

Nonconforming Vehicles: 1992–1993 Bentley Turbo R
Substantially similar U.S.-certified vehicles: 1992–1993 Bentley Turbo R
Notice of Petition published at: 64 FR 13245 (March 17, 1999)
Vehicle Eligibility Number: VSP-291

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5864]

Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.
ACTION: Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

SUMMARY: This document announces decisions by NHTSA that certain motor vehicles 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/or sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards.

DATES: These decisions are effective as of June 25, 1999.

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**.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

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. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, and is 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 1.50 and 501.8.

Issued on: June 22, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

Annex A—Nonconforming Motor Vehicles Decided to be Eligible for Importation

1. Docket No. NHTSA–99–5207
Nonconforming Vehicle: 1986–1995 BMW R80 and R100 Motorcycles

- Substantially similar U.S.—certified vehicle: 1986–1995 BMW R80 and R100 Motorcycles
Notice of Petition published at: 64 FR 13244 (March 17, 1999)
Vehicle Eligibility Number: VSP–295
2. Docket No. NHTSA–99–5402
Nonconforming Vehicles: 1993–1998 BMW K1100 and K1200 Motorcycles
Substantially similar U.S.—certified vehicles: 1993–1998 BMW K1100 and K1200 Motorcycles
Notice of Petition published at: 64 FR 19212 (April 19, 1999)
Vehicle Eligibility Number: VSP–303
3. Docket No. NHTSA–99–5495–1
Nonconforming Vehicles: 1995–1997 Mercedes-Benz E500
Substantially similar U.S.—certified vehicles: 1995–1997 Mercedes-Benz E500
Notice of Petition published at: 64 FR 18477 (April 14, 1999)
Vehicle Eligibility Number: VSP–304
4. Docket No. NHTSA–99–5496
Nonconforming Vehicles: 1995–1999 Mercedes-Benz S600
Substantially similar U.S.—certified vehicles: 1995–1999 Mercedes-Benz S600
Notice of Petition published at: 64 FR 18479 (April 14, 1999)
Vehicle Eligibility Number: VSP–297
5. Docket No. NHTSA–99–5497
Nonconforming Vehicles: 1994–1999 Cadillac DeVille
Substantially similar U.S.—certified vehicles: 1994–1999 Cadillac DeVille
Notice of Petition published at: 64 FR 18478 (April 14, 1999)
Vehicle Eligibility Number: VSP–300
6. Docket No. NHTSA–99–5498
Nonconforming Vehicles: 1997 Chevrolet Astro Van
Substantially similar U.S.—certified vehicles: 1997 Chevrolet Astro Van
Notice of Petition published at: 64 FR 18962 (April 16, 1999)
Vehicle Eligibility Number: VSP–298
7. Docket No. NHTSA–99–5499
Nonconforming Vehicle: 1992–1994 Mercedes-Benz 400SE
Substantially similar U.S.—certified vehicle: 1992–1994 Mercedes-Benz 500SEL
Notice of Petition published at: 64 FR 18961 (April 16, 1999)
Vehicle Eligibility Number: VSP–296
8. Docket No. NHTSA–99–5500
Nonconforming Vehicles: 1990–1998 Yamaha Virago Motorcycles
Substantially similar U.S.—certified vehicles: 1990–1998 Yamaha Virago Motorcycles
Notice of Petition published at: 64 FR 18960 (April 16, 1999)
Vehicle Eligibility Number: VSP–301
9. Docket No. NHTSA–99–5530
Nonconforming Vehicles: 1993–1997 Toyota Previa
Substantially similar U.S.—certified vehicles: 1993–1997 Toyota Previa
Notice of Petition published at: 64 FR 19581 (April 21, 1999)
Vehicle Eligibility Number: VSP–302
10. Docket No. NHTSA–99–5531

Nonconforming Vehicles: 1990–1991 and 1993–1994 BMW 7 Series
 Substantially similar U.S.—certified vehicles: 1990–1991 and 1993–1994 BMW 7 Series
 Notice of Petition published at: 64 FR 19580 (April 21, 1999)
 Vehicle Eligibility Number: VSP-299

[FR Doc. 99–16185 Filed 6–24–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 99–5862; Notice 1]

General Motors Corp.; Receipt of Application for Determination of Inconsequential Noncompliance

General Motors Corporation (GM) of Warren, Michigan, has applied to be exempted for the notification and remedy requirements of 49 U.S.C. Chapter 301 “Motor Vehicle Safety” because of a noncompliance with, Federal Motor Vehicle Safety Standard (FMVSS) No. 208, “Occupant Crash Protection.” The basis of the application is that the noncompliance is inconsequential to motor vehicle safety. GM has filed an appropriate report pursuant to 49 CFR part 573, “Defect and Noncompliance Information Reports.”

