

Champagne submitted information with its petition intended to demonstrate that the non-U.S. certified 1990 Porsche 928 S4, 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 1990 Porsche 928 S4 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*, 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*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Additionally, petitioner contends that the non-U.S. certified 1990 Porsche 928 S4 complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicle is 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 a noncomplying symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the appropriate symbol; (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 headlamp assemblies; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies; (d) 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 convex passenger side rearview mirror.

Standard No. 114 *Theft Protection*: installation of a warning buzzer

microswitch in the steering lock assembly and a warning buzzer.

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*: (a) Installation of a U.S. model seat belt in the driver's position, or a belt webbing actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch actuated seat belt warning lamp and buzzer; (c) replacement of the driver's side air bag and knee bolster with U.S. model components. The petitioner states that the vehicle is equipped with a combination lap and shoulder restraint that adjusts by means of an automatic retractor and releases by means of a single push button in each front designated seating position, and with a combination lap and shoulder restraint that releases by means of a single push button in each rear designated seating position.

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.

The petitioner also states that a vehicle identification number plate must be affixed to the vehicle 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 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: March 20, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 97-7577 Filed 3-25-97; 8:45 am]

BILLING CODE 4910-59-P

[Docket No. 96-125; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1989 Alfa Romeo 164 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1989 Alfa Romeo 164 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 1989 Alfa Romeo 164 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 April 25, 1997.

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), 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**.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer No. R-90-009) has petitioned NHTSA to decide whether 1989 Alfa Romeo 164 passenger cars are eligible for importation into the United States. The vehicle which 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 196 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1989 Alfa Romeo 164 is substantially similar to a 1989 Alfa Romeo Milano 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: March 20, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
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[Docket No. 96-094; Notice 2]

Denial of Petition for Import Eligibility Decision

This notice sets forth the reasons for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under 49 U.S.C. 30141(a)(1)(A). The petition, which was submitted by Champagne Imports, Inc. of Lansdale, Pennsylvania ("Champagne"), a registered importer of motor vehicles, requested NHTSA to decide that a 1995 Audi S6 Avant Quattro Wagon that was not originally manufactured to comply with all applicable Federal motor vehicle safety

standards is eligible for importation into the United States. In the petition, Champagne contended that this vehicle is eligible for importation on the basis that (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 (the 1995 Audi A6 Quattro Wagon), and (2) it is capable of being readily altered to conform to the standards.

NHTSA published a notice in the **Federal Register** on September 6, 1996 (61 FR 46900) that contained a thorough description of the petition, and solicited public comments upon it. One comment was received in response to the notice, from Volkswagen of America, Inc. ("Volkswagen"), the United States representative of Audi AG, the vehicle's manufacturer. In this comment, Volkswagen contended that the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon is ineligible for importation because it is not substantially similar to a vehicle that was originally manufactured and certified for sale in the United States and is not capable of being readily altered to conform to the standards. Specifically, Volkswagen observed that the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon is equipped with a 4.2 liter V8 engine, which it claimed is significantly larger and heavier than either the 2.8 liter V6 engine that is installed in the U.S. certified 1995 Audi A6 Quattro Wagon or the 2.2 liter 5 cylinder engine that is installed in the U.S. certified 1995 Audi S6 Quattro Wagon. Volkswagen stated that no dynamic testing has been performed that would be necessary to certify that the vehicle, when equipped with the larger engine, will meet the requirements of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*. Additionally, Volkswagen noted that the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon is not equipped with a knee bolster that is necessary to meet the automatic restraint requirements of Standard No. 208.

NHTSA accorded Champagne an opportunity to respond to Volkswagen's comments. In its response, Champagne expressed strong disagreement with Volkswagen's contention that the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon is not substantially similar to a vehicle originally manufactured and certified for sale in the United States. Champagne asserted that the vehicle's larger engine size does not have a significant impact on the crashworthiness of the vehicle or on its

compliance with Standard No. 208. Specifically, Champagne contended that the 2.2 liter "in line" 5 cylinder engine installed in the U.S. certified 1995 Audi S6 Quattro Wagon is very close in length to the V8 engine installed in the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon. Additionally, Champagne observed that because of the extensive use of aluminum in larger engines, the weight of vehicles equipped with each of these engines would differ by only "a few percent."

In a subsequent response, Champagne elaborated on these comments by stating that the additional length and weight of the V8 engine installed in the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon will not significantly affect the crash performance of the vehicle when compared to a comparable model equipped with the 2.8 liter V6 engine that is installed in the U.S. certified 1995 Audi S6 Quattro. Specifically, Champagne alleged that the total distance from the back edge of the engine block to the front edge of the fire wall in the non-U.S. certified 1995 Audi S6 Avant Quattro is two inches, a measurement that it asserts is identical to that found in the U.S. certified 1995 Audi S6 Quattro equipped with the 2.8 liter V6 engine. Based on this similarity, Champagne theorized that "in a frontal crash, the V8 engine will affect the passenger compartment in a similar manner as the V6 engine." Additionally, Champagne contended that both the non-U.S. certified 1995 Audi S6 Avant Quattro and its U.S. certified counterpart are "designed so that in a severe frontal crash the engine and drivetrain are directed downward and rearward, under the passenger compartment." According to Champagne, "[t]his minimizes the effect [of these components] on the safety characteristics of the frontal crush zone," and results in both the U.S. and non-U.S. certified versions of the vehicle "having substantially similar [Standard No. 208] compliance results * * *. Champagne further reiterated that the V8 is only three percent heavier than the V6, and only one percent heavier than the 5 cylinder engine when engine weight is measured as a percentage of total vehicle weight. Champagne asserted that this difference "is not significant, and will not have a significant impact on [Standard No. 208] compliance."

NHTSA accorded Volkswagen an opportunity to respond to Champagne's comments. In its response, Volkswagen discounted the significance of the distance between the back of the engine and the vehicle firewall as an indicator of the engine's effect on crash