

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, 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**.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

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. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

Final Decision

Accordingly, on the basis of the foregoing, NHTS hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49

U.S.C. § 30115, as specified in Annex A, 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: July 22, 1997.

Marilynne Jacobs, Director,
Office of Vehicle Safety Compliance.

Annex A

Nonconforming Motor Vehicles Decided To Be Eligible for Importation

1. Docket No. 97-022

Nonconforming Vehicle: 1994 Mercedes-Benz S600L

Substantially similar U.S.-certified vehicle: 1994 Mercedes-Benz S600

Notice of Petition published at: 62 FR 19649 (April 22, 1997)

Vehicle Eligibility Number: VSP-214

2. Docket No. 97-023

Nonconforming Vehicles: 1995 Saab 900 SE

Substantially similar U.S.-certified vehicles: 1995 Saab 900 SE

Notice of Petition published at: 62 FR 19166 (April 18, 1997)

Vehicle Eligibility Number: VSP-213

3. Docket No. 97-032

Nonconforming Vehicle: 1989 Chrysler Shadow (Middle Eastern Market)

Substantially similar U.S.-certified vehicle: 1989 Dodge Shadow

Notice of Petition published at: 62 FR 28753 (May 27, 1997)

Vehicle Eligibility Number: VSP-216

4. Docket No. 97-034

Nonconforming Vehicle: 1988 Jaguar XJ6 Sovereign

Substantially similar U.S.-certified vehicle: 1988 Jaguar XJ6 Sovereign

Notice of Petition published at: 62 FR 28530 (May 23, 1997)

Vehicle Eligibility Number: VSP-215

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 97-025; Notice 2]

Decision that Certain Nonconforming 1993 Land Rover Defender 110 Multi-Purpose Passenger Vehicles are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that certain nonconforming 1993 Land Rover Defender 110 multi-purpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1993 Land Rover Defender 110 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 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 1993 Land Rover Defender 110), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective as of the date of its publication in the **Federal Register**.

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), 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, 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**.

Wallace Environmental Testing laboratories, Inc. Of Houston, Texas ("Wallace") (Registered Importer No. R-90-005) petitioned NHTSA to decide whether 1993 Land Rover Defender 110 MPVs are eligible for importation into the United States. NHTSA published notice of the petition on April 18, 1997 (62 FR 19167) to afford an opportunity for public comment. As stated in the

notice of petition, the vehicle which Wallace believes is substantially similar is the 1993 Land Rover Defender 110 that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner contended that it carefully compared the non-U.S. certified 1993 Land Rover Defender 110 to its U.S. certified counterpart, and found the two models to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Wallace submitted information with its petition intended to demonstrate that the non-U.S. certified 1993 Land Rover Defender 110, 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 1993 Land Rover Defender 110 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*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, 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*, 211 *Windshield Mounting*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

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*: replacement of the speedometer/odometer with one calibrated in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Replacement of the headlight and taillight assemblies with conforming parts; (b) installation of turnsignal lens assemblies and sidemarkers.

Standard No. 111 *Rearview Mirrors*: inscription of the required warning

statement on the passenger-side rearview mirror.

Standard No. 114 *Theft Protection*: installation of a warning buzzer in the ignition switch.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*: installation of a tire information placard.

Standard No. 208 *Occupant Crash Protection*: (a) Installation of a seat belt warning system; (b) installation of lap belts adjustable by means of an emergency locking retractor in the rear side mount seats. The petitioner stated that the vehicle is equipped at each front and rear outboard seating position with Type 2 lap and shoulder belts that are adjustable by means of an emergency locking retractor. Additionally, the petitioner stated that the vehicle is equipped with a Type 1 lap belt in the rear center designated seating position.

Standard No. 210 *Seat Belt Assembly Anchorages*: installation of seat belt anchorages at the rear side mount seating positions.

Standard No. 216 *Roof Crush Resistance*: installation of an internal and external roll cage assembly identical to the one found on the vehicle's U.S.-certified counterpart.

Standard No. 301 *Fuel System Integrity*: installation of a rear bumper assembly with supports attached to the frame to provide protection to the fuel tank.

One comment was received in response to the notice of petition, from Land Rover North America Inc., ("Land Rover"), the United States representative of the Rover Group Ltd., the vehicle's manufacturer. In its comment, Land Rover stated that a stamped steel stiffening saddle is welded to the frame of the U.S. certified 1993 Land Rover Defender 110 to stiffen the fuel tank enclosure so that it can withstand rear impact testing under Standard No. 301. Land Rover stated that the stamped steel reinforcement is not available through the company's parts system, requiring replacement of the entire chassis. Arguing that a vehicle requiring chassis replacement cannot be "readily altered," Land Rover contended that the non-U.S. certified 1993 Land Rover Defender 110 does not meet the import eligibility criteria specified in 49 U.S.C.

