

(5) Mooresville Public Library, 220 W. Harrison Street, Mooresville, IN 46158,
(6) Plainfield Public Library, 1120 Stafford Road, Plainfield, IN 46208,
(7) Wayne Township Branch Library, 198 South Girls School Road, Indianapolis, IN 46214.

The purpose of the hearing is to consider the social, economic, and environmental effects of the proposed actions. During the hearing the public will be given an opportunity to present oral and/or written comments for the public record. Additionally, prior to January 8, 1999, written comments may be addressed to Mr. Wally Welter, Environmental Specialist, FAA Great Lakes Region, Air Traffic Division, AGL-520.V, Des Plaines, IL 60018.

Issued in Des Plaines, Illinois, on November 18, 1998.

David B. Johnson,

Assistant Manager, Air Traffic Division.

[FR Doc. 98-31532 Filed 11-24-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4774]

Decision That Nonconforming 1994-1996 Volkswagen Jetta Passenger Cars are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1994-1996 Volkswagen Jetta passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1994-1996 Volkswagen Jetta passenger cars 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 the 1994-1996 Volkswagen Jetta), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective as of November 25, 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**.

G&K Automotive Conversion, Inc. of Santa Ana, California ("G.K.") (Registered Importer 90-007) petitioned NHTSA to decide whether 1993-1997 Volkswagen Jetta passenger cars manufactured in Mexico for the Mexican market are eligible for importation into the United States. NHTSA published notice of the petition under Docket No. NHTSA 97-3290 on January 12, 1998 (63 FR 1880) 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 Volkswagenwerke, A.G., the vehicle's manufacturer. In this comment, Volkswagen contended that G&K's description of the modifications that would be necessary to conform the vehicle to applicable standards is incomplete in a number of significant respects.

Specifically, with respect to Standard No. 109, *New Pneumatic Tires*, Volkswagen contended that non-U.S. certified 1993-1997 Volkswagen Jettas may be equipped with tires that have insufficient load ratings once the vehicle is modified through the addition of air bag systems, side impact

protection, and other required safety related components.

With respect to Standard Nos. 203 *Impact Protection for the Driver from the Steering Control System* and 208 *Occupant Crash Protection*, Volkswagen noted that the 1993 model U.S. certified Jetta is equipped with automatic seat belts and that all 1994 and later model year versions of the vehicle are equipped with driver's and passenger's side air bags. Volkswagen contended that it is not possible to install air bag systems in non-U.S. certified 1993 Jettas, and that automatic seat belts must therefore be installed in those vehicles using anchorages that conform to all of the requirements of Standard No. 210, *Seat Belt Assembly Anchorages*. Additionally, Volkswagen observed that in order to comply with the unbelted test requirement of Standard Nos. 208, all U.S. certified 1994-1997 Jettas are equipped with knee bar restraints in the instrument panel which are not present on non-U.S. certified versions of the vehicle. Volkswagen noted that the petitioner did not cite the need for the installation of this equipment. Volkswagen also noted that it began to use pretensioners in the seat belts for the front seating positions of U.S. certified Jettas during the 1994 model year, and that the petitioner failed to identify the need to install pretensioner equipped seat belts to conform non-U.S. certified versions of the vehicle to Standard No. 208. Additionally, Volkswagen observed that the seat belts on U.S. certified 1996 Volkswagen Jettas are equipped with convertible locking retractors in order to meet the child restraint lockability requirements of S7.1.1.5 of Standard No. 208. The company asserted that the seat belts in the front and rear outboard seating positions of non-U.S. certified 1996 Jettas would have to be changed if they are not equipped with the same retractors.

Volkswagen disputed the petitioner's contention that non-U.S. certified 1993-1997 Jettas meet Standard No. 214 *Side Impact Protection* in the same manner as their U.S. certified counterparts. The company asserted that beginning with the 1995 model year, it installed additional padding and structural reinforcements in U.S. certified versions of the vehicle to comply with the dynamic side impact requirements of the standard.

Volkswagen further observed that beginning with the 1994 model year, the Jetta was classified as a high theft line vehicle under the Theft Prevention Standard at 49 CFR Part 541. The company noted that in order to obtain an exemption from the parts marking

requirements of the standard, it installed a standard alarm system with a central locking feature that mechanically locks all doors when the key in the front door is turned. Volkswagen observed that non-U.S. certified 1994 Jettas may not have this central locking system, as a result of which those vehicles would not be exempt from the parts marking requirement of the standard, rendering them, in the Company's view, ineligible for importation.

