

*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 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) 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 Mirror:** replacement of the passenger side rearview mirror, which is convex.

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

**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) replacement of the driver's side air bag and knee bolster with U.S.-model components. The petitioner states that the vehicle is equipped with combination lap and shoulder belts that adjust by means of an automatic retractor and release by means of a single push button in each front designated seating position, and with combination lap and shoulder belts that release by means of a single push button in each rear 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.

Additionally, the petitioner states that the bumpers on the non-U.S. certified 1990 BMW 325iX must be reinforced, or U.S.-model bumper components must be installed, to comply with the Bumper Standard found in 49 CFR part 581.

Petitioner also states that a vehicle identification number plate will be affixed to the vehicle to meet the requirements of 49 CFR part 565.

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: February 6, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 97-3445 Filed 2-11-97; 8:45 am]

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#### [Docket No. 96-080; Notice 2]

#### Denial of Petition for Import Eligibility Decision

This notice sets forth the reasons for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under 49 U.S.C. 30141(a)(1)(B). The petition, which was submitted by LPC of New York, Inc., of Ronkonkoma, New York (LPC), a registered importer of motor vehicles, requested NHTSA to decide that a 1996 Kia Sportage multi-purpose passenger vehicle (MPV) that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for

importation into the United States. In the petition, LPC contended that this vehicle is eligible for importation on the basis that (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards (the U.S. certified version of the 1996 Kia Sportage MPV), and (2) it is capable of being readily altered to conform to the standards.

NHTSA published a notice in the Federal Register on July 31, 1996 (61 FR 40072) that contained a thorough description of the petition, and solicited public comments upon it. One comment was received in response to the notice, from Kia Motors America, Inc. (Kia), the United States representative of the vehicle's manufacturer.

In this comment, Kia took issue with LPC's claim that the non-U.S. certified 1996 Kia Sportage MPV that is the subject of the petition complies with Standard No. 208 *Occupant Crash Protection*. Specifically, Kia asserted that the vehicle must be equipped with a driver's side air bag and knee air bag to comply with this standard.

Additionally, Kia stated that certain engineering modifications must be made to the vehicle to accommodate the air bag. These include reducing the length of the front seat tracks and repositioning those components. Kia also noted that Kia Sportage MPVs that are manufactured for the U.S. market have bumpers of a different design from those found on non-U.S. market vehicles, and that this difference has an impact on the vehicle's compliance with Standard No. 208. Additionally, Kia took issue with LPC's claim that the seat belts on the non-U.S. certified 1996 Kia Sportage MPV are identical to those found on U.S.-certified vehicles. Kia asserted that these seat belts have different retractor mechanisms and webbing from those found on U.S. certified vehicles, and as such, do not comply with either Standard No. 208, or with Standard No. 209 *Seat Belt Assemblies*.

With respect to other standards, Kia stated that the steering column on the non-U.S. certified 1996 Kia Sportage MPV does not have a collapsing/energy absorbing design, and accordingly does not comply with Standard No. 204 *Steering Control Rearward Displacement*. Finally, Kia challenged LPC's claim that the seating system on the non-U.S. certified 1996 Kia Sportage MPV is identical to that found on U.S. certified vehicles. As a consequence, Kia contends that the vehicle's compliance with Standard 207 *Seating Systems* cannot be assured.

NHTSA afforded LPC an opportunity to respond to Kia's comments. In its response, LPC stated that it mistakenly identified the vehicle that is the subject of its petition as a 1996 Kia Sportage, and that the vehicle should properly have been identified as a 1994 Kia Sportage. After receiving this response, NHTSA learned from Kia that it did not manufacture a 1994 Kia Sportage for importation into and sale in the United States. As a consequence, there is no substantially similar U.S.-certified vehicle of the same model year to which the 1994 Kia Sportage MPV can be compared. Absent such a vehicle, NHTSA cannot decide that the 1994 Kia Sportage 1994 is eligible for importation under 49 U.S.C. 30141(a)(1)(A). The petition must therefore be denied under 49 CFR 593.7(e).

In accordance with 49 U.S.C. 30141(b)(1), NHTSA will not consider a new import eligibility petition covering this vehicle until at least three months from the date of this notice.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.7; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 6, 1997.

Marilynne Jacobs,  
Director, Office of Vehicle Safety Compliance.  
[FR Doc. 97-3446 Filed 2-11-97; 8:45 am]

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**[Docket No. 97-007; Notice 1]**

**Notice of Receipt of Petition for Decision That Nonconforming 1994 Mercedes-Benz C280 Passenger Cars Are Eligible for Importation**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition.

**SUMMARY:** This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1994 Mercedes-Benz C280 that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is March 14, 1997.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Section,

Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

**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.

Champagne Imports, Inc. of Lansdale, Pennsylvania ("Champagne") (Registered Importer 90-009) has petitioned NHTSA to decide whether 1994 Mercedes-Benz C280 passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1994 Mercedes-Benz C280 that was manufactured for importation into, and sale in, the United States and certified by its manufacturer, Daimler Benz A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1994 Mercedes-Benz C280 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

1994 Mercedes-Benz C280, 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 claims that the non-U.S. certified 1994 Mercedes-Benz C280 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*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 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*.

Additionally, the petitioner states that the non-U.S. certified 1994 Mercedes-Benz C280 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 Mirror:** Replacement of the passenger side rearview mirror, which is convex.

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

**Standard No. 118 Power Window Systems:** rewiring of the power window system so that the window transport is