

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**.

Liphardt & Associates of Ronkonkoma, New York ("Liphardt") (Registered Importer 90-004) has petitioned NHTSA to decide whether 1989 Nissan Maxima passenger cars are eligible for importation into the United States. The vehicle which Liphardt believes is substantially similar is the 1989 Nissan Maxima that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1989 Nissan Maxima to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Liphardt submitted information with its petition intended to demonstrate that the non-U.S. certified 1989 Nissan Maxima, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1989 Nissan Maxima is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence * * **, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 111 *Rearview Mirrors*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 118 *Power Window Systems*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt*

Assembly Anchorages, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that the non-U.S. certified 1989 Nissan Maxima complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) installation of U.S.-model headlamp assemblies which incorporate sealed beams and sidemarkers; (b) installation of U.S.-model taillamps; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: installation of a tire information placard.

Standard No. 114 *Theft Protection*: installation of a warning buzzer in the steering lock electrical circuit.

Standard No. 115 *Vehicle Identification Number*: installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 208 *Occupant Crash Protection*: installation of a seat belt warning buzzer. The petitioner states that the vehicle is equipped with a seat belt warning lamp and with seat belt assemblies that are identical to those found on its U.S. certified counterpart.

Standard No. 214 *Side Impact Protection*: installation of reinforcing beams.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 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: September 7, 1995.

Harry Thompson,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 95-22601 Filed 9-11-95; 8:45 am]

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[Docket No. 93-50; Notice 4]

Denial of Petition for Reconsideration, Nassau Technologies; Federal Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Response of Petition for Reconsideration.

SUMMARY: This notice denies a petition from Nassau Technologies, Inc., for reconsideration of NHTSA's decision not to include motor vehicle glazing as a major vehicle component, which would be subject to the parts-marking requirement of 49 CFR Part 541, Federal Motor Vehicle (Theft Prevention Standard). NHTSA is denying the petition because it believes that it needs cost and effectiveness information beyond that which it received in connection with this petition in order to make an informed decision about whether motor vehicle glazing should be added to the list of major components for which parts-marking is required by the theft prevention standard.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Gray, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Gray's telephone number is (202) 366-1740. Her fax number is (202) 493-2739.

SUPPLEMENTARY INFORMATION:

Background

On July 7, 1993, NHTSA published in the **Federal Register** an advance notice of proposed rulemaking (ANPRM) (58 FR 36376), seeking comments on possible definitions of multipurpose passenger vehicle (MPVs) and light-duty truck (LDTs) to be used in the Federal motor vehicle theft prevention standard (49 CFR Part 541) when the agency amended it to add those vehicles categories pursuant to the Anti Car Theft Act of 1992, P.L. 102-519 (October 25, 1992). The ANPRM also sought comments on which MPV and LDT parts should be considered major

component parts, and therefore, subject to the parts-marking requirements.

Several commenters on the ANPRM, Advocates for Highway and Auto Safety (Advocates), Prospective Technologies (Prospective), and State Farm Mutual Insurance Company (State Farm), suggested that motor vehicle glazing be treated as major component parts for all high-theft vehicle lines. Prospective cited the relative ease with which glazing could be marked, the low cost of marking, and provided examples of lower-theft rates for some motor vehicles with glazing that had been voluntarily marked with the vehicle identification number.

On July 8, 1994, the agency published a notice of proposed rulemaking (NPRM) in the **Federal Register** (59 FR 35082), which requested additional comments on proposed definitions of MPVs and LDTs and also solicited comments on the components of these vehicles that should be subject to parts marking. In the NPRM, the agency specifically requested additional information and comments on whether glazing should also be added to the passenger vehicle components subject to parts marking, and proposed the following glazing components to be marked, if present on the vehicle: windshield, right/left front-side window, right/left rear-side window, rear window, and right/left T-top inserts. In addition, the NPRM sought comments on the exclusion of particular glazing pieces, and whether glazing should be exempted from the requirements of 49 CFR

§ 541.5(d)(1)(ii)(B) that the marking be placed on a portion of the part not likely to be damaged in a collision. Finally, the notice requested comments on how the target areas for glazing parts could be specified so that the markings required by the antitheft standard and the markings required by Federal motor vehicle safety standard 205, Glazing Materials, would not be placed in the same area.

