

Micro Car Company Smart Passion (glass top and convertible) 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 2003–2004 Micro Car Company Smart Passion (glass top and convertible) 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 they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is July 21, 2003.

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 a.m. to 5 p.m.) Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

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. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) 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 decision in the **Federal Register**.

J.K. Technologies LLC of Baltimore, Maryland (“J.K.”) (Registered Importer 90–006) has petitioned NHTSA to decide whether nonconforming 2003–2004 Micro Car Company Smart Passion (glass top and convertible) passenger cars are eligible for importation into the United States. J.K. contends that these vehicles are eligible for importation under 49 U.S.C. 30141(a)(1)(B) because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that 2003–2004 Micro Car Company Smart Passion (glass top and convertible) passenger cars have safety features that comply with Standard Nos. 103 *Defrosting and Defogging Systems* (based on testing for which J.K. is claiming confidentiality), 104 *Windshield Wiping and Washing Systems* (based on testing for which J.K. is claiming confidentiality), 106 *Brake Hoses* (based on the manufacturer's certification), 109 *New Pneumatic Tires* (based on the presence of required certification markings), 116 *Brake Fluid* (based on the presence of required markings), 118 *Power Window Systems* (based on observation of the system's operation), 124 *Accelerator Control Systems* (based on observation of the system's operation), 135 *Passenger Car Brake Systems* (based on testing for which J.K. is claiming confidentiality), 202 *Head Restraints* (based on testing for which J.K. is claiming confidentiality), 205 *Glazing Materials* (based on the presence of required certification markings), 206 *Door Locks and Door Retention Components* (based on observation of the components' operation), 207 *Seating Systems* (based on testing for which J.K. is claiming confidentiality), 210 *Seat Belt Assembly Anchorages* (based on testing for which J.K. is claiming confidentiality), 212 *Windshield Retention* (based on testing for which J.K. is claiming

confidentiality), 216 *Roof Crush Resistance* (based on testing for which J.K. is claiming confidentiality), 219 *Windshield Zone Intrusion* (based on testing for which J.K. is claiming confidentiality), and 302 *Flammability of Interior Materials* (based on testing of driver's seat material, for which J.K. is claiming confidentiality, and comparison of the interior materials to those found on U.S.-certified vehicles produced by the same manufacturer).

Petitioner also contends that the vehicles are capable of being 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) replacement of the speedometer with one that reads in miles per hour. The petitioner states that it has fabricated a new instrument cluster face for the vehicles, available only through J.K. Technologies, which will allow the vehicles to achieve compliance with the standard.

Standard No. 102 *Transmission Shift Lever Sequence*: Installation of a redesigned starter interlock assembly, available only through J.K. Technologies, which was designed to allow the vehicles to comply with Standard No. 114, will also achieve compliance with Standard No. 102. The petition does not describe how this assembly was redesigned.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: Modification of the headlamp and marker light systems to meet this standard. These modifications are not described in the petition.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard as part of the certification label to be affixed to the vehicles upon the completion of required modifications to achieve conformity with applicable standards.

Standard No. 111 *Rearview Mirror*: Replacement of the passenger side rearview mirror with a mirror fabricated by, and available only through, J.K. Technologies, which will have the required warning statement on the mirror's face.

Standard No. 114 *Theft Protection*: Installation of a redesigned starter interlock assembly to meet this standard. The petition does not describe how the assembly was redesigned.

Standard No. 201 *Occupant Protection in Interior Impact*: Replacement of interior components with components fabricated by, and available only through, J.K. Technologies. The petitioner states that