

at a high temperature inside the transaxle, it can lead to faster transmission fluid leaks through the crack. At the same time, the hydraulic pressure decreases until the clutch begins to slip. At worst, the hydraulic pressure in the transmission could drop to a level that could not hold the forward drive clutch engaged, causing no forward drive. Ford was aware of the cracking piston problem, as shown by TSB No. 94-24-7, and replaced the aluminum piston with a steel one for 1996 and later model Windstars.

The petitioner alleged that the cracked piston is a safety hazard because it can disable forward drive function of the transmission and cause sudden loss of drive and subsequent unexpected engagement of the transmission.

Loss of forward drive function due to the cracked piston is not a sudden occurrence. Many transmission slippages will occur prior to the loss of forward drive. Further, this type of clutch disengagement is generally temporary. If the temperature inside transmission drops and the hydraulic pressure in the transmission increased, the forward drive clutch may engage again. The clutch re-engagement is noticeable to the driver, who is able to control the vehicle.

The agency has analyzed the available information concerning the problem alleged in the petition. Based on the information obtained from the evaluation of the ODI complaints and analysis of potential failure modes of the transmission, NHTSA believes that cracking of the forward clutch piston on the subject transaxle does not constitute a safety hazard within the meaning of Chapter 301.

For the reasons presented above, it is unlikely that NHTSA would issue an order for the notification and remedy of a safety-related defect in the subject vehicles at the conclusion of the investigation requested in the petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

**Authority:** 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: July 9, 1998.

**Kenneth N. Weinstein,**

*Associate Administrator for Safety Assurance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4074]

#### Decision That Nonconforming 1998 Mercedes-Benz Gelaendewagen Type 463 Multi-Purpose Passenger Vehicles Are Eligible for Importation

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

**ACTION:** Notice of decision by NHTSA that nonconforming 1998 Mercedes-Benz Gelaendewagen Type 463 multi-purpose passenger vehicles (MPVs) are eligible for importation.

**SUMMARY:** This notice announces the decision by NHTSA that 1998 Mercedes-Benz Gelaendewagen Type 463 MPVs not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

**DATES:** The decision is effective as of July 20, 1998.

**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. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act, 15 U.S.C. 1397(c)(3)(A)(i)(II)) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle

safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

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 determination in the **Federal Register**.

Europa International, Inc. of Santa Fe, New Mexico (Registered Importer No. R-91-002) petitioned NHTSA to decide whether 1998 Mercedes-Benz Gelaendewagen Type 463 MPVs are eligible for importation into the United States. NHTSA published notice of the petition on May 15, 1998 (63 FR 27118) 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 determination must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VCP-16 is the vehicle eligibility number assigned to vehicles admissible under this determination.

#### Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1998 Mercedes-Benz Gelaendewagen Type 463 MPVs are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

**Authority:** 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 15, 1998.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*

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