Five of the fifteen commenters, International Association of Auto Theft Investigators (IAATI), Advocates, State Farm, Prospective, and Automark Corporation supported a requirement for marking motor vehicle glazing. The remaining commenters—automobile manufacturers and their associations, and the National Automobile Dealers Association (NADA)—disagreed with including glazing as a component to be subject to the parts-marking requirements. Among the reasons given for disagreement were excessive cost, the fact that none of the methods for marking glazing had been implemented on a manufacturer's assembly line,

occupational and environmental hazards presented by some of the chemicals and other materials used in marking glass, the questionable effectiveness in deterring theft, and the absence of legal authority. Nassau did not comment on the NPRM, and no other commenter mentioned laser technology as means of marking glazing material.

After considering all of the comments, NHTSA issued a final rule that does not include glazing as one of the major vehicle components subject to the parts-marking requirements of Part 541 (59 FR 64164 (December 13, 1994)).

On January 12, 1995, the agency received a petition for reconsideration of the final rule from Nassau Technologies, Inc., of Stafford, Texas (Nassau). A manufacturer of a patented laser etching system known as LaserGuard. Nassau stated that it had not commented on the ANPRM or NPRM on requiring glazing to be marked under the theft prevention standard because it had not been aware of the agency's publication of the notices until after the comment period had closed. Its basis for seeking reconsideration of the final rule was that if NHTSA and the vehicle manufacturers had information about Nassau's LaserGuard system before the final rule, the agency would have included glazing as a component subject to the parts-marking requirements of Part 541.

Nassau specifically addressed four major issues raised by the commenters opposed to marking of vehicle glazing: cost, adverse environmental and occupational health impacts, effectiveness as a theft deterrent, and problems with etching replacement glazing.

Nassau contends that the cost estimates provided to NHTSA by the commenters opposed to marking of glazing were based on antiquated and costly glass-etching technologies, i.e., sandblasting and chemical etching processes. Nassau agreed that these methods are cumbersome and labor intensive.

However, it asserted that its LaserGuard etching process is less costly than these processes because its system is automated, requires no stencil production or no etching materials and can be adapted to robotics for assembly line use. Nassau believes that the per-vehicle cost to mark glass with the LaserGuard system would be far less than \$5.00. The current per-vehicle cost using LaserGuard is \$5. Nassau believes that the cost would be substantially reduced if the system were used on a large scale by the automobile

manufacturers. According to Nassau, the low per-vehicle cost of LaserGuard would keep the total cost of marking all required components of a vehicle below the statutory cumulative limit of \$20.86 (in 1993 dollars).

Nassau asserted that the environmental and employee health concerns about chemical etching and sandblasting raised by several manufacturers, including proper ventilation, storage and disposal of hazardous or caustic agents, and the need for protective apparel, would all be eliminated if the LaserGuard system were used. It stated that the LaserGuard system operates a CO₂ laser.

Nassau asserted that in its experience, glass etching has been successful as a theft deterrent. Its parent company has provided a glass etching product with a consumer warranty to a large automobile distributor for 10 years. The warranty for this product states that if the consumer's vehicle is stolen and not recovered the company will pay the owner one thousand dollars. Nassau submitted an exhibit showing that over a two-year period, 238,363 vehicles had their glazing etched using the product, and only 129 warranty claims were processed.

Nassau stated that insurance companies and lawmakers who recognize glass etching as a theft deterrent generally support the view that etching the glass protects the vehicle as a whole from theft. Nassau also asserted that because it is difficult for thieves to make a vehicle unidentifiable if two or more windows must be removed and replaced, some insurance companies give a discount on the premium for vehicles that have some but not all glazing etched. According to Nassau, this would ameliorate the problems concerning the etching of replacement glass that were raised by some commenters. (It cited as an example the Texas Insurance Automobile Rules and Rating Manual which defines a qualifying antitheft system as a "system under which the motor vehicle identification number (VIN) is permanently marked on at least two windows of the motor vehicle other than the small vent windows.") If having as few as two windows glazed is sufficient to deter theft of the vehicle, there would not be a frequent need to replace damaged glass with etched glass in order to gain the deterrent effect. Nassau added that for those consumers who wished to have replacement glass etched, manufacturers could provide a chemical etching kit directly to the consumer or to the body shop upon request by the vehicle owner.

In conclusion, Nassau stated that the LaserGuard system, engineered and developed in 1990, has been successfully tested and operated in high-volume environments in multiple locations. It believes that the agency's decision not to include glazing as a component subject to the parts-marking requirement was heavily influenced by the concerns expressed by the manufacturers, which were based on different etching technologies.

