

investigation into alleged post-impact fuel-fed fires in these vehicles. Under the terms of the settlement, General Motors provided \$51,355,000 to support safety programs that will prevent thousands of deaths and injuries. In return, the agency closed the investigation.

The petition did not provide any new information that reasonably could lead to reopening the settlement agreement. The central issue is whether the petition has presented new evidence that bears on the issue of whether a safety defect exists. No new information was presented on this issue. The only "new" information presented in the petition was the suggestion of a particular repair for these vehicles. However, even in vehicles found to be defective, NHTSA has no statutory authority to require a manufacturer to provide a particular repair. See 49 U.S.C. 30120.

For these reasons, and because there is no reasonable possibility that the action requested by the petition would be undertaken, the agency denied the petition.

Authority: Section 124, Pub. L. 93-492; 88 Stat. 1470 (49 U.S.C. 30162); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 12, 1996.

Michael B. Brownlee,
Associate Administrator for Safety Assurance.

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[Docket No. 95-90; Notice 2]

Decision That Nonconforming 1992 Lincoln Mark VII Passenger Cars are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1992 Lincoln Mark VII passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1992 Lincoln Mark VII 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 sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S. certified version of the 1992 Lincoln Mark VII), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective February 16, 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.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer R-90-009) petitioned NHTSA to decide whether 1992 Lincoln Mark VII passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on November 15, 1995 (60 FR 57479) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has 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-144 is the

vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1992 Lincoln Mark VII not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1992 Lincoln Mark VII originally manufactured for 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: February 13, 1996.

Marilynne Jacobs,
Director, Office of Vehicle Safety Compliance.
[FR Doc. 96-3561 Filed 2-15-96; 8:45 am]

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[Docket No. 95-89; Notice 2]

Decision That Nonconforming 1994 Mercedes-Benz SL280 Passenger Cars Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1994 Mercedes-Benz SL280 passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1994 Mercedes-Benz SL280 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 1994 Mercedes-Benz SL320), and they are capable of being readily altered to conform to the standards.

DATES: The decision is effective February 16, 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.

Liphardt & Associates, Inc. of Ronkonkoma, New York (Registered Importer R-90-004) petitioned NHTSA to decide whether 1994 Mercedes-Benz SL280 passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on November 27, 1995 (59 FR 58432) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comment were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has 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 145 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1994 Mercedes-Benz SL280 (Body Style 129) is substantially similar to a 1994 Mercedes-Benz SL320 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: February 13, 1996.

Marilynne Jacobs,
Director, Office of Vehicle Safety Compliance.
[FR Doc. 96-3560 Filed 2-15-96; 8:45 am]
BILLING CODE 4910-59-M

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; BMW

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This notice grants in full the petition of BMW of North America, Inc., (BMW) for an exemption of a high-theft line, the Carline 5, from the parts-marking requirements of the Federal motor vehicle theft prevention standard. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements.

DATES: The exemption granted by this notice is effective beginning with the 1997 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-2739.

SUPPLEMENTARY INFORMATION: On November 29, 1995, BMW submitted to NHTSA a petition for exemption from the parts-marking requirements of the Federal motor vehicle theft prevention standard (49 CFR Part 541) for the Carline 5, beginning with MY 1997. The petition has been filed pursuant to 49 CFR Part 543, *Exemption From Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for an entire vehicle line.

BMW's submittal is considered a complete petition, as required by 49 CFR Part 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6. In its petition, BMW provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the new line. This antitheft device includes an electronic

immobilizer system, consisting of a key with a transponder (a transmitter/receiver), which is a microchip that is integrated into the key. This transponder will allow the ignition to operate and fuel supply to be released when a correct signal has been received. The immobilizer device is automatically activated when the engine is shut off and the vehicle key is removed from the ignition lock cylinder. In addition to the key, the antitheft device can be activated using the radio frequency remote control. The vehicle is equipped with a central door locking system, including the hood and trunk. There are no audible or visual alarms.

In order to ensure reliability and durability of the device, BMW stated that it conducted performance tests under BMW Standard 600 13.0 Parts 1 and 2, e.g., climatic tests, high temperature endurance run, thermoshock test in water, chemical resistance, vibrational load, electrical ranges, mechanical shock test, and electromagnetic field compatibility.

BMW compared the device proposed for its new line with devices which NHTSA has previously determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements of Part 541, and has concluded that the antitheft device proposed for this new line is likely to be no less effective than the devices installed in the lines for which NHTSA has already granted exemptions from the parts-marking requirements.

Additionally, BMW states that the immobilizer system fulfills the requirements of the European vehicle insurance companies, which became standard as of January 1995. The requirements prescribe that the vehicle must be equipped with an electronic vehicle immobilizing device which works independently from the mechanical locking system and prevents the operation of the vehicle through the use of coded intervention in the engine management system. In addition, the device must be self-arming (passive), must become effective upon leaving the vehicle or not later than the point at which the vehicle is locked, and must deactivate the vehicle only by electronic means and not with the mechanical key. In addition, BMW states that the Carline 5 door and ignition locks conform to Swedish Regulation F42-1975, which requires a minimum of 5 minutes resistance to the application of commonly available tools.

Based on evidence submitted by BMW, the agency believes that the antitheft device for the Carline 5 is likely to be as effective in reducing and