

and Pure (coupe and cabriolet) passenger cars must be modified through the installation of components available only from G&K to comply with the Bumper Standard found in 49 CFR part 581. The petition does not describe these modifications. G&K is claiming confidentiality with respect to these modifications and the testing conducted to demonstrate that the vehicles would meet this standard with these modifications performed.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590 (docket hours are from 9 a.m. to 5 p.m.). 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)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: October 28, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2003-16402]

Notice of Receipt of Petition for Decision That Nonconforming 2002 Nissan Pathfinder 4 Wheel Drive Multipurpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2002 Nissan Pathfinder 4 wheel drive multipurpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2002 Nissan Pathfinder 4 wheel drive MPVs 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.

DATE: The closing date for comments on the petition is December 3, 2003.

ADDRESS: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590 (docket hours are from 9 a.m. to 5 p.m.). Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA, 202-366-3151.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), 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 of the same model year that was originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and that the vehicle 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**.

Sunshine Car Import of Cape Coral, Florida ("Sunshine") (Registered Importer 01-289) has petitioned NHTSA to decide whether 2002 Nissan Pathfinder 4 wheel drive MPVs are eligible for importation into the United States. The vehicles that Sunshine believes are substantially similar are 2002 Nissan Pathfinder 4 wheel drive MPVs that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2002 Nissan Pathfinder 4 wheel drive MPVs to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Sunshine submitted information with its petition intended to demonstrate that non-U.S. certified 2002 Nissan Pathfinder 4 wheel drive MPVs, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2002 Nissan Pathfinder 4 wheel drive MPVs are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 135 *Passenger Car Brake Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 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*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner states that the vehicles are equipped with anti-theft devices that exempt them from the parts marking requirements of the Theft Prevention Standard found in 49 CFR part 541.

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

Standard No. 101 *Controls and Displays*: (a) Substitution of the word "Brake" for the ECE warning symbol as a marking for the brake failure indicator lamp; (b) replacement or conversion of the speedometer to read in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: Inspection of all vehicles and replacement of noncompliant lighting system components with U.S.-model parts on vehicles that are not already so equipped.

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

Standard No. 111 *Rearview Mirror*: Inscription of the required warning statement on the face of the passenger side rearview mirror.

Standard No. 114 *Theft Protection*: Installation of a key warning buzzer, or reprogramming of the key lock system with U.S.-version software information to achieve compliance with the standard.

Standard No. 118 *Power Window Systems*: Inspection of all vehicles and installation, on vehicles that are not already so equipped, of a relay that will prevent the window transport from operating when the ignition is in the "off" position.

Standard No. 208 *Occupant Crash Protection*: (a) Installation of a seat belt warning buzzer, wired to the seat belt micro switch; (b) inspection of all vehicles and installation of U.S.-model seat belts, driver's and passenger's air bags, knee bolsters, control unit, and sensors on vehicles that are not already so equipped. The petitioner states that the vehicles should be equipped with combination lap and shoulder belts at the front and rear outboard seating positions that are self-tensioning and released by means of a single red push button, and with a lap belt in the rear center seating position.

Standard No. 214 *Side Impact Protection*: Inspection of all vehicles and installation of U.S.-model door beams on vehicles that are not already so equipped.

Standard No. 225 *Child Restraint Anchorage Systems*: Installation of U.S.-model tether anchorages.

Standard No. 301 *Fuel System Integrity*: Inspection of all vehicles and replacement of the filler neck (including restrictor) and the filler cap with U.S.-model components on vehicles that are not already so equipped.

Petitioner states that all vehicles must be inspected for compliance with the Bumper Standard found in 49 CFR part 581, and that U.S.-model components

will be installed on any vehicles that are not already so equipped.

In addition, the petitioner states that a vehicle identification number (VIN) plate must be affixed to the vehicles so that it is readable from outside the driver's windshield pillar, and a reference and certification label must be affixed to the edge of the driver's side door or to the latch post nearest the driver to meet the requirements of 49 CFR Part 565.

Lastly, the petitioner states that a certification label will be affixed to the driver's side doorjamb to meet the requirements of the vehicle certification regulations in 49 CFR part 567.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590 (docket hours are from 9 a.m. to 5 p.m.). 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: October 8, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-03-15687; Notice 2]

Ford Motor Company; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 103

We are granting the application by Ford Motor Company ("Ford") of Dearborn, Michigan, for a temporary exemption from Motor Vehicle Safety Standard (FMVSS) No. 103, *Defrosting and Defogging Systems*. Ford asserted that compliance would prevent it from selling a motor vehicle whose overall

level of safety is at least equal to that of a non-exempted vehicle.

Notice of receipt of the application was published on July 22, 2003, and an opportunity afforded for comment (68 FR 43419).

The Motor Vehicle for Which a Temporary Exemption Is Sought

Ford is the manufacturer of the Lincoln Town Car. It plans to make this model available in a "Ballistic Protection Series (BPS)." The Town Car BPS will be equipped with a windshield that is 40.68 mm thick, as contrasted with the standard Town Car's windshield of 4.9 mm thickness. The company related that "this thickness and the associated heat transfer properties are engineered to provide protection from impacts by certain rifle rounds * * *." Ford does not envision producing more than 300 Town Car BPS Series in any calendar year.

How the Town Car BPS Fails To Comply With FMVSS No. 103

Paragraph S4.2 of FMVSS No. 103 establishes defrosting requirements for passenger car windshields. Ford related that "At this time clearance of the windshield in the time required under FMVSS 103 S4.2 can only be met with the usage of the washer fluid." It is also necessary to use the windshield wipers in conjunction with washer fluid in order to clear the windshield.¹

Arguments Presented by Ford Demonstrating That the Town Car BPS Provides an Overall Level of Safety at Least Equal to a Non-Exempted Motor Vehicle

To maximize the defroster performance, the special windshield of the BPS is equipped with an embedded electrical grid. Ford's laboratory tests show that the windshield can, in fact, be cleared within the time required by S4.2 "by using both the defroster (including the hot air system and the embedded electrical grid in the windshield) and the windshield washer system." Ford conducted a test on March 19, 2003, and reported use of the solvent and the defroster cleared 100% of Zones A and C in 20 minutes. It advised that "The information provided with the vehicle will advise the vehicle operator to use the combined approach in defrosting the windshield." However, Ford anticipates that these special purpose vehicles are more likely to be garaged than parked in the open, and that the need to operate the defroster system will be minimal.

¹ This is permissible under S4.3(d) of FMVSS No. 103.