

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2002-12316]

Notice of Receipt of Petition for Decision That Nonconforming 1999-2002 Mercedes Benz S Class (W220) Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1999-2002 Mercedes Benz S Class (W220) passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1999-2002 Mercedes Benz S Class (W220) 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 July 3, 2002.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 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), 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, 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**.

Automobile Concepts, Inc. of North Miami, Florida ("AMC") (Registered Importer 01-278) has petitioned NHTSA to decide whether 1999-2002 Mercedes Benz S Class (W220) passenger cars are eligible for importation into the United States. The vehicles which AMC identified as substantially similar are "1999-2002 Mercedes Benz S Class (W220)" passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

After reviewing the petition, the agency discovered that it had already decided that the 1999 model year Mercedes Benz S Class sold in the United States was eligible for importation (VSP 325). The next generation S Class, the W220, entered production during the latter part of 1998. The manufacturer informed us that, beginning in February 1999, it began to import into the United States the W220 as a 2000 model year vehicle. While W220s contemporaneously produced for other markets may have been denominated as 1999 models, the manufacturer appears to have chosen the model year 2000 for U.S. models for marketing reasons alone. This means that it is proper to compare a W220 which may have been denominated a 1999 model outside the United States with a W220 certified for the U.S. market as a 2000 model year vehicle. If the agency finds the W220 eligible for importation, the decision will cover 1999-2002 vehicles as petitioned for, and identify them as W220s.

The petitioner claims that it carefully compared non-U.S. certified 1999-2002 Mercedes Benz S Class (W220) 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.

AMC submitted information with its petition intended to demonstrate that non-U.S. certified 1999-2002 Mercedes Benz S Class (W220) 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 non-U.S. certified 1999-2002 Mercedes Benz S Class (W220) passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence* * * *, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 135 *Passenger Car Brake Systems*, 202 *Head Restraints*, 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*, 212 *Windshield Retention*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

In addition, the petitioner claims that the vehicles comply with the Bumper Standard found in 49 CFR Part 581.

The 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) Inscription of the word "brake" on the dash in place of the international ECE warning symbol; (b) recalibration of the speedometer to read in miles per hour and inscription of the letters "MPH" on the speedometer face, or replacement of the entire instrument cluster with the U.S.-model component.

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: (a) Installation of U.S.-model headlamps; (b) installation of U.S.-model side markers; (c) installation of U.S.-model tail lamp assemblies which incorporate rear sidemarker lights; (d) installation of a U.S.-model high mounted stop light assembly if the vehicle is not already so equipped.

Standard No. 110 Tire Selection and Rims: installation of a tire information placard.

Standard No. 111 Rearview Mirror: replacement of the passenger side rearview mirror with a U.S.-model component, or inscription of the required warning statement on that mirror.

Standard No. 114 Theft Protection: activation of the warning buzzer.

Standard No. 118 Power Window Systems: reprogramming of the power window system so that the windows will not operate with the ignition off.

Standard No. 201 Occupant Protection in Interior Impact: inspection of each vehicle to ensure that appropriate components have been installed to meet the requirements of the standard, and replacement of any component that is not a U.S.-model part. The petitioner states that the manufacturer has identified the vehicle as meeting the upper interior head impact requirements of the standard.

Standard No. 208 Occupant Crash Protection: (a) Activation of the seat belt warning buzzer by reprogramming the unit; (b) inspection of all vehicles and replacement of the driver's and passenger's side air bags, control units, sensors, and seat belts with U.S.-model components on vehicles that are not already so equipped. Petitioner states that the front and rear outboard designated seating positions have combination lap and shoulder belts that are self-tensioning and that release by means of a single red pushbutton. Petitioner further states that the vehicles are equipped with a seat belt warning lamp that is identical to the lamp installed on U.S.-certified models.

Standard No. 214 Side Impact Protection: inspection of all vehicles to ensure that they are equipped with door bars identical to those in the U.S. certified model and installation of those components on vehicles that are not already so equipped.

The petitioner states that a vehicle identification plate must be affixed to the vehicles near the left windshield post and a reference and certification label must be affixed in the area of the left front door post to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. 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: May 29, 2002.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 02-13816 Filed 5-31-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002-12319 Notice 1]

Guardian Industries Corporation; Receipt of Application for Determination of Inconsequential Non-Compliance

Guardian Industries Corporation, (Guardian) of Auburn Hills, Michigan has applied to be exempted from the notification and remedy requirements of the 49 U.S.C. Chapter 301 "Motor Vehicle Safety" for noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 205 "Glazing Materials," on the basis that the noncompliance is inconsequential to motor vehicle safety. Guardian has filed a report of noncompliance pursuant to 49 CFR part 573, "Defect and Noncompliance Information Reports."

This notice of receipt of the application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the application. See 49 U.S.C. 30118(d) and 30120(h).

Guardian submitted the following information in accordance with the requirements of 49 CFR part 556, "Exemption for Inconsequential Defect or Noncompliance."

Description of the Noncompliance

Guardian has determined that 11,562 tempered glass sunroof parts manufactured between November 2000 and February 2001, do not meet the labeling requirements of paragraph S6 of FMVSS No. 205, "Glazing Materials," specifically Section 6 of ANSI Z26 as incorporated by reference. They were not marked with the correct model number. The parts were marked with the manufacturer's model number M-934, which corresponds to a tempered glass with 4.0 mm nominal thickness. The correct manufacturer's model number, should have been M-937, which is tempered glass with a 5.0 mm nominal thickness.

Information Supporting the Application

Guardian submitted a test report indicating the tempered glass parts were in full compliance with 49 CFR 571.205 except that the parts were affixed with the incorrect manufacturer's model number. The noncompliance was discovered during a routine in-house quality control inspection.

Guardian asserts that the noncompliance reported herein could not result in the wrong part being used in an OEM or ARG application given that the part would be ordered by its unique part number not the "M number" (which corresponds to the glass construction from which the part is fabricated).

Interested persons are invited to submit written data, views and arguments on the petition of Guardian, described above. Comments should refer to the Docket Number and be submitted to: Docket Management, Room PL 401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date, indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent practicable. When the application is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 3, 2002.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: May 23, 2002.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 02-13754 Filed 5-31-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 189X)]

Union Pacific Railroad Company; Abandonment Exemption in Eau Claire County, WI

On May 14, 2002, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-05¹ to abandon a line of

¹ In addition to an exemption from 49 U.S.C. 10903, UP seeks exemption from 49 U.S.C. 10904