

information technology. All responses to this notice will be summarized and included in the request for OMB approval.

Issued in Washington, DC, on October 16, 2003.

**Michael Robinson,**

Information Technology Program  
Management, United States Department of  
Transportation.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2003-16334]

#### Notice of Receipt of Petition for Decision That Nonconforming 2000 Audi A8 and S8 Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic  
Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for  
decision that nonconforming 2000 Audi  
A8 and S8 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 2000 Audi  
A8 and S8 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 November 24, 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 am to  
5 pm]. 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.

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 of Baltimore,  
Maryland ("J.K.") (Registered Importer  
90-006) has petitioned NHTSA to  
decide whether 2000 Audi A8 and S8  
passenger cars are eligible for  
importation into the United States. The  
vehicles which J.K. believes are  
substantially similar are 2000 Audi A8  
and S8 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.

The petitioner claims that it carefully  
compared non-U.S. certified 2000 Audi  
A8 and S8 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.

J.K. submitted information with its  
petition intended to demonstrate that  
non-U.S. certified 2000 Audi A8 and S8  
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 2000 Audi A8 and S8  
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*, 118 *Power-  
Operated Window Systems*, 124  
*Accelerator Control Systems*, 201  
*Occupant Protection in Interior Impact*,  
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  
Anchorage*, 212 *Windshield Retention*,  
214 *Side Impact Protection*, 216 *Roof  
Crush Resistance*, 219 *Windshield Zone  
Intrusion*, 225 *Child Restraint  
Anchorage Systems*, 301 *Fuel System  
Integrity*, and 302 *Flammability of  
Interior Materials*.

Petitioner states that the vehicles also  
comply with the Bumper Standard  
found at 49 CFR part 581.

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*: replacement of the instrument  
cluster with a U.S.-model component.

Standard No. 108 *Lamps, Reflective  
Devices and Associated Equipment*: (a)  
installation of U.S.-model headlamps  
and front sidemarker lamps; (b)  
installation of U.S.-model taillamp  
assemblies, which incorporate rear  
sidemarker lamps.

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

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

Standard No. 114 *Theft Protection*:  
programming of the vehicles to activate  
the ignition key warning and the seat  
belt warning systems.

Standard No. 208 *Occupant Crash  
Protection*: reprogramming of the seat  
belt warning system so that it activates  
in the proper manner. The petitioner  
states that the vehicles are equipped  
with automated restraint systems  
consisting of dual front air bags. The  
petitioner also states that the vehicles  
are equipped with combination lap and  
shoulder belts at the front and rear  
outboard designated seating positions  
that are self-tensioning and release by  
means of a single red pushbutton. The

petitioner describes these components and systems as identical to U.S.-model components and systems.

The petitioner states that all vehicles must be inspected to ensure compliance with the Theft Prevention Standard at 49 CFR part 541, and that anti-thefts marking must be added to vehicles that are not already so marked.

The petitioner also 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: October 17, 2003.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 03-26872 Filed 10-23-03; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-03-16341, Notice 1]

#### Group Lotus Plc.; Receipt of Application for a Temporary Exemption From Federal Motor Vehicle Safety Standard No. 108 and Part 581 Bumper Standard

In accordance with the procedures of 49 CFR part 555, Group Lotus Plc. ("Lotus") has applied for a Temporary Exemption from S7. Headlighting

requirements, of Federal Motor Vehicle Safety Standard ("FMVSS") No. 108, *Lamps, reflective devices, and associated equipment*; and Part 581 *Bumper Standard*. The basis of the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

We are publishing this notice of receipt of the application in accordance with the requirements of 49 U.S.C. 30113(b)(2), and have made no judgment on the merits of the application.

#### I. Background

Lotus, which was founded in 1955, produces small quantities of performance cars. In the past five years, Lotus has sold a total of 550 automobiles in the United States. The only current Lotus vehicle sold in the United States is Lotus Esprit ("Esprit"). In the same time period, Lotus has manufactured a total of 18,888 vehicles worldwide, including Lotus Elise ("Elise").

The Elise was introduced in 1996, but it was not originally designed or intended for the U.S. market. However, after deciding to terminate production of the Esprit by 1999,<sup>1</sup> petitioner sought to introduce the Elise in the United States. Significant management, ownership and financial hardship issues contributed to the delay in introducing the Elise model. Recently, Perushan Otomobil Nasional Berhad ("Proton") has taken a 100% ownership of Lotus. Petitioner is now ready to introduce the Elise vehicle into the U.S. Market. A description of the Elise vehicle is set forth in the Exhibit 1 of the petition (Docket No. NHTSA-03-16341). For additional information on the vehicle, please go to <http://www.LotusCars.com>.

#### II. Why Lotus Needs a Temporary Exemption

Lotus has continued to experience substantial economic hardship, previously discussed by the agency in a March 3, 2003 Renewal of a Temporary Exemption from FMVSS No. 201 (68 FR 10066).<sup>2</sup> Lotus' latest financial submissions show the company's operating loss of £43,228,000

<sup>1</sup> Esprit production was eventually extended by three years while petitioner sought to bring Elise into compliance with FMVSS. Esprit will cease production on 12/31/2003.

<sup>2</sup> We note that the Elise vehicle is FMVSS No. 201 compliant.

(≈\$69,000,000) for the fiscal year 2000; a loss £18,055,000 (≈ \$29,000,000) for the fiscal year 2001; and a loss of £2,377,000 (≈ \$4,000,000) for its fiscal year 2002. This represents a cumulative loss for a period of 3 years of £63,660,000 (≈ \$102,000,000).<sup>3</sup>

According to the petitioner, the cost of making the Elise compliant with the headlighting requirements of FMVSS 108 and the bumper standard is beyond the company's current capabilities. Petitioner contends that developing and building FMVSS-compliant headlamps and Part 581-compliant bumpers cannot be done without redesigning the entire body structure of the Elise. Specifically, developing Part 581-compliant bumpers would cost \$6 million dollars over a period of 2 years. Producing an actual FMVSS-compliant headlamp would cost approximately \$1.1 million. In addition, there are unspecified costs of body modifications in order to accommodate the new headlamp, because there is insufficient space in the current body structure to permit an FMVSS-compliant headlamp.

Lotus requests a three-year exemption in order to concurrently develop compliant bumpers and headlamps and make necessary adjustments to the current body structure. Petitioner anticipates the funding necessary for these compliance efforts will come from immediate sales of Elise vehicles in the United States.

#### III. Why Compliance Would Cause Substantial Economic Hardship and How Lotus Has Tried in Good Faith To Comply With Standard No. 108 and the Bumper Standard

Petitioner contends that Lotus cannot return to profitability unless it receives the temporary exemption. In support of their contention, Lotus prepared alternative forecasts for the next 3 fiscal years. The first forecast assumes that the petitioner receives exemptions from S7 of FMVSS No. 108 and the bumper standard. The second forecast assumes the exemptions are denied.<sup>4</sup> In the event of denial, Lotus anticipates extensive losses through the fiscal year 2006, because it cannot bring the Elise into full compliance any earlier.

<sup>3</sup> All dollar values are based on an exchange rate of £1= \$1.60.

<sup>4</sup> See Petition Exhibit 2 (Docket No. NHTSA-03-16341).