

NHTSA -98-3629-1

Issued on: March 18, 1998.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety  
Administration**

[Docket No. NHTSA-98-3629]

**Decision That Nonconforming 1974-  
1975 Volkswagen Type 181 ("The  
Thing") Multi-Purpose Passenger  
Vehicles Are Eligible for Importation**

**AGENCY:** National Highway Traffic  
Safety Administration (NHTSA), DOT.

**ACTION:** Notice of decision by NHTSA  
that nonconforming 1974- 1975  
Volkswagen Type 181 ("The Thing")  
multi-purpose passenger vehicles  
(MPVs) are eligible for importation.

**SUMMARY:** This notice announces the  
decision by NHTSA that 1974- 1975  
Volkswagen Type 181 ("The Thing")  
MPVs not originally manufactured to  
comply with all applicable Federal  
motor vehicle safety standards 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 and certified by  
their manufacturer as complying with  
the safety standards (the U.S.-certified  
version of 1974-1975 Volkswagen Type  
181 ("The Thing") MPVs), and they are  
capable of being readily altered to  
conform to the standards.

**DATES:** This decision is effective March  
23, 1998.

**FOR FURTHER INFORMATION CONTACT:**  
George Entwistle, Office of Vehicle  
Safety Compliance, NHTSA (202-366-  
5306).

**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**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas ("Wallace") (Registered Importer 90-005) petitioned NHTSA to decide whether 1973-1975 Volkswagen Type 181 ("The Thing") MPVs are eligible for importation into the United States. NHTSA published notice of the petition under Docket No. **NHTSA 97-3156** on December 1, 1997 (62 FR 63599) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

One comment was received in response to the notice of the petition, from Volkswagen of America, Inc. ("Volkswagen"), the United States representative of Volkswagen AG, the vehicle's manufacturer. In this comment, Volkswagen stated that the petitioner had identified, at a minimum, the standards to which non-U.S. certified 1973-1975 Volkswagen Type 181 ("The Thing") MPVs would have to be conformed to be eligible for importation. In addition, Volkswagen contended that some of those vehicles would have to be equipped with laminated windshields to meet Standard No. 205, Glazing **Materials**. Noting that its analysis of the vehicle identification number (VIN) for the vehicle that is the subject of the petition revealed that vehicle to have been manufactured for the German Army and not for consumer use, Volkswagen observed that the vehicle may not comply with Standard **Nos. 124, Accelerator Control Systems, and 302 Flammability of Interior Materials**. In addition, Volkswagen noted that the vehicle may have to be altered to comply with Standard No. **104, Windshield Wiping and Washing Systems**.

NHTSA accorded Wallace an opportunity to respond to Volkswagen's comments. In its response, Wallace asserted that all of the issues raised by Volkswagen concern minor alterations that would not render the vehicle ineligible for importation. Additionally, Wallace stated that if **NHTSA decides to**

grant import eligibility to non-U.S. certified 1973-1975 Volkswagen Type 181 ("The Thing") MPVs, it will inspect every vehicle it imports under that decision to assure compliance with each of the standards addressed in Volkswagen's comments.

NHTSA believes that Wallace's response adequately addresses the issues that Volkswagen has raised regarding the petition. NHTSA further notes that the modifications described by Wallace, which have been performed with relative ease on thousands of motor vehicles imported over the years, would not preclude non-U.S. certified 1973-1975 Volkswagen Type 181 ("The Thing") MPVs from being found "capable of being readily altered to comply with applicable motor vehicle safety standards."

NHTSA has accordingly decided to grant the petition. Although the petition requested NHTSA to decide that 1973-1975 Volkswagen Type 181 ("The Thing") MPVs are eligible for importation, the agency is limiting this decision to 1974 and 1975 models alone. NHTSA regards all 1973 models as motor vehicles that are "at least 25 years old," within the meaning of 49 U.S.C. 30112(b)(9), which permits them to be imported and sold regardless of whether they complied with all applicable Federal motor vehicle safety standards in effect on their date of manufacture.

#### **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-239 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

#### **Final Decision**

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1974-1975 Volkswagen Type 181 ("The Thing") MPVs not originally manufactured to comply with all applicable Federal motor vehicle safety standards are substantially similar to 1974-1975 Volkswagen Type 181 ("The Thing") MPVs originally manufactured for importation into and 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.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b) (1); 49 CFR 593.8; delegations of authority at 49 CFR 1 SO and 50 1.8.

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**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*

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