

desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366-1810, by COB February 13, 1998.

Issued: January 27, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98-2454 Filed 1-30-98; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 98-3343; Notice 1]

Mercedes-Benz U.S. International, Inc.; Application for Temporary Exemption From Five Federal Motor Vehicle Safety Standards

Mercedes-Benz U.S. International, Inc., of Vance, Alabama, has applied for a temporary exemption from five Federal motor vehicle safety standards on behalf of the Mercedes-Benz M Class vehicle. The basis of the application is that, in the absence of an exemption, the manufacturer would be prevented from selling a motor vehicle whose overall level of safety equals or exceeds that of a non-exempted vehicle. The exemption is sought for two years.

Notice of receipt of the application is published in accordance with agency regulations on the subject and does not represent any agency judgment on the merits of the application.

Under the authority of 49 U.S.C. 30113(b)(3)(iv), as implemented by 49 CFR 555.6(d), the NHTSA Administrator may exempt, on a temporary basis of up to two years, motor vehicles from compliance with a Federal motor vehicle safety standard upon a finding that "(iv) compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles" (The Administrator must also find that the exemption is in the public interest and consistent with objectives of traffic safety). The exemption covers up to 2,500 vehicles for any 12-month period that it is in effect.

Mercedes-Benz U.S. International, Inc. ("MBUSI") manufactures the Mercedes-Benz M Class sport utility vehicle. It has developed a version of the M Class for export which is manufactured to European

specifications. It proposes to sell a limited number of these vehicles to "European citizens" who "are either visiting or temporarily assigned to work in the United States." This program is similar to those in which a vehicle conforming to U.S. specifications is sold to Americans from various factories in Europe. MBUSI relates that its planned program is similar to one established by General Motors for which NHTSA granted GM's petition on August 18, 1988 (53 FR 31411).

Although not required by 49 CFR Part 555, "MBUSI is currently developing procedures that will ensure that the vehicles will, in fact, be exported within a one year time frame, or at the conclusion of a diplomatic assignment, whichever is applicable."

In MBUSI's view, it requires partial exemptions from five Federal motor vehicle safety standards if it is not to be prevented from selling the M Class. These are discussed below.

1. *Standard No. 101, Controls and Displays.* The European specification M Class brake indicator warning light depicts the ISO brake symbol, rather than the word "BRAKE" as required by Table II of Standard No. 101 (this is also a requirement imposed by Standard No. 105 *Hydraulic Brake Systems*).

MBUSI does not believe that this noncompliance degrades the safety of the vehicle. The ISO symbol is well known to the Europeans who will own and drive the M Class. On the other hand, the word "BRAKE" could be confusing to operators with a limited command of English.

2. *Standard No. 108, Lamps, Reflective Devices and Associated Equipment.* Table II of Standard No. 108 requires vehicles such as the M Class to be equipped with front and rear side marker lamps and reflectors. These will be lacking. In addition, the headlamps are designed to meet the European photometric specifications of ECE R8 rather than those of Standard No. 108.

Although the M Class vehicles will lack side marker lamps and reflectors, they will be equipped with other lighting equipment not required by Standard No. 108, such as side turn signal repeaters. In addition, they will be equipped with front and rear fog lamps. Vehicles destined for Scandinavian countries will be equipped with daytime running lamps. In summary, the combined addition of these devices will, in MBUSI's opinion, add to the visibility of exempted vehicles.

With respect to headlamp photometrics, the exempted M Class would not meet the minimum candela prescribed by Standard No. 108 for the

upper beam. This affects eight test points. At these points, only 20 percent to 44.9 percent of the minimum required would be reached. With respect to the lower beam, there are two test points that fail to reach the minimum, one achieving 20.2 percent of the required figure and the other 71 percent. At test point 10U-90U, the maximum candela established by Standard No. 108 is exceeded by 270.4 percent.

MBUSI relates that the "continental European low beam pattern puts less light into the eyes of oncoming drivers * * * thereby reducing the glare experienced by oncoming drivers." Although the headlamps do not project as much light down the road as U.S. headlamps, there are differing opinions "as to which set of photometric requirements offers the optimum compromise in satisfying competing safety objectives." Some countries permit both European and U.S. specification headlamps, but there are no data from these countries suggesting that one type is over or under represented in crashes.

With respect to the upper beam, MBUSI states that the lamps do meet the minimum for test point HV, but not the minima at 9 degrees right and left and 12 degrees right and left. Because the European owners will be accustomed to the forward illumination characteristics of European beam patterns, "the lighting on these vehicles should provide 'equivalent safety' for these drivers.

* * *

3. *Standard No. 111, Rear View Mirrors.* The passenger side convex rear view mirror will not contain the warning required by S5.4.2 for American-market cars that "Objects in Mirror Are Closer Than They Appear."

