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U.S. Department  
of Transportation

National Highway  
Traffic Safety  
Administration

# Memorandum

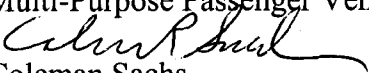
DEPT. OF TRANSPORTATION  
DOCKETS

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*NHTSA-04-17179-2*

Subject: Petition for Import Eligibility Decision on  
Nonconforming 2000 Land Rover Discovery  
Multi-Purpose Passenger Vehicles

Date: February 19, 2004

From:   
Coleman Sachs  
Office of Vehicle Safety Compliance

To: Docket Management

Please place the attached petition for a decision that nonconforming 2000 Land Rover Discovery multi-purpose passenger vehicles are eligible for importation in Docket No. NHTSA-2004-17179.

Attachment

#

# Petition for Import Eligibility Determination

Administrator  
National Highway Traffic Safety Administration  
400 7<sup>th</sup> Street SW  
Washington DC 20590

The following is a petition for Eligibility for the vehicle described below, submitted for consideration under Title 49 Part 593 of the Code of Federal Regulations.

## Vehicle:

2000 Land Rover Discovery

### Part 593.6 (a) Basis for Petition

This petition is being submitted on the basis that the non-conforming 2000 Land Rover Discovery is substantially similar to the version manufactured and imported for sale in the U.S. by the manufacturer.

### Part 593.6(a) (1)&(2)

Land Rover has previously built and certified the 2000 Land Rover Discovery model for the U.S. under Part 567 49 CFR. The non-conforming version of this vehicle is also called the Discovery.

### Part 593.6(a) (3)

Substantiation that the 2000 Land Rover Discovery was originally manufactured for sale in the U.S. can be found on the Land Rover website, which details all of their models offered. Likewise, parts books for this model year can be ordered through Land Rover dealerships as well as their web site.

### Part 593.6(a)(4)

The differences between this certified version and the non-conforming version can be addressed through relatively minor modifications of the type typically performed by Registered Importers on other non-conforming vehicles with a like-U.S. counterpart. The U.S. version Land Rover Discovery is readily available for inspection and comparison, and the vast majority of the safety components are identical in each vehicle. A side by side inspection and comparison with the applicable FMVSS are given below, with details on which standards require modification and a description of the modification that will satisfy the given standard.

### Part 593.6(a)(5)

The results of our comparison of the conforming and non-conforming models are given in this section, with differences detailed:

**FMVSS 101**

The speedometer on the European version is calibrated only in kilometers, as well as the odometer. This standard can be readily modified by removed the speedometer head and replacing the entire component with a U.S. speedometer head, which are readily available through U.S. dealerships. If the European speedometer is recalibrated using the original component, the faceplate can be replaced with a US faceplate marked in mph, and the odometer can be brought to standard by labeling the odometer "km".

**FMVSS 102**

The Transmission shift lever sequence, starter interlock, and transmission braking effect are identical to the U.S. counterpart

**FMVSS 103**

The windshield defrosting and defogging systems are identical to the U.S. counterpart.

**FMVSS 104**

The windshield wiping and washing systems are identical to the U.S. counterpart.

**FMVSS 105**

The hydraulic brake system and parking brake system are identical to the U.S. counterpart.

**FMVSS 106**

The brake hoses are identical to the U.S. counterpart and bear the "DOT" markings.

**FMVSS 108**

The headlamps, tail lamps, side markers and reflective devices are non-conforming, and must be replaced with stock Land Rover parts, which are readily available in the US, in order to comply with this standard.

**FMVSS 111**

The passenger mirror must be modified or replaced to bear the warning "Objects in mirror are closer than they appear". All other mirrors are identical with the U.S. counterpart.

**FMVSS 113**

The hood latch system is identical to the U.S. counterpart.

**FMVSS 114**

The key lock system is identical to the U.S. counterpart

**FMVSS 116**

Compliance with this standard can be met by replacing the brake fluid with "DOT" approved fluid.

**FMVSS 118**

The power windows will not operate without the ignition key. This standard can be met by rewiring the power window system in cases of non-compliance.

**FMVSS 119**

The vehicle bears the "DOT" tire markings

**FMVSS 120**

The vehicle does not bear a tire size and pressure information label on the driver's door post. This standards can be modified by the addition of said label, with tire pressures converted to U.S. units.

**FMVSS 124**

The accelerator control system is identical to the U.S. counterpart.

**FMVSS 135**

The brake systems are identical to the U.S. counterpart

**FMVSS 201**

Interior occupant protection complies with this FMVSS

**FMVSS 202**

The head restraints are identical to the U.S. counterpart.

**FMVSS 203**

Steering control system driver impact protection complies with this FMVSS

**FMVSS 204**

The steering column is identical to the U.S. counterpart.

**FMVSS 205**

The windshield and side glass glazing is identical to the U.S. counterpart and bears the appropriate "AS-2" glazing code and "DOT" markings.

**FMVSS 206**

Door lock functions are identical to the U.S. counterpart.

**FMVSS 207**

The seating system is identical to the U.S. counterpart

**FMVSS 208**

The occupant crash protection is identical to the US counterpart, including seat belt placements, and passive restraints (airbags). The seat belt warning indicator does not comply with this standard and must be replaced with stock Land Rover parts, available in the US.

**FMVSS 209**

The seat belt labels bear all appropriate markings and information and are identical to the U.S. counterpart.

**FMVSS 210**

The seatbelt anchorages are identical to the US counterpart.

**FMVSS 212**

The windshields are mounted in identical fashion to the US counterpart.

