

detailed analysis is necessary to support the petitioner's claim that the subject vehicle, which is equipped with a 2 liter, 4-cylinder engine that was not certified for the United States, can be modified to comply with the standard.

Volkswagen finally disagreed with the petitioner's claim that the non-U.S. certified 1992 Passat complies with the Bumper Standard. The company contended that critical attachment hardware components and the bumper beam differ in the vehicle's U.S. certified counterpart, and that these parts would have to be installed for the European version of the vehicle to achieve compliance with the standard.

NHTSA accorded Champagne an opportunity to respond to Volkswagen's comments. In its response, Champagne noted that it has been conforming vehicles to Standard Nos. 208 and 210 for over twelve years, and that although the systems that must be installed to achieve such compliance are "relatively complex," their installation is well within Champagne's area of expertise and technical ability. Champagne further noted that NHTSA has not denied import eligibility to a vehicle in the past on the basis that it is equipped with a different size engine from that found on its U.S. certified counterpart. Champagne acknowledged that its petition omitted the fact that the non-U.S. certified 1992 Passat is equipped with manual seat belts at both front outboard seating positions, and asserted that these belts are identical to those found on the vehicle's U.S. certified counterpart. Champagne disputed Volkswagen's contention that it is necessary to change the inboard seat tracks and add reinforced motorized automatic belt system tracks in the A-pillar and roof rail to conform the non-U.S. certified 1992 Passat to Standard Nos. 208 and 210. Champagne asserted that the vehicle is equipped with inboard seat tracks that are identical to, and have the same part number as those found on its U.S. certified counterpart. Moreover, Champagne contended that the vehicle is equipped with reinforced tracks in the A-pillar and with mounting points for the seat belt rail which must be installed to complete the automatic restraint system. Champagne also disputed Volkswagen's contention that welding is necessary to accomplish these modifications. Champagne acknowledged that it must replace the steering wheel on the non-U.S. certified 1992 Passat with one identical to that found on the vehicle's U.S.- certified counterpart.

Champagne also acknowledged that the petition erroneously stated that reinforcing beams would have to be

installed to conform the vehicle to Standard No. 214.

With respect to the Standard No. 301 compliance issues raised by Volkswagen, Champagne observed that Volkswagen applies the same good engineering judgment in the design and installation of the fuel system in its 2 liter engine as it does for those installed in U.S. certified models. Because the body crash characteristics do not differ between U.S. and non-U.S. certified versions of the 1992 Passat, Champagne stated that it can be reasonably assumed that fuel system integrity characteristics are the same as well.

With respect to the Bumper Standard issues raised by Volkswagen, Champagne reiterated its belief that the non-U.S. certified 1992 Passat is equipped with a bumper system identical to that found on its U.S. certified counterpart. However, to eliminate any doubts regarding this matter, Champagne stated that it would reinforce the existing bumper structure and replace the bumper attachment hardware with that found on the vehicle's U.S. certified counterpart.

NHTSA accorded Volkswagen an opportunity to respond to Champagne's comments. In its response, Volkswagen noted that its original comments were based on information provided by the vehicle's manufacturer, and that "[w]ith worldwide production and increasing efforts to harmonize parts, it is possible that the factory made a production change and installed the U.S. versions of the seat tracks in the European vehicle." Volkswagen reiterated that the installation of a motorized automatic belt system requires "significant electrical and mechanical work to assure proper and safe performance," and left to NHTSA's discretion the matter of whether this work should be inspected before the vehicle is released.

NHTSA has reviewed each of the issues that Volkswagen has raised regarding Champagne's petition. NHTSA believes that Champagne's responses adequately address each of those issues. NHTSA further notes that the modifications described by Champagne to conform the vehicle to Standard No. 301 and the Bumper Standard have been performed with relative ease on thousands of nonconforming vehicles imported over the years, and would not preclude the non-U.S. certified 1992 Volkswagen Passat 4-Door Sedan from being found "capable of being readily modified to comply with all Federal motor vehicle safety standards." Additionally, the modifications described by Champagne to conform the vehicle to Standard Nos. 208 and 210 would not preclude such

a finding, in view of the fact that numerous vehicles have been so modified by Champagne and other registered importers in recent years, and that such modifications are well within the expertise of those registered importers. NHTSA has accordingly decided to grant the petition.

#### 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. VSP-148 is the vehicle eligibility number assigned to vehicles admissible under this decision.

#### Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1992 Volkswagen Passat 4-Door Sedan not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1992 Volkswagen Passat 4-Door Sedan originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, 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 6, 1996.

Clive Van Orden,

*Chief of Equipment and Imports Division,  
Office of Vehicle Safety Compliance.*

[FR Doc. 96-14939 Filed 6-11-96; 8:45 am]

BILLING CODE 4910-59-P

#### [Docket No. 96-063; Notice 1]

#### **Notice of Receipt of Petition for Decision That Nonconforming 1993 Mercedes-Benz 220E and 1994-1996 Mercedes-Benz E220 Passenger Cars Are Eligible for Importation**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 1993 Mercedes-Benz 220E and 1994-1996 Mercedes-Benz E220 passenger cars are eligible for importation.