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Description of Noncompliance

On February 2, 1999, NHTSA tested a 1999 Chevrolet Tahoe to the performance requirements of S13 of FMVSS No. 208 *Alternative unbelted test for vehicles manufactured before September 1, 2001*. The test was conducted at the Transportation Research Center of Ohio and the right front passenger Anthropomorphic Test Dummy (ATD) registered a neck extension moment of 67 Nm. This value exceeds the maximum limit of 57 Nm specified by S13.2(b) of the standard.

In response to the test failure, GM conducted an investigation to understand the subject test results and to determine the cause of the resultant

neck extension moment of 67 Nm. After examining all the relevant information and conducting additional tests, GM estimates that 50 percent of the 1999 model year (MY) Chevrolet and GMC C/K vehicles manufactured between September 1, 1998 and May 5, 1999, may produce similar results if all the subject vehicles were subjected to the 30 mph Sled Test in accordance with S13.1 of FMVSS No. 208.

Supporting Information as Submitted by GM

There were 279,132 subject vehicles manufactured between September 1, 1998 and May 5, 1999, with right front passenger restraint systems that may not consistently meet the neck extension moment prescribed in S13.2(b) of the standard. A neck extension moment is produced during the test as a result of the reaction to forces acting on the head in such a way as to rotate the head rearward at the top of the neck. GM's analysis indicates that, due to test and/or product variations, approximately 50 percent of the right front passenger air bags could contribute to ATD kinematics that could allow the passenger ATD to exceed the 57 Nm neck extension value limit.

The prescribed Sled Test pulse is of a longer duration than a typical 30 mph rigid barrier pulse for the subject vehicles (125 msec versus approximately 80 msec). Because of this, the air bag must stay inflated longer during a test using the sled pulse to allow the unbelted ATD's torso energy to dissipate over a longer time period. Two design interventions involving the air bag system could be used to address this. It would be possible to increase the gas output into the deploying bag by adding more propellant to the inflator. However, this would be counter to the reasons the agency permitted less forceful air bags, and for the FMVSS 208 Sled Test being allowed as an alternative test method with an unbelted, 50th percentile ATD. The intent of the Sled Test provision, and the ongoing rulemaking to address air bag aggressivity, is to allow and encourage less aggressive air bag inflators in motor vehicles to reduce the inflation induced injury risks to out-of-position small adults and children.

A second possible approach is to reduce the venting capacity of the air bag. By reducing the venting capacity, the inflation gas is retained in the bag for a longer period of time resulting in bag pressure being retained over a longer period. GM test results (provided to NHTSA–OVSC in USG 3433; Part 5, dated May 7, 1999) consistently provided neck extension moments well below the 57 Nm limit when conducted with air bags having each of the two vent holes reduced from a 60 mm diameter to a 30 mm diameter. Considering all these resultant test

values and the consistency of the neck extension measurements from these tests, GM implemented this vent size change in the subject vehicle production to further assure compliance. The implementation of this change was completed in GM's vehicle production facilities on May 5, 1999.

GM has examined the effect on motor vehicle safety involved in this noncompliance and the appropriateness of field action. This evaluation utilizes the total of 279,132 1999 MY Chevrolet and GMC C/K vehicles that were manufactured between September 1, 1998 and May 5, 1999 with the right front passenger air bag systems in question and very conservative estimates for the remainder of the analysis's multipliers. Approximately 50 percent of the subject vehicles, or 139,566 vehicles, may have a passenger air bag that could contribute to ATD kinematics that could allow the passenger ATD to exceed the 57 Nm neck extension requirement if tested to the S13 requirements of the standard. Projecting 5,700 deployments per 1 million car years for a 10 year vehicle life cycle, a total of 7,960 deployments can be expected. It is anticipated that one third of these deployments (2,653) would have a right front passenger present. Using the recognized current national seat belt use rate of 70 percent, 30 percent (or 796 occupants) of these deployments may involve an unbelted occupant. Approximately 20 percent of the deployments would be at a crash pulse similar to or more severe than used for the FMVSS 208 Sled Test, resulting in the potential that 159 of the passengers may be involved in such a deployment. Assuming 60 percent of these passengers are the same size or larger than the 50th percentile male ATD, 95 right front occupants could be large enough that sufficient torso energy may not be dissipated to meet the specific neck extension requirement of the standard.

The risk of neck injury to these 95 occupants can be estimated using the neck extension moment injury risk curve submitted to the agency during the referenced rulemaking and provided as Attachment A. It was also provided as Figure 4 of Attachment C—Proposal for Dummy Response Limits for FMVSS 208 Compliance Testing—in the AAMA response S98–13 to Docket No. NHTSA 98–4405; Notice 1 dated December 17, 1998. The risks of an AIS \geq 3 neck injury for the 50th percentile adult male experiencing a neck extension moment of 57 Nm (current FMVSS 208 requirement) and 67 Nm (measured during the subject agency enforcement test) for both a relaxed and tensed occupant are given in Table 1. Also shown are the estimated number of the 95 occupants who may experience an AIS \geq 3 neck injury.