

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, 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 1992 Zone Intrusion, and 302 Flammability of Interior Materials.

Additionally, the petitioner states that the 1992 Mercedes-Benz 250D complies with the Bumper Standard found in 49 CFR Part 581.

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 a noncomplying symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the appropriate symbol; (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; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies; (d) 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 convex passenger side rearview mirror.

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. 206 *Door Locks and Door Retention Components*: replacement of the rear door locks and lock buttons with U.S.-model parts.

Standard No. 208 *Occupant Crash Protection*: (a) Installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer; (c) replacement of the driver's side air bag and knee bolster with U.S.-model components. The petitioner states that the vehicle is equipped at each front designated seating position with a combination lap and shoulder restraint that adjusts by means of an automatic retractor and releases by means of a single push-button. The petitioner further states that the vehicle is equipped at both outboard rear designated seating positions with combination lap and shoulder restraints that release by means of a single push-button, and with a lap belt in the rear center designated seating position.

Standard No. 214 *Side Impact Protection*: installation of reinforcing 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.

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 19, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.  
[FR Doc. 96-16118 Filed 6-24-96; 8:45 am]

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[Docket No. 96-23; Notice 2]

### Decision That Nonconforming 1987 Volkswagen Golf Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of decision by NHTSA that nonconforming 1987 Volkswagen Golf passenger cars are eligible for importation.

**SUMMARY:** This notice announces the decision by NHTSA that 1987 Volkswagen Golf passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1987 Volkswagen Golf), and they are capable of being readily altered to conform to the standards.

**DATES:** This decision is effective June 25, 1996.

**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.

J.K. Motors of Kingsville, Maryland ("J.K.") (Registered Importer 90-006) petitioned NHTSA to decide whether 1986 Volkswagen Golf passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on March 21, 1996 (61 FR 11675) to afford an opportunity for public comment. In a comment responding to this notice, a representative of the vehicle's manufacturer stated that vehicle identification number (VIN) assigned to the specific vehicle that the petitioner seeks to import identifies that vehicle as a 1987 model. In view of this correction, this notice identifies the vehicle that is the subject of the petition, and the substantially similar U.S. certified comparison vehicle, as the "1987 Volkswagen Golf."

As stated in the notice of petition, the comparison vehicle was manufactured for importation into, and sale in, the United States and certified by its manufacturer, Volkswagenwerke A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claimed that it carefully compared the non-U.S. certified 1987 Volkswagen Golf to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that the non-U.S. certified 1987 Volkswagen Golf, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claimed that the non-U.S. certified 1987 Volkswagen Golf is identical to its U.S. certified counterpart with respect to compliance with Standard 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 Anchorage*, 211 *Wheel Nuts*, *Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner stated that the non-U.S. certified 1987 Volkswagen Golf complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contended 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) 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 headlamps 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 Mirror*: replacement of the passenger side rearview mirror with a U.S.-model component.

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

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 stated that the vehicle is equipped with shoulder and lap belts in all outboard seating positions and with a lap belt in the rear center seating position that are identical to those found on its U.S. certified counterpart.

One comment was received in response to the notice of petition, from Volkswagen of America, Inc. ("Volkswagen"), the United States

representative of Volkswagen AG, the vehicle's manufacturer. In its comment, Volkswagen stated that the petition incorrectly identified the non-U.S. certified 1987 Golf as complying with Standard No. 212. Volkswagen observed that only clips were used for mounting the windshield on this vehicle, as opposed to the adhesive bonding method that was employed in the U.S. certified version. Volkswagen also stated that the body of the U.S. certified vehicle included additional reinforcements and structural modifications to assure compliance with Standard No. 219, and its fuel system was equipped with special valves to assure compliance with Standard No. 301. Volkswagen further observed that the non-U.S. certified 1987 Golf did not have the door beam structure that is necessary for compliance with Standard No. 214. Additionally, Volkswagen stated that the vehicle was manufactured with some foam seat parts that were not treated with flame resistant agents to comply with Standard No. 302. Volkswagen further stated that the non-U.S. certified 1987 Golf was not manufactured to comply with the Bumper Standard in 49 CFR Part 581. Volkswagen finally observed that the seat belt system on the non-U.S. certified 1987 Golf needs to be inspected for compliance with Standard No. 209, as the parts on that vehicle differ in some instances from those on the U.S. certified version.

