non-U.S. certified 2000 BMW R1150 GS motorcycles are eligible for importation into the United States. The vehicles that WETL believes are substantially similar are 2000 BMW R1150 GS motorcycles that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2000 BMW R1150 GS motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially

similar with respect to compliance with most Federal motor vehicle safety standards.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified 2000 BMW R1150 GS motorcycles as originally manufactured, conform to many Federal motor vehicle safety standards 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 BMW R1150 GS motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 Brake Hoses, 111 Rearview Mirrors, 116 Brake Fluid, 119 New Pneumatic Tires for Vehicles other than Passenger Cars, 122 Motorcycle Brake Systems, and 205 Glazing Materials.

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 components (a) U.S.-model headlamps; and (b) U.S.-model front and rear reflex reflectors.

Standard No. 120 Tire Selection and Rims for Vehicles other than Passenger Cars: (a) installation of a tire information placard; and (b) inspection of all vehicles to ensure compliance with rim marking requirements, and replacement of rims that are not properly marked.

Standard No. 123 Motorcycle Controls and Displays: installation of U.S.-model speedometer and odometer units, or modification of the speedometer and odometer unit components so that the speedometer reads in miles per hour.

The petitioner also states that a certification label must be affixed to the motorcycle to comply with the requirements of 49 CFR Part 567.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, S.W., 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)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on:



Claude H. Harris
Director, Office of Vehicle
Safety Compliance

Billing Code: 4910-59-P



Wallace Environmental Testing Laboratories, Inc.

August 9, 2004

Petition for Import Eligibility Determination

Administrator
National Highway Traffic Safety Administration
Room 6115
400 7th Street SW.,
Washington, DC 20590

ATTN: NEF-32 Import Eligibility

Petitioner: Wallace Environmental Testing Laboratories, Inc.
2140 Wirtcrest
Houston, Texas 77055-1348
Registered Importer Number R-90-005

Wallace Environmental Testing Laboratories, Inc. (WETL) would like to submit this petition under the provisions set forth in 49 CFR Part 593.

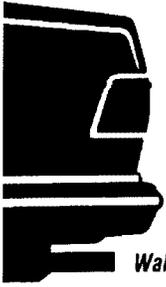
The basis for this petition is a comparison to a substantially similar motorcycle which was originally manufactured in Europe for sale in the United States. The comparison motorcycle, which was manufactured for the European market, can be readily modified to conform to all applicable Federal motor vehicle safety standards (FMVSS). Therefore, WETL submits this petition based on the guidelines set forth in 49 CFR 593.6(a).

The motorcycle for which this determination is sought was originally manufactured by BMW for the European and other foreign markets. The motorcycle inspected was a 2000 model year with a vehicle identification number (VIN) of **WB10415A5YZE09484**. The model is the BMW R1150 GS manufactured for the 2000 model year. Hereafter this motorcycle will be referred to as the EUR1150.

The motorcycle which is substantially similar was also manufactured by BMW for the United States. The model designation for the US production motorcycle is also the BMW R1150 GS and was produced for the 2000 model year. Hereafter this motorcycle will be referred to as the USR1150.

The USR1150 was certified by BMW pursuant to 49 CFR 567. The motorcycle was produced for the US by BMW. BMW sold this motorcycle as a 2000 model year and affixed a label to it certifying that it complied with all applicable FMVSS.

NHTSA-2004-19121



Wallace Environmental Testing Laboratories, Inc.

It is common practice for motorcycle manufacturers to produce substantially similar motorcycles for different markets throughout the world. While the motorcycles are essentially the same, the differences are related to the marketability and or legislation of the different countries. It is important to note that the EUR1150 complies with many FMVSS without any modification. WETL performed a careful evaluation of the EUR1150 and determined the motorcycle to be substantially similar to the USR1150.

In accordance with the requirements of 49 CFR 593.6(a)(5), the remainder of this petition will give data, views, and arguments with respect to each FMVSS which applied to the USR1150 and demonstrate that the EUR1150 was either originally manufactured to conform to such standard, or is capable of being readily modified to conform to such standard. All statements that the EUR1150 complies with the requirements of the standard and is identical to the USR1150 with respect to the standard are based on information obtained during a detailed inspection of the EUR1150 for which this determination is sought. In addition, WETL reviewed all available parts, service, and sales literature in order to thoroughly compare the motorcycles.

FMVSS 106

The EUR1150 complies with the requirements of this standard and is identical to the USR1150 with respect to this standard.

FMVSS 108

The EUR1150 does not comply with the requirements of this standard. The front amber and rear red reflectors will have to be added to the bike in order to comply with the requirements of this standard. In addition the headlamp and directional lamp will have to be replaced with US conforming counterparts.

FMVSS 111

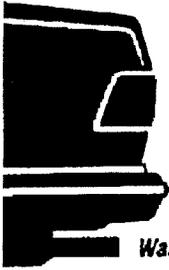
The EUR1150 complies with the requirements of this standard and is identical to the USR1150 with respect to this standard.

FMVSS 116

The EUR1150 complies with the requirements of this standard and is identical to the USR1150 with respect to this standard.

FMVSS 119

The EUR1150 complies with the requirements of this standard and is identical to the USR1150 with respect to this standard.



Wallace Environmental Testing Laboratories, Inc.

FMVSS 120

The EUR1150 will require the addition of a tire information placard in order to comply with the requirements of this standard. The subject motorcycle complies with the rim marking requirements. WETL will inspect all bikes to assure compliance with rim marking requirements.

FMVSS 122

The EUR1150 complies with the requirements of this standard and is identical to the USR1150 with respect to this standard.

FMVSS 123

The EUR1150 will require replacement of the speedometer/odometer unit with one which reads in mph to comply with the requirements of this standard.

FMVSS 205

The EUR1150 complies with the requirements of this standard and is identical to the USR1150 with respect to this standard.

49 CFR Part 565

The EUR1150 complies with the requirements of this standard and is identical to the USR1150 with respect to this standard.

49 CFR Part 567

The EUR1150 will require the addition of a Certification label to comply with the requirements of this standard.

I would like to thank you in advance for your consideration in this matter and invite you to contact myself or a member of my staff if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "William H. Wallace", written over a horizontal line.

William H. "Bill" Wallace
President