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 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 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.

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: June 13, 2001.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

ANNEX A—Nonconforming Motor Vehicles Decided To Be Eligible for Importation

1. Docket No. NHTSA–2000–7964
   Nonconforming Vehicle: 2000 BMW 3 Series passenger cars
   Substantially similar U.S.- certified vehicle: 2000 BMW 3 Series passenger cars
   Notice of Petition Published at: 65 FR 63911 (October 25, 2000)
   Vehicle Eligibility Number: VSP–356
2. Docket No. NHTSA–2000–7963
   Nonconforming Vehicles: 1998 Mercedes-Benz CLK320 passenger cars
   Substantially similar U.S.- certified vehicles: 1998 Mercedes-Benz CLK320 passenger cars
   Notice of Petition Published at: 65 FR 63910 (October 25, 2000)
   Vehicle Eligibility Number: VSP–357
3. Docket No. NHTSA–2000–7966
   Nonconforming Vehicles: 1996 Plymouth Voyager multi-purpose passenger vehicles
   Substantially similar U.S.- certified vehicles: 1996 Plymouth Voyager multi-purpose passenger vehicles
   Notice of Petition Published at: 65 FR 63909 (October 25, 2000)
   Vehicle Eligibility Number: VSP–353
4. Docket No. NHTSA–2000–8242
   Nonconforming Vehicles: 1994–2000 Honda VFR 400 and RVF 400 motorcycles
   Substantially similar U.S.- certified vehicles: 1994–2000 Honda CBR 600 motorcycles
   Notice of Petition Published at: 65 FR 77690 (December 12, 2000)
   Vehicle Eligibility Number: VSP–358
5. Docket No. NHTSA–2000–8241
   Nonconforming Vehicles: 1991–1995 BMW 8 Series passenger cars
   Substantially similar U.S.- certified vehicles: 1991–1995 BMW 8 Series passenger cars
   Notice of Petition Published at: 65 FR 69989 (November 21, 2000)
   Vehicle Eligibility Number: VSP–361
6. Docket No. NHTSA–2000–8294
   Nonconforming Vehicle: 1998–2001 BMW R1200C motorcycles
   Substantially similar U.S.- certified vehicle: 1998–2001 BMW R1200C motorcycles
   Notice of Petition Published at: 65 FR 77691 (December 12, 2000)
   Vehicle Eligibility Number: VSP–359
7. Docket No. NHTSA–2000–8281
   Nonconforming Vehicles: 2000 Yamaha R1 motorcycles
   Substantially similar U.S.- certified vehicles: 2000 Yamaha R1 motorcycles
   Notice of Petition Published at: 65 FR 77692 (December 12, 2000)
   Vehicle Eligibility Number: VSP–360
8. Docket No. NHTSA–2000–8699
   Nonconforming Vehicles: 2001 Harley Davidson FX, FL and XL motorcycles
   Substantially similar U.S.- certified vehicles: 2001 Harley Davidson FX, FL and XL motorcycles
   Notice of Petition Published at: 66 FR 7841 (January 25, 2001)
   Vehicle Eligibility Number: VSP–362

[FR Doc. 01–15327 Filed 6–15–01; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7312; Notice 2]

General Motors Corporation; Grant of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that some of its vehicles do not comply with requirements contained in Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, Reflective Devices, and Associated Equipment,'' and has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.'' GM has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published in the **Federal Register** (65 FR 31207) on May 16, 2000. Opportunity was afforded for public comment until June 15, 2000.

FMVSS No. 108 establishes the requirements for signaling to enable safe operation in darkness and other conditions of reduced visibility. Under S5.5.4 of FMVSS No. 108, the center high-mounted stop lamp (CHMSL) on each vehicle shall be activated only upon application of the service brakes.

During Model Year 1995–1999, GM produced 3,375,393 vehicles with a CHMSL that could briefly illuminate if the hazard warning lamp switch is depressed to its limit of travel. The vehicles that may have this condition are 1995–1999 model year GMC and Chevrolet trucks and some 1997–1999 Pontiac Grand Prix cars.

GM supports its application for inconsequential noncompliance with the following statements:

The possibility of unintended CHMSL illumination is very low, for several reasons. Hazard flashers are infrequently used in service. The condition can occur only when the hazard flasher switch is at the extreme bottom of travel. To turn the hazard flashers on or off, one need merely push the hazard flasher switch. It is not necessary to push the switch all the way to its limit of travel. Even when the switch is depressed all the way to its limit of travel, CHMSL illumination may not occur. In approximately 50% of the switches it would be moderately difficult to get a CHMSL activation. With these switches, it is also necessary to apply a side force to the hazard flasher switch (in addition to having the switch at its bottom of travel) before the CHMSL might illuminate.

Even if the condition does occur, the duration of unintended CHMSL illumination would be very brief. The hazard flasher switch requires less than a second in total to turn the flashers on or off, and only for a fraction of this total time would the switch be all the way to its limit of travel.