NHTSA accorded J.K. an opportunity to respond to Volkswagen's comments. In its response, J.K. acknowledged that the petition overlooked the fact that the windshield on the non-U.S. certified 1987 Golf must be bonded to comply with Standard No. 212. J.K. stated that it routinely glues windshields on vehicles coming from Europe, a none of them are bonded. With respect to the Standard No. 301 compliance issue raised by Volkswagen, J.K. stated that it adds a fuel system check valve to the evaporative system as part of the modifications that it makes to conform the vehicle to EPA requirements. J.K. stated that the valve is placed in the breather line from the gas tank to the evaporative canister on vehicles that are not equipped with a catalytic converter. J.K. observed that this modification is unnecessary for vehicles that are so equipped, as the valve is installed in those vehicles during factory assembly. With respect to the Standard No. 214 and Bumper Standard issues raised by Volkswagen, J.K. stated that door beams are added to vehicles and their bumpers are modified on a case-by-case basis. J.K. observed that some vehicles are

already equipped with door beams and reinforced bumpers, such as those built for the Middle Eastern market. When it encounters a vehicle that lacks this equipment, J.K. stated that it makes the necessary modifications and furnishes NHTSA with an engineering report. Addressing the Standard No. 302 compliance issue raised by Volkswagen, J.K. stated that it inspects vehicle seats for a U.S. part number, and if one is not found, the material is treated with a flame retardant. With these modifications, as well as those outlined in the petition, J.K. asserts that the non-U.S. certified 1987 Golf will comply with all applicable standards.

NHTSA has reviewed each of the issues that Volkswagen has raised regarding J.K.'s petition. NHTSA believes that J.K.'s responses adequately address each of those issues. NHTSA further notes that the modifications described by J.K. to conform the vehicle to Standard No. 212, 214, 301, 302, 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 1987 Volkswagen Golf from being found "capable of being readily modified to comply with all Federal motor vehicle safety standards." 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-159 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 1987 Volkswagen Golf not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1987 Volkswagen Golf 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 19, 1996.  
Marilynne Jacobs,  
*Director, Office of Vehicle Safety Compliance.*  
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#### [Docket No. 96-003; Notice 2]

#### **Michelin North America, Inc.; Grant of Application for Decision of Inconsequential Noncompliance**

This notice grants the application by Michelin North America, Inc. (Michelin) of Greenville, South Carolina, to be exempted from the notification and remedy requirements of 49 U.S.C. 30118 and 30120 for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires." The basis of the petition is that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the petition was published on February 2, 1996, and an opportunity afforded for comment (61 FR 3962).

#### Background

Section S4.3(b) of FMVSS No. 109 requires that tires be labeled with the maximum permissible inflation pressure.

During the period of the 27th through the 37th week of 1995, Manufacture Francaise des Pneumatiques Michelin in Clermont-Ferrand, France, manufactured tires that had incorrect maximum inflation pressure information in pounds per square inch (psi), labeled on both tire sidewalls. Approximately 247 of the tires may have reached the United States. The subject tires, P185/75R14X Radial BW, are correctly labeled with a maximum inflation pressure of 240 kilopascals (kPa). The label on these tires incorrectly gives the maximum inflation pressure as 33 psi. The maximum inflation pressure should be 35 psi. All tires are sold only in the replacement market.

Michelin supported its petition for inconsequential noncompliance with the following:

[Michelin does] not believe that this minor error on the tire sidewall will impact motor vehicle safety since the pressure is correctly marked in kPa on the tire sidewall. Furthermore, the vehicle owners manual and/or vehicle placard, as required by 49 CFR Part 571.110 S4.3(c), instructs the user of the correct pressure to be used in the tire. Additionally, many publications, instructing the user to inflate tires to the recommended inflation found on the placard, are available to the public. Examples of these documents include:

1. Tire Industry Safety Council (CTG-1/94)—"Motorist's Tire Care and Safety Guide"—"The correct air pressure is shown on the tire placard (or sticker) attached to the vehicle-door post, glove box, or fuel door."

2. Tire Industry Safety Council—April 4, 1995, release—"Owners should inflate tires for normal operation to the vehicle manufacturer's recommended inflation pressure found on the door post, glove box, or in the owner's manual."

3. Rubber Manufacturers Association (ALT 8-87)—"Care and Service of Automobile and Light Truck Tires," "Proper tire inflation is shown on the vehicle's tire placard. If there is no tire placard, consult the vehicle owner's manual or check with the tire or vehicle manufacturer for the proper inflation."

#### Comments

One commenter, who describes himself as an "experienced tire engineer," responded to the February 2, 1996, Federal Register notice. The commenter opposes granting the Michelin petition on the basis that the subject is not an "inconsequential noncompliance," and should be denied. The commenter also trusts that a recall will be ordered should Michelin have prematurely, accidentally, or inadvertently released or distributed the 247 P185/75R14x Radial BW tires. He submitted the following reasons in support:

1. Having the incorrect maximum inflation pressure is a major safety problem *when it is on the tire*. Consumers and, more importantly, tire mounters refer most often to the tire itself for inflation information—and not to the door post, glove box, door edge, fuel door, or the usually missing owner's manual, or the many available public documents referenced.

2. Any one noticing a value on the tire being different from the other sources would trust the tire over the other information sources, particularly on a Michelin tire—one of the more widely-trusted brands.

3. Having the error occur in the psi value is much more detrimental than in the kPa value, since 99.9999 ad infinitum [percentage %] American would use the psi value and not the [kPa] value.

4. The actual conversion for 35 psi is 241 kPa—not 240 as Michelin claims.

5. \* \* \* most gauges sold in the U.S. as well as most self-serve air supply gauges do not read in or show kPa.

6. If Michelin really wants to sell these mere 247 tires, they can easily brand the correct psi maximum value on the tires. Michelin might have to sell