**FMVSS 214**

The door beams are identical to the US counterpart. However, in cases where door beams are either non-conforming or lacking entirely, this standard can be easily modified to comply by installing stock Land Rover door beams, which are readily available in the US.

**FMVSS 216**

Roof crush complies with this FMVSS

**FMVSS 219**

Windshield zone intrusion complies with this standard

**FMVSS 225**

The vehicle is not equipped with child seat back teathers designed to anchor a child seat, however, the teathers are readily available in U.S. aftermarkets and can be modified to comply with this standard. The lower child seat anchorages are exempt from the 2000 model year.

**FMVSS 301**

The fuel vent line is equipped with a rollover or check valve and is identical to the U.S. counterpart.

**FMVSS 302**

Interior materials are identical to the US counterpart

**PART 541**

The Land Rover Discovery does not appear on any tables listed in 49 CFR Part 541, indicating that the vehicle is exempt from the parts marking requirement. The vehicle is equipped with an anti-theft system that locks the steering wheel when the key is in the "off" position.

**PART 565**

The Vehicle Identification label must be installed on the driver's side dashboard . A Certification label must be added to the driver's door post .

**PART 581**

The vehicle comes equipped with Bumpers that are identical to the US counterpart. Those vehicles that do not conform may be modified by reinforcing the bumpers and providing engineering specs on the reinforcements used to display compliance with this standard.

The 2000 Land Rover Discovery (euro version) has been thoroughly inspected, comparing part numbers, and we submit that the vehicle is substantially similar to its US counterpart. The modifications required to bring such vehicle to US standards can be performed by a Registered Importer using replacement parts that are readily available.

We request that this petition be honored and that the 2000 Land Rover Discovery be added to the list of vehicles eligible for importation into the United States.

Sincerely,

A handwritten signature in black ink, appearing to read 'DANK', with a long horizontal line extending to the right.

Daniel Kokal  
Atty-in-Fact  
Eurosport Motorcars, Inc.  
1010 SE 12<sup>th</sup> Court  
Cape Coral, FL 33990

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Docket No. NHTSA-2004-17179

Notice of Receipt of Petition for Decision that  
Nonconforming 2000 Land Rover Discovery Multipurpose Passenger  
Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Notice of receipt of petition for decision that nonconforming 2000 Land Rover Discovery multipurpose passenger vehicles (MPVs) 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 Land Rover Discovery MPVs 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.

DATE: The closing date for comments on the petition is [30 days after publication in the Federal Register]

ADDRESS: 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 of the same model year that was originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and that the vehicle 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.

Eurosport Motorcars, Inc. of Cape Coral, Florida ("EMI") (Registered Importer 01-291) has petitioned NHTSA to decide whether 2000 Land Rover Discovery MPVs are eligible for importation into the United States. The vehicles that EMI believes are substantially similar are 2000 Land Rover Discovery MPVs 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 Land Rover Discovery MPVs 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.

EMI submitted information with its petition intended to demonstrate that non-U.S. certified 2000 Land Rover Discovery MPVs, 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 Land Rover Discovery MPVs 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 and Electric Brake Systems, 106 Brake Hoses, 113 Hood Latch Systems, 114 Theft Protection, 119 New Pneumatic Tires for Vehicles other than Passenger Cars, 124 Accelerator Control Systems, 135 Passenger Car Brake 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, 301 Fuel System Integrity, and 302 Flammability of Interior Materials.

Petitioner states that the vehicles are equipped with an anti-theft system that meets the requirements of the Theft Prevention Standard found in 49 CFR Part 541.

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 speedometer with a U.S.-model component that reads in miles per hour or recalibration of the unit to read in miles per hour and

placement of a label on the odometer face to indicate that it is calibrated in kilometers driven.

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: replacement of the noncompliant headlamps, tail lamps, side markers, and reflectors with U.S.-model components.

Standard No. 111 Rearview Mirror: replacement of the passenger side rearview mirror with a U.S.-model component, or inscription of the required warning statement on the mirror's face.

Standard No. 116 Motor Vehicle Brake Fluid: replacement of the vehicle's brake fluid with fluid that is certified to meet the standard.

Standard No. 118 Power Window Systems: rewiring of the power window system so that the window transport will not operate when the ignition is switched to the "off" position.

Standard No. 120 Tire Selection and Rims for Motor Vehicles other than Passenger Cars: installation of a tire information placard.

Standard No. 208 Occupant Crash Protection: replacement of the seat belt warning indicator with a U.S.-model component. The petitioner states that the vehicle is equipped with U.S.-model seat belts and air bags.

Standard No. 214 Side Impact Protection: inspection of all vehicles and installation of U.S.-model door beams on vehicles that are not already so equipped.

Standard No. 225 Child Restraint Anchorage Systems:  
installation of U.S.-model tether anchorages.

Petitioner states that all vehicles must be inspected for compliance with the Bumper Standard found in 49 CFR Part 581, and that reinforcements will be added to the bumpers of any vehicles that do not already so comply.

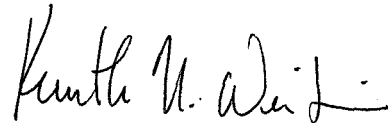
In addition, the petitioner states that a vehicle identification number (VIN) plate must be affixed to the driver's side dashboard, and a certification label must be affixed to the latch post nearest the driver to meet the requirements of 49 CFR Part 565.

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: FEB 24 2004



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Kenneth N. Weinstein  
Associate Administrator  
for Enforcement

Billing Code: 4910 59-P