

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.

[FR Doc. 98–31534 Filed 11–24–98; 8:45 am]

BILLING CODE 4910–59–P

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.

Honda's original and renewed request concerned exemption "from the requirement of the minimum hand-lever force of five pounds in the base line check for the fade and water recovery tests." It is evaluating the marketability of an "improved" motorcycle brake system setting which is currently applied to the model sold in Europe. The difference in setting is limited to a softer master cylinder return spring in the European version. Using the softer spring results in a "more predictable (linear) feeling during initial brake lever application." Although "the change allows a more predictable rise in brake gain, the on-set of braking occurs at lever forces slightly below the five pound minimum" specified in Standard No. 122. Honda considers that motorcycle brake systems have continued to evolve and improve since Standard No. 122 was adopted in 1972, and that one area of improvement is brake lever force which has gradually been reduced. However, the five-pound minimum specification "is preventing further development and improvement" of brake system characteristics. This limit, when applied to the CBR1100XX "results in an imprecise feeling when the rider applies low-level front brake lever inputs." On November 5, 1997, Honda submitted a petition for rulemaking to amend Standard No. 122 to eliminate the minimum brake actuation force requirement. As of June 19, 1998, when Honda applied for a renewal of its application, NHTSA had not yet decided whether to grant the petition. The agency notes that it anticipates granting the petition and commencing a rulemaking proceeding this fall.

The 1999 model of the CBR1100XX "will be nearly identical" to the 1998 model "with two notable exceptions: the engine air/fuel delivery system will change from carburetors to electronic fuel injection, and the brake system will also have a minor change." This brake system change involves characteristics of the pressure control valve, but is "limited to high input force range, and it will not affect the baseline check result nor other test results in FMVSS 122."

The CBR1100XX is equipped with Honda's Linked Brake System (LBS) which is designed to engage both front and rear brakes when either the front brake lever or the rear brake pedal is used. The LBS differs from other integrated systems in that it allows the rider to choose which wheel gets the majority of braking force, depending on which brake control the rider uses.

According to Honda, the overall braking performance remains

unchanged from a conforming motorcycle. Exempted CBR1100XX vehicles meet "the stopping distance requirement but at lever forces slightly below the minimum."

Honda argued in 1997 that granting an exemption would be in the public interest and consistent with objectives of traffic safety because it

* * * should improve a rider's ability to precisely modulate the brake force at low-level brake lever input forces. Improving the predictability, even at very low-level brake lever input, increases the rider's confidence in the motorcycle's brake system.

This year Honda repeats those arguments and submits that a renewal allows further refinement and development of the LBS. It believes that the LBS has "many desirable characteristics—especially during emergency braking—that could reduce the number of rear brake lock-up crashes." Honda has produced about 1200 motorcycles under Exemption 97-1, and anticipates that it will produce about 1,500 vehicles under a renewal.

No comments were received on the application.

The changes that Honda intends to make to the braking system of its 1999 model do not affect the reasoning upon which the agency's findings were based in granting the original exemption for its 1998 motorcycle, and the agency's rationale is hereby incorporated by reference (62 FR 52372, October 7, 1997). A renewal should allow further refinement and development of the LBS.

In consideration of the foregoing, it is hereby found 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 Standard No. 122. It is also hereby found that the renewal of the temporary exemption is in the public interest and consistent with the objectives of motor vehicle safety. Accordingly, NHTSA Temporary Exemption No. 97-1 is extended to, and will expire on, September 1, 1999.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.)

Issued on November 18, 1998.

Ricardo Martinez,
Administrator.

[FR Doc. 98-31523 Filed 11-24-98; 8:45 am]

BILLING CODE 4910-59-U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Annual List of Defect and Noncompliance Decisions Affecting Nonconforming Imported Vehicles

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

ACTION: Annual list of defect and noncompliance decisions affecting nonconforming imported vehicles.

SUMMARY: This document contains a list of vehicles recalled by their manufacturers during Fiscal Year 1998 (October 1, 1997 through September 30, 1998) to correct a safety-related defect or a noncompliance with an applicable Federal motor vehicle safety standard (FMVSS). The listed vehicles are those that have been decided by NHTSA to be substantially similar to vehicles imported into the United States that were not originally manufactured to conform to all applicable FMVSS. The registered importers of those nonconforming vehicles are obligated to provide their owners with notification of, and a remedy for, the defects or noncompliances for which the listed vehicles were recalled.

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

SUPPLEMENTARY INFORMATION: 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 (FMVSS) 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. Once NHTSA decides that a nonconforming vehicle is eligible for importation, it may be imported by a person who is registered with the agency pursuant to 49 U.S.C. 30141(c) ("registered importer"), who will undertake to bring the vehicle into conformity, or by a person who has a contract with a registered importer to perform this work. Before releasing the vehicle for use on public streets, roads, or highways, the registered importer must certify to NHTSA, pursuant to 49 U.S.C. 30146(a), that the vehicle has been brought into conformity with all applicable FMVSS.

If a vehicle originally manufactured and certified for importation into and sale in the United States is decided to