

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 280E and 1994-1996 Mercedes-Benz E280 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.

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#### [Docket No. 95-66; Notice 2]

#### **Decision That Nonconforming 1992 Volkswagen Passat 4-Door Sedan Passenger Cars Are Eligible for Importation**

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

**ACTION:** Notice of decision by NHTSA that nonconforming 1992 Volkswagen Passat 4-Door Sedan passenger cars are eligible for importation.

**SUMMARY:** This notice announces the decision by NHTSA that 1992 Volkswagen Passat 4-Door Sedan 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 1992

Volkswagen Passat 4-Door Sedan), and they are capable of being readily altered to conform to the standards.

**DATES:** This decision is effective as of July 12, 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 ("Champagne") (Registered Importer 90-009) petitioned NHTSA to decide whether 1992 Volkswagen Passat 4-Door Sedan passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on August 25, 1995 (60 FR 44375) to afford an opportunity for public comment. As stated in the notice of petition, the vehicle which Champagne believes is substantially similar is the 1992 Volkswagen Passat 4-Door Sedan that 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 1992 Volkswagen Passat 4-Door Sedan 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.

Champagne submitted information with its petition intended to demonstrate that the non-U.S. certified 1992 Volkswagen Passat 4-Door Sedan, 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 1992 Volkswagen Passat 4-Door Sedan is identical to its U.S. certified counterpart 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*.

Additionally, the petitioner stated that the non-U.S. certified 1992 Volkswagen Passat 4-Door Sedan 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) installation of a 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 which incorporate sealed beam headlamps; (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 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*: (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) installation of a passive restraint system consisting of driver's and passenger's side automatic seat belts, knee bolsters, and associated hardware that have identical part numbers to those found on the vehicle's U.S. certified counterpart. The petitioner stated that the vehicle is equipped at its rear outboard seating positions with combination lap and shoulder restraints that release by means of a single push button, and with a lap belt at its center 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.

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 accurately reflected the modifications needed to conform the non-U.S.

certified 1992 Volkswagen Passat 4-Door Sedan to the requirements of Standard Nos. 101, 108, 110, 111, 114, 115, and 118. Volkswagen contended that the petition inaccurately characterized the

modifications that are necessary to conform the vehicle to Standard Nos. 208, 210, 214, 301, and the Bumper Standard found in 49 CFR Part 581.

Volkswagen claimed that the modifications that were described in the petition as necessary to conform the vehicle to Standard Nos. 208 and 210 are "relatively complex" because the vehicle is equipped with a motorized automatic belt system. Volkswagen notes that it has conducted Standard No. 208 crash tests only on 1992 Passats equipped with the 16-valve 4-cylinder engine and the VR6 that are sold in the United States market, as opposed to the 2 liter, 4-cylinder engine that is found on the subject vehicle. Volkswagen observed that the petition failed to note that the vehicle's U.S. certified counterpart is equipped at both front outboard seating positions with manual lap belts in addition to motorized automatic shoulder belts, and that the inboard seat tracks for the U.S. certified vehicle differ from those on the European model to assure compliance with Standard No. 208 crash tests and Standard No. 210 seat belt anchorage strength requirements. The company characterized these differences as critical because the manual lap belt anchorages and the retractor for the motorized shoulder belt are attached to the seat. Volkswagen contended that replacement of the inboard seat tracks, which requires welding, and the addition of reinforced tracks for the motorized automatic belt system in the A-pillar and roof rail are necessary to assure compliance with the Standard No. 208 crash test and the Standard No. 210 seat belt anchorage strength requirements.

Additionally, the company contended that a substantial amount of wiring and a number of electrical switches and relays must be installed for the motorized automatic belt system to work properly and safely. Volkswagen also claimed that the steering wheel on the U.S. certified 1992 Passat differs from that on its European counterpart in that its hub has a "deep dish design" to assure compliance with Standard 208 crash test injury criteria.

Noting that the European version of the 1992 Passat is equipped with reinforcing beams that are required for compliance with the static crush test requirements of Standard 214, Volkswagen challenged the petition's claim that the vehicle must be modified to include this equipment.

Volkswagen also noted that it has only crash tested vehicles with engines and fuel systems sold in the United States for compliance with Standard 301, and that such testing, or least a

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.*

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#### [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