Aside from these specific observations, Volkswagen made two general comments with respect to the petition. In the first of these, the Company questioned whether modifications such as the addition of air bags, safety belts, and side impact protection components can be performed on a used vehicle outside of a production line setting at a level of quality necessary to assure compliance of each vehicle with the Federal motor vehicle safety standards. In addition, the company expressed the belief that NHTSA cannot decide that all model year 1993 through 1997 Jettas are eligible for importation due to significant differences between vehicles within these model years with regard to their compliance with Standard Nos. 208 and 214. Because the modifications necessary to achieve compliance with those standards may differ by model year, Volkswagen contends that NHTSA may not make a single eligibility decision that encompasses all vehicles within the model years specified in the petition.

NHTSA accorded G&K an opportunity to respond to Volkswagen's comments. In its response, G&K notified the agency that it wished to amend its petition to cover only model years 1994–1996. G&K stated with respect to the Standard No. 109 compliance issues raised by Volkswagen that all vehicles imported will be inspected to confirm that they are equipped with tires of the same size and load rating as those furnished on the U.S. certified model, and that the tires will be replaced if necessary to comply with the standard. Addressing the Standard Nos. 203 and 208 compliance issues raised by Volkswagen with regard to 1994 through 1996 model year Jettas, G&K stated that all parts of the automatic restraint system in the U.S. certified version of these vehicles will be installed on existing mounts in non-U.S. certified models. As enumerated by G&K, those components include the dash braces, knee bolsters, wiring harnesses, warning lights, dash pads, air bag assemblies, seat belts in both front outboard seating positions, and control boxes for the seat belts and

air bags. In addition, G&K stated that new door panels that will accommodate the electric window motors and central locking systems will be installed.

With regard to the Standard No. 214 compliance issues raised by Volkswagen, G&K stated that doorbars would be installed on non-U.S. certified models and dash braces and door panels will be replaced with U.S. model components to meet the requirements of the standard. After a further communication from Volkswagen identifying additional parts that were necessary to achieve compliance, G&K provided the agency with a complete parts list identifying all components to be installed.

Addressing the Theft Prevention Standard issues raised by Volkswagen, G&K stated that U.S. model central locking and alarm systems will be installed on non-U.S. certified Jettas.

NHTSA believes that G&K's response adequately addresses the comments that Volkswagen has made regarding the petition. NHTSA further notes that the modifications described by G&K, which have been performed with relative ease on thousands of motor vehicles imported over the years, would not preclude non-U.S. certified 1994–1996 Volkswagen Jettas from being found "capable of being readily altered to comply with applicable motor vehicle safety standards." Additionally, NHTSA finds no merit to Volkswagen's contention that the agency lacks authority to make an import eligibility decision covering vehicles within a range of model years when different modifications may have to be made to vehicles within those model years to achieve compliance with certain of the standards. Accordingly, NHTSA has decided to grant the petition.

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-274 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 1994–1996 Volkswagen Jetta passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are substantially similar to 1994–1996 Volkswagen Jetta passenger cars 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 1.50 and 501.8.

Issued on: November 19, 1998.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 98–4275; Notice 2]

American Honda Motor Company, Inc.; Grant of Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 122

This notice grants the application of American Honda Motor Co., Inc., of Torrance, California ("Honda"), for a one-year renewal of its temporary exemption from the fade and water recovery requirements of Federal Motor Vehicle Safety Standard No. 122, *Motorcycle Brake Systems*. The basis of the application for renewal was that an exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard.

Notice of receipt of an application was published on August 10, 1998, and an opportunity afforded for comment (63 FR 42661).

The agency previously granted Honda NHTSA Temporary Exemption No. 97–1, expiring September 1, 1998, from the following requirements of 49 CFR 571.122 Standard No. 122 *Motorcycle Brake Systems*: S5.4.1 Baseline check—minimum and maximum pedal forces, S5.4.2 Fade, S5.4.3 Fade recovery, S5.7.2 Water recovery test, and S6.10 Brake actuation forces (62 FR 52372, October 7, 1997). This exemption covered Honda's 1998 CBR1100XX motorcycle. Honda has applied for an extension of its exemption to September 1, 1999, to cover the 1999 model CBR1100XX motorcycle, and "all unsold 1998 model year" CBR1100XX vehicles. However, it was unnecessary for Honda to have included unsold vehicles in its request. NHTSA's temporary exemptions apply as of the date of manufacture and certification of an exempted vehicle, and continue to cover that vehicle even if it is sold after the expiration date of the exemption.