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FEB 7 1975

William J. Yurkofsky, President
Bill's-Derailleur Bicycle Specialists
3211 Greenmead Road
Baltimore, Maryland 21207

Dear Mr. Yurkofsky:

This is in response to your November 28, 1974 letter describing four models of bicycles which you import and distribute. You requested an advisory opinion or exemption permitting these bicycles to be sold without meeting the requirements of the Commission's bicycle regulation (39 FR 26100, July 16, 1974).

The original January 1, 1975 effective date for that regulation was recently suspended. A new effective date has been proposed (120 days after Federal Register publication of a document acting on the proposal published on January 7, 1975 at 40 FR 1493). With regard to your concern over destructive testing, the regulation does not require that destructive testing be performed on any bicycle. As long as bicycles conform to the regulation, the Commission is not concerned whether or not any type of testing takes place.

The requirements of the bicycle regulation, when effective, will apply to the bicycles you have described. This includes the 25-degree ground clearance requirement (16 CFR 1512.17(c)) and the provision requiring either retroreflective tire sidewalls or reflectors mounted on the spokes of each wheel (16 CFR 1512.16(b)).

Because this advisory opinion does not provide the favorable response you seek, we will consider your alternative request of an exemption to the bicycle regulation. We will transmit this letter to our Product Safety Operations Center for consideration on its merits as a petition for exemption. If you have any additional information or arguments in support of your request for an exemption or if you wish to request an amendment to the regulation, please contact the Office of the Secretary.

Sincerely,

Michael A. Brown
General Counsel

ACShakin:mli:2/7/75

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