According to the applicant, the European drivers will be familiar with outside convex mirrors because they are used throughout Europe without a legend affixed. No safety value is added by requiring the legend to be etched into the mirror.

4. *Standard No. 120, Tires for Vehicles Other Than Passenger Cars.* The M Class exempted vehicles will not carry a tire information label as required by S5.3 of Standard No. 120.

However, there will be a European tire pressure information label adjacent to the fuel filler opening, the location for many European vehicles. Since Europeans are accustomed to that location for the tire information label, there is no safety value added by placing the label in the locations required under the standard. In addition, the tire information label must

contain the information required by European standards.

5. *Standard No. 209, Seat Belt Assemblies.* The seat belts in the exempted M Class vehicles will not carry the marking required by S4.1(j) of the standard (name or trademark of the manufacturer, distributor, or importer; year of manufacture, model).

They will, however, meet ECE R16 and bear the required approval mark. This is a technical noncompliance and, as with the tire information label, it is information based. MBUSI believes that the purpose of this information is to allow the belts to be tracked in a recall campaign occurring in the United States. In this case, the vehicles will be shipped to Europe, and the respective European label is more appropriate for these vehicles.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket and notice number, and be submitted to: Docket Management, National Highway Traffic Safety Administration, room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date below will be considered, and will be available for examination in the docket at the above address both before and after that date, between the hours of 10 a.m. and 5 p.m. 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.

Comment closing date: March 4, 1998.

Authority: 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.4.

Issued: January 20, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98-2485 Filed 1-30-98; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3355; Notice 1]

Red River Manufacturing, Inc.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

Red River Manufacturing, Inc., of West Fargo, North Dakota, has

petitioned for a three-year temporary exemption from Motor Vehicle Safety Standard No. 224 *Rear Impact Protection*. The basis of the petition is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

This notice of receipt of the petition is published in accordance with agency regulations on the subject and does not represent any judgment by the agency about the merits of the petition.

The applicant manufactures and sells horizontal discharge trailers. One type is used in the road construction industry to deliver asphalt and other road building materials to the construction site, and the other type to haul feed, seed, and agricultural products such as sugar beets and potatoes, from the fields to hoppers for storage or processing. Both are known by the name "Live Bottom."

Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more, including Live Bottom trailers, be fitted with a rear impact guard that conforms to Standard No. 223 *Rear impact guards*. The applicant, which manufactured 265 Live Bottom trailers in 1996 has asked for an exemption of three years in order to develop a rear impact guard that conforms to Standard No. 223 and can be installed in compliance with Standard No. 224, while retaining its functionality and price-competitiveness. In the absence of an exemption, it believes that approximately 50 percent of its work force would have to be laid off. Its gross revenues would decrease by \$4,000,000 to \$5,000,000 (these have averaged \$13,049,311 over its 1994, 1995, and 1996 fiscal years).

Present studies show that the placement of a retractable rear impact guard would likely catch excess asphalt and agricultural products as they were discharged into hoppers. Further, the increased cost of the Live Bottom, were it required to comply immediately, would likely cause contractors to choose the cheaper alternative of dump trucks. Finally, the increased weight of a retractable rear impact guard would significantly decrease the payload of the Live Bottom.

In mid 1996, the applicant's design staff began exploring options for compliance with Standard No. 224. Through a business partner in Denmark, the company reviewed the European rear impact protection systems. Because these designs must be manually operated by ground personnel, they would not be acceptable to the applicant's American customers. Later

in 1996, Red River decided to investigate powered retractable rear impact guards. The initial design could not meet the energy absorption requirements of Standard No. 223. The company is now investigating another design for retractable rear impact guards, which "is being refined and analyzed."

The applicant believes that an exemption would be in the public interest and consistent with traffic safety objectives because the Live Bottom "can be used safely where it would be hazardous or impractical to use end dump trailers, such as on uneven terrain or in places with low overhead clearances." These trailers are "valuable to the agricultural sector" because of the advantages they offer in the handling of relatively fragile cargo. An exemption "would have no adverse effect on the safety of the general public" because the Live Bottom spends very little of its operating life on the highway and the likelihood of its being involved in a rear-end collision is minimal. In addition, the design of the Live Bottom is such that the rear tires act as a buffer and reduce the likelihood of impact with the trailer.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket and notice number, and be submitted to: Docket Management, National Highway Traffic Safety Administration, room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date below will be considered, and will be available for examination in the docket at the above address both before and after that date, between the hours of 10 a.m. and 5 p.m. 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.

Comment closing date: February 23, 1998.

Authority: 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.4.

Issued on: January 28, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98-2486 Filed 1-30-98; 8:45 am]

BILLING CODE 4910-59-P