

Subpart Q of the Regulations, applies for amendment of its foreign air carrier permit to operate scheduled and nonscheduled foreign air transportation of persons, property and mail to and from any point in the territory of Canada to and from any point in the territory of the United States, including at its option two or more points in the territory of the United States in a through-service carrying no local passengers or cargo between points in the territory of the United States.

Paulette V. Twine,

Chief, Documentary Services Division.

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BILLING CODE 4910-62-P

National Highway Traffic Safety Administration

[Docket No. 95-96; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1992 and 1993 Mercedes-Benz 500SEL Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1992 and 1993 Mercedes-Benz 500SEL 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 1992 and 1993 Mercedes-Benz 500SEL passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is January 16, 1996.

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.

G&K Automotive Conversion, Inc. of Santa Ana, California ("G&K") (Registered Importer 90-007) has petitioned NHTSA to decide whether 1992 and 1993 Mercedes-Benz 500SEL (Model ID 140.051) passenger cars are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are the 1992 and 1993 Mercedes-Benz 500SEL passenger cars that were manufactured for importation into, and sale in, the United States and certified by their 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 1992 and 1993 Mercedes-Benz 500SEL passenger cars to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that the non-U.S. certified 1992 and 1993 Mercedes-Benz 500SEL passenger cars, as originally manufactured, conform to many Federal motor vehicle safety

standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1992 and 1993 Mercedes-Benz 500SEL passenger cars are identical to their U.S. certified counterparts 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*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 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 Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicles are 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) placement of a seat belt warning symbol on the seat belt warning lamp; (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 headlamps and front sidemarkers; (b) installation of U.S.- model taillamp lenses which incorporate rear sidemarkers; (c) 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 convex rearview mirror with a U.S.- model component.

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

Standard No. 115 *Vehicle Identification Number*: installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN

reference label on the edge of the door or latch post nearest the driver.

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*: installation of a seat belt warning buzzer. The petitioner states that all non-U.S. certified 1992 and 1993 Mercedes-Benz 500SEL passenger cars built prior to September 1993 are equipped with driver's side air bags and knee bolsters, and that those built after September 1993 are equipped with both driver's and passenger's side air bags and knee bolsters. The petitioner further states that these vehicles are equipped with Type 2 seat belts in both front and rear outboard seating positions.

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 1992 and 1993 Mercedes-Benz 500SEL passenger cars must be reinforced to comply with the Bumper Standard found in 49 CFR Part 581.

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: December 12, 1995.

Marilynne Jacobs,
Director, Office of Vehicle Safety Compliance.
[FR Doc. 95-30576 Filed 12-14-95; 8:45 am]

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[Docket No. 95-86; Notice 1]

Isis Imports Ltd. Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standards No. 208 and 214

Isis Imports Ltd. of San Francisco, California, ("Isis") has applied for a temporary exemption of two years from paragraph S4.1.4 of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*, and of three years from Federal Motor Vehicle Safety Standard No. 214 *Side Impact Protection*. The basis of the application is that compliance will cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith.

This notice of receipt of an application is published in accordance with the requirements of 49 U.S.C. 30113(b)(2) and does not represent any judgment of the agency on the merits of the application.

The make and type of passenger car for which exemption is requested is the Morgan open car or convertible. Morgan Motor Company ("Morgan"), the British manufacturer of the Morgan, has not offered its vehicle for sale in the United States since the early days of the Federal motor vehicle safety standards. It is the business of Isis to buy incomplete Morgan cars from the British manufacturer and import them as motor vehicle equipment, completing manufacture by the addition of engine and fuel system components. They differ from their British counterparts, not only in equipment items and modifications necessary for compliance with the Federal motor vehicle safety standards, but also in their fuel system components and engines, which are propane fueled. As the party completing manufacture of the vehicle, Isis certifies its conformance to all applicable Federal safety and bumper standards. The vehicle completed by Isis in the U.S. is deemed sufficiently different from the one produced in Britain that NHTSA considers Isis the manufacturer, not a converter, even though the brand names are the same.

Morgan itself produced around 470 cars in 1994, while in the year preceding the filing of its petition in September 1995, Isis produced 14 cars for sale in the United States. Twice previously NHTSA has exempted Isis from compliance with the automatic restraint requirements of Standard No. 208 on hardship grounds, the latest exemption expiring November 1, 1995. The staff of Isis consists of three full time employees and one part time

employee. Its cumulative net income for the years 1992-94 totals \$34,694.

Application for Exemption From Standard No. 208

Isis received NHTSA Exemptions Nos. 89-4 and 92-7 from S4.1.2.1 and S4.1.2.2 of Standard No. 208, respectively expiring October 1, 1992 and November 1, 1995 (54 FR 43647 and 57 FR 60564). Under the first exemption, it had sought to comply through a motorized belt system, then concluded that an air bag system would be preferable. At the time that its second exemption was granted, Isis had received proposals from air bag suppliers that it deemed prohibitive in cost. However, it hoped to have access to a system under development by Range Rover, or to aftermarket retrofit components.

According to the applicant, sufficient progress has been made during its second three-year exemption period that it can foresee compliance in only two more years. Morgan itself intends to equip its cars with air bags and has begun a test program towards this end. To date, 5 of 6 Hy-ge sled tests have been conducted. Body modifications are being engineered. Morgan is currently negotiating for "multi-point sensor air bag components", and estimates that it will take 12 to 18 months to complete the project "once we are given permission to use the components, most of which have already been sourced." Until such time, Isis will continue to use manual three-point restraint systems in its cars.

Application for Exemption from Standard No. 214

Isis claims that it has insufficient resources to work towards compliance with those requirements until its work on complying with Standard No. 208 is completed. It has had discussions with the British Motor Industry Research Association to identify the components that may require alteration, such as the door latches and interior padding. In its view, "it would not be prudent to test for side impact until we complete our modifications of the seating area and knee bolster assembly and finalize the air bag configuration, as changes in this area would be reflected in the performance of the vehicle in side-impact testing." It does, however, meet the previous side door strength requirements of the standard, and will work towards compliance during the three-year exemption period for which it has asked. Were the phase-in requirement of S8 applied to it, calculated on the basis of its limited