

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0037; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming Model Year 1997 Jeep Wrangler Multi-Purpose Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: This document announces the National Highway Traffic Safety Administration (NHTSA) receipt of a petition for a decision that model year (MY) 1997 Jeep Wrangler multi-purpose vehicles (MPVs) that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 1997 Jeep Wrangler MPVs) and are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is February 3, 2021.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- **Mail:** Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

- **Electronically:** Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard along with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Robert Mazurowski, Office of Vehicle Safety Compliance, NHTSA (202–366–1012).

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 FMVSS 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 MY as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

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 of each petition that it receives in the **Federal Register**, 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. (WETL), (Registered Importer R–90–005), of Houston, Texas has petitioned NHTSA to decide whether nonconforming 1997 Jeep Wrangler MPVs are eligible for importation into the United States. The vehicles which Wallace Environmental Testing Laboratories, Inc. believes are substantially similar are MY 1997 Jeep Wrangler MPVs sold in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified MY 1997 Jeep Wrangler MPVs to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

Wallace Environmental Testing Laboratories, Inc. submitted information with its petition intended to demonstrate that non-U.S. certified MY 1997 Jeep Wrangler MPVs, as originally manufactured, conform to many applicable FMVSS 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 MY 1997 Jeep Wrangler MPVs, as originally manufactured, conform to: FMVSS Nos. 102, *Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect*, 103, *Windshield Defrosting and Defogging Systems*, 104, *Windshield Wiping and Washing Systems*, 106, *Brake Hoses*, 108, *Lamps, Reflective Devices, and Associated Equipment*, 109, *New Pneumatic and Certain Specialty Tires*, 113, *Hood Latch System*, 116, *Motor Vehicle Brake Fluids*, 118, *Power-Operated Window, Partition, and Roof Panel System*, 124, *Accelerator Control Systems*, 135, *Light Vehicle Brake Systems*, 201, *Occupant Protection in Interior Impact*, 202, *Head Restraints; Applicable at the Manufacturers Option until September 1, 2009*, 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*, 210, *Seat Belt Assembly Anchorages*, 212, *Windshield Mounting*, 213, *Child Restraint Systems*,

219, *Windshield Zone Intrusion*, 225, *Child Restraint Anchorage Systems*, 301, *Fuel System Integrity*, and 302, *Flammability of Interior Materials*.

The petitioner also contends that the subject non-U.S. certified vehicles are capable of being readily altered to meet the following FMVSS, in the manner indicated:

FMVSS No. 101, *Controls and Displays*: The instrument cluster will require replacement with a part meeting the requirements of this standard. FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less*: The addition of a tire label is required. FMVSS No. 111, *Rear Visibility*: Inscription of the required warning statement on the face of the passenger mirror. FMVSS No. 114, *Theft Protection*: The addition of an audible anti-theft system is required, which gongs when the key is left in the ignition module and the driver's door is opened. FMVSS No. 208, *Occupant Crash Protection*: Both front and rear outboard designated seating positions will require replacement with Type 2 seat belts. However, the petitioner notes "driver and passenger front outboard seating positions are equipped with US version air bag systems and knee bolsters". FMVSS No. 209, *Seat Belt Assemblies*: Both front and rear outboard designated seating positions will require replacement with Type 2 seat belts.

The petitioner additionally states that all vehicles will be inspected prior to importation for compliance with the Theft Prevention Standard per 49 CFR part 541. The petitioner further states a vehicle identification plate must be affixed to the vehicle, near the left windshield pillar, to meet the requirements of 49 CFR part 565, as well as, a reference and certification label added to the left front door post area to meet the requirements of 49 CFR part 567.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2019-0048; Notice 2]

Porsche Cars North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Grant of petition.

SUMMARY: Porsche Cars North America, Inc. (Porsche), has determined that certain model year (MY) 2008–2019 Porsche Cayenne and Macan motor vehicles do not comply with Federal motor vehicle safety standard (FMVSS) 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less*. Porsche filed a noncompliance report dated March 28, 2019, and subsequently petitioned NHTSA on April 20, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces the grant of Porsche's petition.

FOR FURTHER INFORMATION CONTACT: Kerrin Bressant, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-1110, facsimile (202) 366-5930.

SUPPLEMENTARY INFORMATION:

I. Overview

Porsche has determined that certain MY 2008–2019 Porsche Cayenne and Macan motor vehicles do not fully comply with paragraphs S4.4.2(a) and S4.4.2(c) of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less* (49 CFR 571.110). Porsche filed a noncompliance report dated March 28, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*, and subsequently petitioned NHTSA on April 20, 2019, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of Porsche's petition was published with a 30-day public comment period, on October 15, 2019, in the **Federal Register** (84 FR 55219). One comment was received but lacked relevance to the subject petition. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2019-0048."

II. Vehicles Involved

Approximately 230,212 of the following MY 2008–2019 Porsche Cayenne and Macan motor vehicles, manufactured between June 1, 2007, and September 21, 2018, are potentially involved:

- MY 2008–2014 Porsche Cayenne;
- MY 2016–2019 Porsche Cayenne;
- MY 2017–2018 Porsche Cayenne "Platinum Edition;"
- MY 2014 Porsche Cayenne Diesel "Platinum Edition;"
- MY 2014 Porsche Cayenne "Platinum Edition;"
- MY 2013–2016 Porsche Cayenne Diesel;
- MY 2019 Porsche Cayenne E-Hybrid;
- MY 2008–2010 Porsche Cayenne GTS;
- MY 2013–2014 Porsche Cayenne GTS;
- MY 2010 Porsche Cayenne GTS "Porsche Design Edition 3;"
- MY 2008–2010 Porsche Cayenne GTS;
- MY 2016–2018 Porsche Cayenne GTS
- MY 2015–2018 Porsche Cayenne S E-Hybrid;
- MY 2011–2014 Porsche Cayenne S Hybrid;
- MY 2010 Porsche Cayenne S Transsyberia;
- MY 2008–2018 Porsche Cayenne S;
- MY 2017–2018 Porsche Cayenne S E-Hybrid "Platinum Edition;"
- MY 2008–2019 Porsche Cayenne Turbo;
- MY 2009–2010 Porsche Cayenne Turbo S;
- MY 2016–2018 Porsche Cayenne Turbo S;
- MY 2014 Porsche Cayenne Turbo S;
- MY 2015–2018 Porsche Macan Turbo;
- MY 2017–2018 Porsche Macan;
- MY 2018 Porsche Macan "Sport Edition;"
- MY 2017–2018 Porsche Macan GTS;
- MY 2015–2018 Porsche Macan S; and
- MY 2017–2018 Porsche Macan Turbo Plus Performance Package.

III. Noncompliance

Porsche explains that the noncompliance is that the subject vehicles are equipped with rims that do not contain the required rim markings as specified in paragraph S4.4.2 of