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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2015-0107, Notice 2]

Decision That Nonconforming Model Year 2012 Fisker Karma
Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA),
Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: This document announces a decision by the National Highway Traffic Safety Administration that certain model year (MY) 2012 Fisker Karma passenger cars (PCs) that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and sale in the United States that were certified by their manufacturer as complying with the safety standards (the U.S. certified version of the 2012 Fisker Karma PC), and they are capable of being readily altered to conform to the standards.

DATES: This decision became effective on March 3, 2016.

ADDRESSES: For further information contact George Stevens,
Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

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 FMVSS 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 as required 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 FMVSS.

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.

Wallace Environmental Testing Laboratories Inc. (WETL) of Houston, Texas (Registered Importer R-90-005), petitioned NHTSA to decide whether MY 2012 Fisker Karma PCs are eligible for

importation into the United States. NHTSA published a notice of the petition on December 10, 2015 (80 FR 76741) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

COMMENTS:

On January 15, 2015, comments were received from Derek Nelson challenging the petition's representation that off-the-shelf U.S. model components are readily available to replace non-U.S. model components, including passenger seatbelt assemblies, passenger front airbag modules, left knee bolsters, right knee bolsters, and instrument clusters. Mr. Nelson further expressed the opinion that the MY 2012 Fisker Karma passenger cars should be imported only for display or testing purposes, and that, upon completion of display or testing, the vehicles should be exported or destroyed.

On February 9, 2016, David Strader of Karma Automotive, LLC, responded to Mr. Nelson's comments by stating that there are sufficient quantities of U.S. specification, off-the-shelf, safety and instrumentation components available to the general public from authorized service providers in the U.S. He also stated that the list of authorized service providers is available on the web site www.karmaautomotive.com.

COMMENTS AND CONCLUSIONS:

NHTSA has reviewed the petition, the comments from Mr. Nelson and the response to those comments from Mr. Strader, and has concluded that the vehicles covered by the petition are capable of being readily altered to comply with all applicable FMVSS.

However, NHTSA has additionally decided that any RI who imports or modifies one of these vehicles must include in the statement of conformity and associated documents (referred to as a "conformity package") it submits to NHTSA under 49 CFR 592.6(d) additional specific proof to confirm that the vehicle was manufactured to conform to, or was successfully altered to conform to, FMVSS No. 208 *Occupant Protection*. This proof must include detailed descriptions of all modifications made to achieve conformity with the standard, including a detailed description of the occupant protection system in place on the vehicle at the time was delivered to the RI and a similarly detailed description of the occupant protection system in place after the vehicle is altered, including photographs of all required labeling. The description must also include parts assembly diagrams and associated part numbers for all components that were removed from or installed on the vehicle, a description of how any computer programming changes were completed, and a description of how compliance was verified

after alterations were completed. Photographs (e.g., monitor print screen captures) or report printouts, as practicable, must be submitted as proof that any computer reprogramming was carried out successfully.

In addition to the information specified above, each conformity package must also include evidence showing how the RI verified that any changes it made in loading or reprogramming vehicle software to achieve conformity with each separate FMVSS did not cause the vehicle to fall out of compliance with any other applicable FMVSS.

DECISION:

Accordingly, on the basis of the foregoing, NHTSA hereby decides that MY 2012 Fisker Karma passenger cars that were not originally manufactured to comply with all applicable FMVSS are substantially similar to 2012 Fisker Karma PCs manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable Federal Motor Vehicle Safety Standards.

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-577 is the vehicle

eligibility number assigned to vehicles admissible under this notice of final decision.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe, Director
Office of Vehicle Safety Compliance

Billing Code: 4910-59-P

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