Discussion

The agency's principal reason for deciding in the final rule not to adopt the proposal to include glazing as a major vehicle component subject to parts-marking was its belief that "specifying glazing as major parts, may make the costs of parts marking for some manufacturers exceed the \$20.86 [1993 dollars] limited specified in [49 U.S.C.] section 33105(a)," combined with the assertions from commenters that windows are rarely stolen as replacement parts, and that there is no evidence that vehicles are stolen for their glazing materials. 59 FR 64166 (December 13, 1994).

Nassau asserted in its petition that the per-vehicle cost of glass etching using its LaserGuard system is currently about \$5. It also stated its belief that the per-vehicle cost would be substantially lower if the system were to be implemented on the assembly lines of the major vehicle manufacturers. It does not state whether its estimated per-vehicle-cost for large-scale use of LaserGuard takes into account the capital investment that manufacturers would be required to make to tool their assembly lines to accommodate the LaserGuard technology. The agency notes that in its petition Nassau states that the system can be adapted to robotics for use on the assembly line. The extent of the adaptations that would be needed and their possible cost is not known.

Even if the agency were to accept the assertion that the per-vehicle cost of laser etching of vehicle glazing would be low enough to keep the per-vehicle cost of parts-marking below the statutory limit, it would be required to consider other factors in deciding whether to mandate etching of vehicle glass. Some commenters on the NPRM raised serious questions about whether etched glazing would be an effective deterrent to vehicle theft. Nassau has countered these assertions with one example of a situation in which a group of vehicles with marked glazing had a very low incidence of theft.

The agency does not believe it has a basis for concluding that it can give any

more weight to Nassau's example than to the NPRM comments to the contrary. While it is clear that the vehicles in Nassau's example experienced a low-theft rate, there is no information in Nassau's submission that would enable the agency to make a judgment about whether and to what extent the low-theft rate could be attributed to the fact that the glazing on the vehicles was marked. Further, the entire MY 1993 Nissan 300ZX line had all its windows etched and the theft rate for that line continued to increase from the previous model year.

The agency heretofore has limited designation of parts required to be marked under Part 541 to those parts explicitly listed by Congress and parts that were clearly within the scope of the mandate of the Anti Car Theft Act of 1992 (P.L. 102-519) to add multipurpose passenger vehicles and light-duty trucks to the vehicle categories covered by Part 541. See 59 FR 64166 (December 13, 1994). Because the data on the effectiveness of parts marking in general and marking of glazing in particular is uncertain, and the addition of a requirement to mark glazing would result in additional costs to vehicle and replacement parts manufacturers, the agency has decided that the best course at this time is to limit the scope of the parts-marking requirement to the parts listed in the final rule published December 13, 1994. (59 FR 64166)

For the foregoing reasons, the agency is denying the petition for reconsideration filed by Nassau Technologies, Inc.

Issued on: September 6, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95-22594 Filed 9-11-95; 8:45 am]

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[Docket No. T95-63; Notice 01]

RIN 2127-AF56

Federal Motor Vehicle Theft Prevention Standard; Preliminary Theft Data

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Publication of preliminary theft data; request for comments.

SUMMARY: This document requests comments on data about passenger motor vehicle thefts that occurred in calendar year (CY) 1993, including theft rates for existing passenger motor vehicle lines manufactured in model year (MY) 1993. The theft data

preliminarily indicate that the vehicle theft rate for CY/MY 1993 vehicles (3.90 thefts per thousand vehicles) decreased by 9.5 percent from the theft rate for CY/MY 1992 vehicles (4.31 thefts per thousand vehicles).

Publication of these data fulfills NHTSA's statutory obligation to periodically obtain accurate and timely theft data, and publish the information for review and comment.

DATES: Comments must be submitted on or before November 13, 1995.

ADDRESSES: All comments should refer to the docket number and notice number cited in the heading of this document and be submitted, preferably with ten copies to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Docket hours are from 9:30 am to 4:00 pm, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Gray, Office of Market Incentives, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Ms. Gray's telephone number is (202) 366-1740. Her fax number is (202) 493-2739.

SUPPLEMENTARY INFORMATION: NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR Part 541. The standard specifies performance requirements for inscribing or affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data, and publish the data for review and comment. To fulfill this statutory mandate, NHTSA has published theft data annually every since 1983/84. Continuing to fulfill the § 33104(b)(4) mandate, this document reports the preliminary theft data for CY 1993, the most recent calendar year for which data are available.

In calculating the 1993 theft rates, NHTSA followed the same procedures it used in calculating the MY 1992 theft rates. (For 1992 theft data calculations, see 60 FR 1824, January 5, 1995). As in all previous reports, NHTSA's data were based on information provided to NHTSA by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a government system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC