Benz Gelaendewagen G320 (long wheel base Type 463) multi-purpose passenger vehicles are eligible for importation.

summary: This notice announces the decision by NHTSA that 1995
Mercedes-Benz Gelaendewagen G320
(long wheel base 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.

DATE: The decision is effective January 4, 1995.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, 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)(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 ("Europa") (Registered Importer No. R-91-002) petitioned NHTSA to decide whether 1995 Mercedes-Benz Gelaendewagen G320 (long wheel base Type 463) MPVs are eligible for importation into the United States. NHTSA published notice of the petition on October 3, 1994 (59 FR 50330) to afford an opportunity for public comment. That notice identified the vehicle that is the subject of the petition as a "300GE Type 463 Gelaendewagen." In a letter dated November 23, 1994, Europa informed NHTSA that this vehicle is officially designated as the "G320 Type 463 Gelaendewagen." That designation is consequently used in this notice.

As described in the notice of the petition, Europa claimed that Mercedes-Benz Gelaendewagen G320 (long wheel base Type 463) MPVs have safety features that comply with Standard Nos. 102 Transmission Shift Lever Sequence * * * (based on visual inspection and operation), 103 Defrosting and Defogging Systems (based on inspection), 104 Windshield Wiping and Washing Systems (based on operation), 106 Brake Hoses (based on visual inspection of certification markings), 107 Reflecting Surfaces (based on visual inspection), 113 Hood Latch Systems (based on information in owner's manual describing operation of secondary latch mechanism), 116 Brake Fluids (based on visual inspection of certification markings and information in owner's manual describing fluids installed at factory), 119 New Pneumatic Tires for Vehicles other than Passenger Cars (based on visual inspection of certification markings), 124 Accelerator Control System (based on operation and comparison to U.S.-certified vehicles), 201 Occupant Protection in Interior Impact (based on test data and certification of vehicle to European standard), 202 Head Restraints (based on test data and certification of vehicle to European standard), 204 Steering Control Rearward Displacement (based on test film), 205 Glazing Materials (based on visual inspection of certification markings), 207 Seating Systems, (based on test results and certification of vehicle to European standard), 209 Seat Belt Assemblies (based on certification markings), 211 Wheel Nuts, Wheel Discs and Hubcaps (based on visual inspection), 214 Side Impact Protection (based on test results), 219 Windshield Zone Intrusion (based on engineering evaluation of

Standard No. 208 compliance test film and test data), and 302 *Flammability of Interior Materials* (based on composition of upholstery).

The petitioner also contended that the 1995 Mercedes-Benz Gelaendewagen G320 (long wheel base Type 463) MPV is capable of being altered to comply with 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) installation of a speedometer/odometer calibrated in miles per hour.

Standard No. 105 *Hydraulic Brake Systems:* placement of warning label on brake fluid reservoir cap.

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: (a) installation of U.S.-model sealed beam headlamps; (b) installation of U.S.-model side marker lamps and reflectors; (c) installation of a high mounted stop lamp. The petitioner asserted that testing performed on the taillamp reveals that it complies with the standard, even though it lacks a DOT certification marking, and that all other lights are DOT certified.

Standard No. 111 *Rearview Mirrors:* inscription of the required warning statement on the convex surface of the passenger side rearview mirror.

Standard No. 114 *Theft Protection:* installation of a warning buzzer in the steering lock electrical circuit.

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

Standard No. 118 *Power-Operated Window Systems:* rewiring of the power window system so that the window transport is inoperative when the front doors are open.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* installation of a tire information placard. The petitioner asserted that even though the tire rims lack a DOT certification marking, they comply with the standard, based on their manufacturer's certification that they comply with the German TUV regulations, as well as their certification by the British Standards Association and the Rim Association of Australia.

Standard No. 206 *Door Locks and Door Retention Components:* installation of interior locking buttons on all door locks and modification of rear door locks to disable latch release controls when locking mechanism is engaged.

Standard No. 208 Occupant Crash Protection: installation of a complying driver's side air bag and a seat belt