About one-third of the affected vehicles have incandescent CHMSLs. In these vehicles, visible illumination of the CHMSL would not occur unless the hazard switch were depressed to its full limit of travel and held there long enough for the incandescent bulb filaments to heat and become visible. Therefore, unless the hazard switch was deliberately held at its limit of travel, and possibly with a side force, any unintended CHMSL illumination would be momentary and as a practical matter virtually imperceptible.

Even if a visible CHMSL illumination occurs upon hazard flasher activation, it would almost certainly have no adverse effect on safety. Hazard flasher lights are typically used when the vehicle is off the road or out of traffic. However, if a CHMSL illuminated due to this condition when the vehicle was on the road, a following driver would likely see a brief single flash of the CHMSL. As a practical matter, the following driver might not notice this flash at all. Even if he or she did, there would seem to be no likelihood of driver confusion or inappropriate responses. In reaching this view, we have considered the following situations and would invite the agency's consideration of them as well:

A driver who turns on the hazard flasher switch does so in order to alert others to some situation that the driver judges to be a highway safety hazard. Indeed, the owner's manual in each of these vehicles states as much: Your hazard warning flashers let you warn others. They also let police know you have a problem.

When the driver turns them on, the hazard lamps on these vehicles commence flashing immediately after the driver releases the switch. In this situation, any momentarily illuminated CHMSL would augment the hazard alert to following drivers.

If the hazard flasher switch is being turned off, the CHMSL could be illuminated momentarily while the hazard lamps are flashing. A following driver is unlikely to react inappropriately to a momentary CHMSL illumination when two hazard lamps are already flashing.

In many situations, it seems likely that a driver suddenly approaching a hazard situation might want to slow down, and therefore the service brakes would be applied when the hazard switch is depressed. In this case, the CHMSL would remain illuminated by the service brakes as required by FMVSS 108. This situation would pose no safety or compliance issue because the CHMSL would already be on.

The CHMSL (and the remainder of the vehicle lighting) otherwise meets all of the requirements of FMVSS 108.

GM is not aware of any accidents, injuries, owner complaints or field reports for the subject vehicles related to this condition.

NHTSA has previously granted inconsequential treatment for a similar condition. In 1995, General Motors applied for inconsequential treatment for a noncompliance while the hazard switch was being used (reference Mr. Milford Bennett letter to Dr. Ricardo Martinez dated June 16, 1995). The agency subsequently granted inconsequential treatment for this condition (reference Docket 95–57, Notice 2 published in the **Federal Register**, 61 Fed. Reg. 2865, January 29, 1996). No one opposed the application. NHTSA found in that situation that ''the transient activation of the CHMSL, a false signal, is highly unlikely to mislead a following driver,'' at 2865–2866.

The current situation would appear to be even less of a highway safety issue, because (a) the previous condition could occur at various positions within the normal operating travel of the hazard switch, while the current condition can only occur at the extreme bottom of travel of the hazard switch; and (b), the previous condition could involve up to three momentary flashes of the CHMSL, while the current condition only has the potential for a single momentary illumination of the CHMSL.

No public comments were received in the docket designated for this action. However, there was a comment submitted to a related application submitted by GM. Notice of receipt of this application was published on August 7, 2000 (65 FR 48280). There has been no agency decision yet on whether to grant or deny this application. In this application, GM states that activating the hazard warning lamps on the same subject vehicles could also enable the power windows to be operated. This is a noncompliance with FMVSS No. 118, ''Power-operated Window, Partition, and Roof Panel Systems.'' In its comments urging denial of GM's power window-related application, the Center for Auto Safety (CAS) also states that the agency should deny GM's application regarding FMVSS No. 108. CAS offered no rationale to support this assertion except to state ''[b]oth of these problems suggest the need for the swift implementation of an actual remedy, not the broad exemption GM suggests it should receive.''

We have reviewed the application and agree with GM that the noncompliance is inconsequential to motor vehicle safety. We can foresee no negative effects on motor vehicle safety if a vehicle's CHMSL is briefly illuminated as described upon activation of the hazard warning lamps. The intended use of a hazard warning lamp and the momentary activation of a CHMSL do not provide a conflicting message. The illumination of the CHMSL is intended to signify that the vehicles brakes are being applied and that the vehicle might be decelerating. Hazard warning lamps are intended as a more general message to nearby drivers that extra attention should be given to the vehicle. A brief illumination of the CHMSL while activating the hazard warning lamps would not confuse the intended general message, nor would the brief illumination in the absence of the other brake lamps cause confusion that the brakes were unintentionally applied.

In consideration of the foregoing, we do not deem this noncompliance to be a serious safety problem warranting notification and remedy. Accordingly, we have decided that the applicant has met its burden of persuasion that the noncompliance described above is inconsequential to motor vehicle safety. Therefore, its application is granted and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118 and from remedying the noncompliance as required by 49 U.S.C. 30120.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: June 12, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Indexing the Annual Operating Revenues of Railroads

This Notice sets forth the annual inflation adjusting index numbers which are used to adjust gross annual operating revenues of railroads for classification purposes. This indexing methodology will insure that regulated carriers are classified based on real business expansion and not from the effects of inflation. Classification is important because it determines the extent of reporting for each carrier.

The railroad's inflation factors are based on the annual average Railroad's Freight Price Index. This index is