§ 30141(a)(1)(A)(iv). Land Rover further noted that weld nuts were added to the rear cross member of the U.S. certified 1993 Land Rover Defender 110 to mount the rear bumper/step, but that these parts were omitted from non-U.S. production. Additionally, Land Rover stated that the fuel tank on the U.S.

certified 1993 Land Rover Defender 110 was modified to stiffen the fuel sender opening to reduce deformation and subsequent fuel leakage after Standard No. 301 rear impact tests. Because the non-U.S. certified 1993 Land Rover Defender 110 was never subjected to that testing, Land Rover stated that it is unable to comment on that vehicle's ability to meet the standard. Land Rover finally noted that the steering column, steering wheel and steering wheel hub pad on the U.S. certified 1993 Land Rover Defender 110 were modified to meet Standard No. 208 compliance tests.

NHTSA accorded Wallace an opportunity to respond to Land Rover's comments. In its response, Wallace stated that the steering column, steering wheel, and steering wheel hub pad on the non-U.S. certified 1993 Land Rover Defender 110 can be readily replaced with U.S.-model components to meet the requirements of Standard No. 208. Additionally, Wallace contended that the fuel tank on the non-U.S. certified 1993 Land Rover Defender 110 can be readily replaced with a U.S.-model tank to meet the requirements of Standard No. 301. Contrary to Land Rover's assertion that a new chassis incorporating the stamped steel reinforcement would have to be installed to meet the rear impact requirements of this standard, Wallace contended that it is only necessary to install the reinforcement itself. Based on consultations with professional welding companies, Wallace described this modification as a straight forward process utilizing identical material welded in the identical location.

NHTSA has reviewed each of the issues that Land Rover has raised regarding Wallace's petition. NHTSA believes that Wallace's responses adequately address each of those issues. NHTSA further notes that the modifications described by Wallace would not preclude the 1993 Land Rover Defender 110 from being found "capable of being readily altered to comply with applicable 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-212 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 1993 Land Rover Defender 110 that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a 1993 Land Rover Defender 110 that was 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: July 22, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
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DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption**

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemption from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for

modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before August 12, 1997.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the application are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street SW, Washington, DC.

Application No.	Docket No.	Applicant	Renewal of exemption
6922-M .....	.....	Halocarbon Products Co., N. Augusta, SC (See Footnote 1)	6922
9064-M .....	.....	Propack, Inc., Essington, PA (See Footnote 2)	9064
10020-M .....	.....	Allwaste, Inc., Houston, TX (See Footnote 3)	10020
11378-M .....	.....	Astrotech Space Operations, Inc., Titusville, FL (See Footnote 4)	11378
11380-M .....	.....	Western Atlas Logging Services, Houston, TX (See Footnote 5)	11380
11512-M .....	.....	Alaska Eskimo Whaling Commission, Barrow, AK (See Footnote 6)	11512
11836-M	RSPA-97-2572-4	HCI USA Distribution Companies, Inc., Greensboro, NC (See Footnote 7)	11836
11888-M	RSPA-97-2583-2	Day & Zimmermann, Inc., Parsons, KS (See Footnote 8)	11888

¹ To modify the exemption to provide for use of alternative metal for DOT Specification 106A500-X multi-unit tank car tank, for shipment of certain compressed gases.

² To modify the exemption to provide for ocean transportation as an additional mode for use in transporting corrosive materials in glass containers placed in cushioned cylindrical steel overpacks.

³ To modify the exemption to provide for the transportation of a Division 4.2 hazardous materials in non-DOT specification roll-on/roll-off containers.

⁴ To modify the exemption to provide for ocean transportation as an alternative mode for use in transporting certain hazardous materials in non-DOT specification stainless steel cylinders.

⁵ To modify the exemption to provide for several technical changes to the non-DOT specification cylinders for use in transporting compressed hydrocarbon gases.

⁶ To reissue the exemption originally issued on an emergency basis to authorize the transportation in commerce of Black powder, Division 1.1D., by cargo aircraft only.

⁷ To reissue the exemption originally issued on an emergency basis for the transportation of polyethylene drums for use in transporting non-bulk quantities of ammonia solutions, Class 8.

⁸ To reissue the exemption originally issued on an emergency basis to authorize the shipment of substances, explosive, n.o.s. mixture, which is not authorized by the Hazardous Materials Regulations, in a specially designed packaging.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 22, 1997.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

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DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****Office of Hazardous Materials Safety; Notice of Applications for Exemptions**

AGENCY: Research and Special Programs Administration, DOT.