

Volkswagen Golf III with a 1.8 liter engine, the company did conduct such tests on the same vehicles equipped with 2.0 liter and V6 engines. J.K. contended that because of its lower mass and reduced inertia impact testing, a vehicle equipped with a 1.8 liter engine would yield better results than vehicles equipped with larger engines.

NHTSA has reviewed each of the issues that Volkswagen has raised regarding J.K.'s petition. NHTSA believes that J.K.'s responses adequately address each of those issues. NHTSA further notes that the modifications described by J.K. have been performed with relative ease on thousands of nonconforming vehicles imported over the years, and would not preclude the non-U.S. certified Volkswagen Golf III from being found "capable of being readily modified to comply with all Federal 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 92 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 1993 Volkswagen Golf III not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1993 Volkswagen Golf III 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: January 6, 1995.

William A. Boehly,

Associate Administrator for Enforcement.
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[Docket No. 94-89; Notice 2]

Decision That Nonconforming 1990 Porsche 944 S2 Cabriolet Convertible Passenger Cars Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1990 Porsche 944 S2 Cabriolet convertibles are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1990 Porsche 944 S2 Cabriolet convertibles 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 safety standards (the U.S.-certified version of the 1990 Porsche 944 S2 Cabriolet convertible), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective January 12, 1995.

FOR FURTHER INFORMATION CONTACT: Ted Baylor, 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**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (Registered Importer R-90-005) petitioned NHTSA to decide whether 1990 Porsche 944 S2 Cabriolet convertibles are eligible for importation into the United States. NHTSA published notice of the petition on November 8, 1994 (59 FR 55737) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has 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 97 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 1990 Porsche 944 S2 Cabriolet convertible not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1990 Porsche 944 S2 Cabriolet convertible 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: January 6, 1995.

William A. Boehly,

Associate Administrator for Enforcement.
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[Docket No. 94-88; Notice 2]

Decision That Nonconforming 1991 BMW 325i 4-Door Passenger Cars Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1991 BMW 325i 4-