**SUMMARY:** This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1993 Mercedes-Benz 220E and 1994-1996 Mercedes-Benz E220 passenger cars 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 importation into and 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 July 12, 1996.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

**FOR FURTHER INFORMATION CONTACT:** George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Under 49 U.S.C. § 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), 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 (formerly section 114 of the Act), 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.

G&K Automotive Conversion, Inc. of Santa Ana, California ("G&K") (Registered Importer No. R-90-007) has petitioned NHTSA to decide whether 1993 Mercedes-Benz 220E and 1994-

1996 Mercedes-Benz E220 passenger cars are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are the 1993 Mercedes-Benz 300E and 1994-1996 Mercedes-Benz E320. G&K has submitted information indicating that Daimler Benz, A.G., the company that manufactured the 1993 Mercedes-Benz 300E and 1994-1996 Mercedes-Benz E320, certified those vehicles as conforming to all applicable Federal motor vehicle safety standards and offered them for sale in the United States.

The petitioner contends that it carefully compared the 1993 Mercedes-Benz 220E and 1994-1996 Mercedes-Benz E220 to the 1993 Mercedes-Benz 300E and 1994-1996 Mercedes-Benz E320, and found those vehicles to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that the 1993 Mercedes-Benz 220E and 1994-1996 Mercedes-Benz E220, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as the 1993 Mercedes-Benz 300E and 1994-1996 Mercedes-Benz E320 that were offered for sale in the United States, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the 1993 Mercedes-Benz 220E and 1994-1996 Mercedes-Benz E220 are identical to the certified 1993 Mercedes-Benz 300E and 1994-1996 Mercedes-Benz E320 with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence* \* \* \*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicle is capable of being readily

altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) placement of the appropriate symbol on the seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model headlamp assemblies and front sidemarkers; (b) installation of U.S.-model taillamp assemblies which incorporate rear sidemarkers; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors*: Replacement of the passenger side rear view mirror, which is convex, with a U.S.-model component.

Standard No. 114 *Theft Protection*: Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number*: Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems*: Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection*: Installation of a seat belt warning buzzer. The petitioner states that the vehicle is equipped with an automatic restraint system consisting of a driver's and passenger's side air bag and knee bolsters. The petitioner further states that the vehicle is equipped with Type 2 seat belts in the front and rear outboard designated seating positions, and with a Type 1 seat belt in the rear center designated seating position.

Standard No. 214 *Side Impact Protection*: Installation of door beams.

Standard No. 301 *Fuel System Integrity*: Installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the 1993 Mercedes-Benz 220E and 1994-1996 Mercedes-Benz E220 must be reinforced to comply with the Bumper Standard found in 49 CFR Part 581.

The petitioner further states that before the vehicle will be imported into the United States, its VIN will be

inscribed on fourteen major car parts, and a theft prevention certification label will be affixed, in compliance with the Theft Prevention Standard in 49 CFR Part 541.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 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: June 4, 1996.

Clive Van Orden,

Chief of Equipment and Imports Division  
Office of Vehicle Safety Compliance.

[FR Doc. 96-14940 Filed 6-11-96; 8:45 am]

BILLING CODE 4910-59-P

#### [Docket No. 96-062; Notice 1]

#### Notice of Receipt of Petition for Decision That Nonconforming "1993-1996 Mercedes-Benz 220TE" Station Wagons Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming "1993-1996 Mercedes-Benz 220TE" station wagons are eligible for importation.

**SUMMARY:** This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that "1993-1996 Mercedes-Benz 220TE" station wagons 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 importation into and 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 July 12, 1996.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

**FOR FURTHER INFORMATION CONTACT:** George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. § 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), 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 (formerly section 114 of the Act), 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.

G&K Automotive Conversion, Inc. of Santa Ana, California ("G&K") (Registered Importer No. R-90-007) has petitioned NHTSA to decide whether "1993-1996 Mercedes-Benz 220TE" station wagons are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are the 1993 Mercedes-Benz 300TE and 1994-1996 Mercedes-Benz E320 wagon. G&K has submitted information indicating that Daimler Benz, A.G., the company that manufactured the 1993 Mercedes-Benz 300TE and 1994-1996 Mercedes-Benz E320 wagon, certified those vehicles as

conforming to all applicable Federal motor vehicle safety standards and offered them for sale in the United States.

The petitioner contends that it carefully compared a "1994 Mercedes-Benz 220TE" to the 1993 Mercedes-Benz 300TE and 1994-1996 Mercedes-Benz E320 wagon, and found the vehicles to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that the "1994 Mercedes-Benz 220TE", as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1993 Mercedes-Benz 300TE and 1994-1996 Mercedes-Benz E320 wagon that were offered for sale in the United States, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the "1993-1996 Mercedes-Benz 220TE" is identical to the certified 1993 Mercedes-Benz 300TE and 1994-1996 Mercedes-Benz E320 wagon with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence* \* \* \*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts*, *Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) placement of the appropriate symbol on the seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model headlamp