

appropriate tests to approve the installation in our vehicles.”

Application for Exemption From Standard No. 214

Concurrently, Morgan and the applicant have been working towards meeting the dynamic test and performance requirements for side impact protection, for which Standard No. 214 has established a phase-in schedule. Although Morgan fits its car with a dual roll bar system specified by Cantab, and Cantab installs door bars and strengthens the door latch receptacle and striker plate, the system does not yet conform to the new requirements of Standard No. 214, and the applicant has asked for an exemption of three years. It does, however, meet the previous side door strength requirements of the standard. Were the phase-in requirement of S8 applied to it, calculated on the basis of its limited production, only very few cars would be required to meet the standard.

Safety and Public Interest Arguments

Because of the small number of vehicles that the applicant produces and its belief that they are used for pleasure rather than daily for business commuting or on long trips, and because of the three-point restraints and side impact protection currently offered, the applicant argued that an exemption would be in the public interest and consistent with safety. It brought to the agency's attention two recent oblique front impact accidents at estimated speeds of 30 mph and 65 mph respectively in which the restrained occupants "emerged unscathed."

Further, the availability "of this unique vehicle . . . will help maintain the existing diversity of motor vehicles available to the U.S. consumer." Finally, "the distribution of [this] propane-fueled vehicle has contributed to the national interest by promoting the development of motor systems by using alternate fuels."

No comments were received on the application.

In adding only engine and fuel system components to incomplete vehicles, the applicant is not a manufacturer of motor vehicles in the conventional sense. It does not produce the front end structural components, instrument panel, or steering wheel, areas of the motor vehicle whose design is critical for compliance with the airbag requirements of Standard No. 208. These are manufactured by Morgan, and the applicant is necessarily dependent upon Morgan to devise designs that will enable conformance with Standard No.

208. The applicant has been monitoring Morgan's progress, and that company is engaging in testing and design activities necessary for eventual conformance. The fact that the applicant is requesting only a two-year exemption, rather than three, indicates its belief that complying operator and passenger airbags will at last be fitted to its cars by the end of this period.

Similarly, the applicant is dependent upon the structural design of its vehicle for compliance with Standard No. 214. As with Standard No. 208, Morgan and the applicant are working towards conformance, though apparently it will not be achieved within two years. In both instances, however, the applicant is conscious of the need to conform and has been taking steps to accomplish it. Although the company's total expenditure of \$38,244 in the last five years to meet emission and safety requirements is low, the small number of cars produced for sale in the United States in the last year, nine, would not make available substantial funds to the company, and its cumulative net losses of \$92,594 indicate an operation whose financial existence is precarious.

Applicant's cars are equipped with manual three-point restraint systems and comply with previous side impact intrusion requirements. Because applicant produces only one line of vehicles, it cannot take advantage of the phase-in requirement. Given the existing level of safety of the vehicles and the comparatively small exposure of the small number of them that would be produced under an exemption, there would appear to be an insignificant risk to traffic safety by providing an exemption. The public interest is served by maintaining the existence of small businesses and by creating awareness of alternative power sources.

In consideration of the foregoing, it is hereby found that to require immediate compliance with Standards Nos. 208 and 214 would cause substantial economic hardship to a manufacturer that has in good faith attempted to meet the standards, and that an exemption would be in the public interest and consistent with the objectives of traffic safety.

Accordingly, the applicant is hereby granted NHTSA Exemption No. 95-2, from paragraph S4.1.4 of 49 CFR 571.208 Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*, expiring September 1, 1997, and from 49 CFR 571.214 Motor Vehicle Safety Standard No. 214 *Side Impact Protection*, expiring September 1, 1998. (49 U.S.C. 30113; delegation of authority at 49 CFR 1.50)

Issued on September 7, 1995.

Ricardo Martinez,
Administrator.

[FR Doc. 95-22605 Filed 9-11-95; 8:45 am]

BILLING CODE 4910-59-P

[Docket No. 95-52; Notice 2]

Decision that Nonconforming 1992 Mercedes-Benz 300CE Passenger Cars are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1992 Mercedes-Benz 300CE passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1992 Mercedes-Benz 300CE 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 Mercedes-Benz 300CE), and they are capable of being readily altered to conform to the standards.

DATE: This decision is effective as of September 12, 1995.

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**.

J.K. Motors of Kingsville, Maryland (Registered Importer R-90-006) petitioned NHTSA to decide whether 1992 Mercedes-Benz 300CE passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on July 18, 1995 (60 FR 36873) 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-117 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 1992 Mercedes-Benz 300CE (Model ID 124.050 and 124.061) not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1992 Mercedes-Benz 300CE 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: September 7, 1995.

Harry Thompson,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 95-22603 Filed 9-11-95; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 95-73; Notice 1]

Notice of Receipt of Petition for Decision that Nonconforming 1987 Nissan Stanza Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1987 Nissan Stanza 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 a 1987 Nissan Stanza 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 October 12, 1995.

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) (formerly section 108(c)(3)(A)(i)(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**.

Liphardt & Associates of Ronkonkoma, New York ("Liphardt") (Registered Importer 90-004) has petitioned NHTSA to decide whether 1987 Nissan Stanza passenger cars are eligible for importation into the United States. The vehicle which Liphardt believes is substantially similar is the 1987 Nissan Stanza 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 claims that it carefully compared the non-U.S. certified 1987 Nissan Stanza 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.

Liphardt submitted information with its petition intended to demonstrate that the non-U.S. certified 1987 Nissan Stanza, 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 1987 Nissan Stanza 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*, 111 *Rearview Mirrors*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 118 *Power Window Systems*, 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*