

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**.

Champagne Imports of Lansdale, Pennsylvania ("Champagne") (Registered Importer 90-009) has petitioned NHTSA to decide whether non-U.S. certified 1991-1998 Honda VT600 motorcycles are eligible for importation into the United States. The vehicles which Champagne believes are substantially similar are 1991-1998 Honda VT600 motorcycles that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1991-1998 Honda VT600 motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that non-U.S. certified 1991-1998 Honda VT600 motorcycles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are

capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1991-1998 Honda VT600 motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses*, 111 *Rearview Mirrors*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, and 122 *Motorcycle Brake Systems*.

Petitioner additionally contends that the vehicles are capable of being readily altered to meet the following standard, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: Installation of U.S.-model head lamp assemblies.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*: Installation of a tire information label.

Standard No. 123 *Motorcycle Controls and Displays*: Installation of a U.S.-model speedometer/odometer calibrated in miles per hour.

The petitioner also states that a vehicle identification number plate will be affixed to the vehicle to meet the requirements of 49 CFR part 565.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

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: December 10, 1998.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 98-33224 Filed 12-15-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4862]

Decision that Nonconforming 1987-1989 Saab 900 S Passenger Cars are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1987-1989 Saab 900 S passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1987-1989 Saab 900 S 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 1987-1989 Saab 900 S), and they are capable of being readily altered to conform to the standards.

DATE: This decision is effective December 16, 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**.

Champagne Imports, Inc. of Lansdale, Pennsylvania ("Champagne") (Registered Importer 90-009) petitioned NHTSA to decide whether 1987-1989 Saab 900 S passenger cars are eligible for importation into the United States. NHTSA published notice of the petition under Docket No. NHTSA-98-4083 on July 24, 1998 (63 FR 39928) 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 Saab Cars USA, Inc. ("Saab"), the United States representative of the vehicles' manufacturer. In this comment, Saab stated that the petition contained inaccuracies with regard to the compliance of non-U.S. certified 1987-1989 Saab 900 S with certain of the Federal motor vehicle safety standards. In particular, Saab noted that a center high mounted stop lamp would have to be installed on the vehicles to comply with Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Additionally, Saab stated that the driver's side rearview mirror would have to be replaced with a planar U.S.-model component to comply with Standard No. 111, *Rearview Mirrors*. Saab also stated that the manufacturer locks the transmission shift mechanism as opposed to the steering to achieve compliance with Standard No. 114, *Theft Protection*. Saab further disputed the petitioner's claim that there would be any need for modifications to achieve compliance with Standard No. 118 *Power Window Systems*, as all Saabs produced worldwide are wired so that the window transport is inoperative when the ignition is switched off. With respect to Standard No. 208, *Occupant Crash Protection*, Saab contended that certain non-U.S. certified 1987-1989 Saab 900 S hatchbacks were equipped with motorized shoulder belts that could not be easily retrofitted on non-U.S. certified versions of those vehicles. Saab noted, however, that this equipment was installed on only a portion of its 1987-1989 Saab 900 S hatchback production, and not on other configurations of the vehicle.

NHTSA accorded Champagne an opportunity to respond to Saab's comment. In its response, Champagne stated that a center high mounted stop lamp will be installed on non-U.S. certified 1987-1989 Saab 900 S passenger cars to comply with Standard

No. 108. Additionally, Champagne stated that it will install a U.S.-model driver's side rearview mirror to comply with Standard No. 111. Champagne additionally conceded that Saab locks the transmission shift mechanism to achieve compliance with Standard No. 114, and that the vehicles meet this standard as produced from the factory. Additionally, Champagne acknowledged there is no need to modify non-U.S. certified 1987-1989 Saab 900 S passenger cars to achieve compliance with Standard No. 118 because all such vehicles comply with that standard as produced from the factory. With respect to Standard No. 208, Champagne contends that the vehicles it intends to import meet that standard as equipped from the factory. Champagne agrees that reinforcing beams necessary to comply with Standard No. 214 are already installed in non-U.S. certified 1987-1989 Saab 900 S passenger cars. Additionally, Champagne acknowledges that there is no need to install a rollover valve to achieve compliance with Standard No. 301. Finally, Champagne acknowledges that non-U.S. certified 1987-1989 Saab 900 S passenger cars are in compliance with the theft Prevention Standard in 49 CFR Part 541 because they are marked with the required VIN numbers prior to importation.

NHTSA believes that Champagne's response adequately addresses the issues that Saab has raised regarding the petition. NHTSA further notes that Saab has not contended that non-U.S. certified 1987-1989 Saab 900 S passenger cars are incapable of being readily altered to comply with applicable motor vehicle safety standards, and that the modifications described by Champagne, which have been performed with relative ease on thousands of motor vehicles imported over the years, would not preclude non-U.S. certified 1987-1989 Saab 900 S passenger cars from being found capable of being so altered. NHTSA has accordingly 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-270 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 non-U.S. certified 1987-1989 Saab 900 S passenger cars are substantially similar to 1987-1989 Saab 900 S 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: December 10, 1998.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3412; Notice 2]

DeTomaso Modena S.p.A., Mootness of Application for Temporary Exemption From Three Federal Motor Vehicle Safety Standards

This notice moots the application by DeTomaso Modena S.p.A. of Modena, Italy, ("DeTomaso") for a temporary exemption from portions of three Federal motor vehicle safety standards. The basis of the application was that compliance would cause substantial economic hardship to a manufacturer that has tried to comply with the standards in good faith.

The agency published notice of its receipt of the application on February 6, 1998, and provided an opportunity for comment (63 FR 6255). No comments were received on the application.

Before the agency had made a decision, it was informed by DeTomaso on April 25, 1998 that the company is withdrawing its application, due to an unanticipated increase in demand for the Guara car, the vehicle covered by the application. DeTomaso indicated that it does not have the capacity to meet the renewed demand for the Guara and supply the American market as well.

Accordingly, the application is now moot. (49 U.S.C. 30113; delegations of authority at 49 CFR 1.50, and 501.8)