

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: October 20, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

Annex—A—Nonconforming Motor Vehicles Decided To Be Eligible For Importation

1. Docket No. 97-048
Nonconforming Vehicles: 1990-1994, 1996, and 1997 Saab 900 SE
Substantially similar U.S.-certified vehicles: 1990-1994, 1996, and 1997 Saab 900 SE
Notice of Petition published at: 62 FR 42157 (August 5, 1997)
Vehicle Eligibility Number: VSP-219
2. Docket No. 97-051
Nonconforming Vehicles: 1987-1997 Kawasaki ZX400 Motorcycles
Substantially similar U.S.-certified vehicles: 1987-1997 Kawasaki ZX600 Motorcycles
Notice of Petition published at: 62 FR 43425 (August 13, 1997)
Vehicle Eligibility Number: VSP-222
3. Docket No. 97-052
Nonconforming Vehicles: 1996-1997 Ducati 748 Biposto Motorcycles
Substantially similar U.S.-certified vehicles: 1996-1997 Ducati 916 Biposto Motorcycles
Notice of Petition published at: 62 FR 43770 (August 15, 1997)
Vehicle Eligibility Number: VSP-220
4. Docket No. 97-053
Nonconforming Vehicles: 1992, 1994-1997 BMW 750iL
Substantially similar U.S.-certified vehicles: 1992, 1994-1997 BMW 750iL
Notice of Petition published at: 62 FR 43771 (August 15, 1997)
Vehicle Eligibility Number: VSP-221.

[FR Doc. 97-28279 Filed 10-23-97; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Modification of a Previously Approved Antitheft Device; Saab

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

ACTION: Grant of petition for modification of a previously approved antitheft device.

SUMMARY: On June 20, 1997, Saab Cars, USA, Inc. (Saab) filed a petition with the National Highway Traffic Safety Administration (NHTSA) asking for a second modification to an agency-approved exemption from the vehicle theft prevention standard for its 900 car line. NHTSA is granting Saab's petition for modification of its exemption from the parts-marking requirements of the vehicle theft prevention standard for its model year (MY) 1999 900 car line because it has determined, based on substantial evidence, that the antitheft device described in Saab's petition to be placed on the car line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements.

DATES: The exemption granted by this notice is effective at the beginning of the 1999 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, S.W., Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-2739.

SUPPLEMENTARY INFORMATION: On July 26, 1993, NHTSA published in the **Federal Register** a notice granting a petition from Saab for an exemption from the parts marking requirements of the vehicle theft prevention standard for the Saab 900 car line beginning with MY 1994 (See 58 FR 39853). By letters dated September 8 and 12, 1994, Saab petitioned for the first modification to its device. The agency determined that the proposed changes made on Saab 900's antitheft device for MY 1995 were de minimis changes and did not require it to submit a petition to modify its exemption pursuant to 49 CFR Part 543.9(c)(2).

On June 20, 1997, Saab submitted a second petition for modification of its previously approved antitheft system for MY 1999. According to the petition, Saab will begin MY 1999 production of the 900 car line in February 1998. This notice responds to that petition.

Saab's submission is a complete petition, as required by 49 CFR Part 543.9(d), in that it meets the general requirements contained in 49 CFR Part 543.5 and the specific content requirements of 49 CFR Part 543.6. Saab's petition also provided a detailed description of the identity, design and location of the components of the antitheft system, including diagrams of

the components and their location in the vehicle beginning with the 1999 model year. On August 20, 1997, the agency contacted Saab by telephone and obtained additional information which clarified the nature of the changes to its antitheft system for the 900 car line for MY 1999.

In its MY 1999 petition, Saab stated that for its MY 1999 car line, the driver/operator will be able to arm the system, activate the central-locking feature and monitor the protected areas of the vehicle from unauthorized tampering either by using the remote transmitter or locking the driver's or passenger's door with the correct ignition key. This is a change from the previously approved system, in which only the remote transmitter had the capability to arm and disarm the system and only the ignition key could activate the central-locking feature.

In addition, Saab stated that for MY 1999, the remote transmitter will not arm or disarm the starter immobilization feature of the system. The only way to activate and deactivate that feature will be by using the correct ignition key containing a radio signal transponder. In the previously approved system, the starter immobilization feature as well as the ignition and fuel immobilization features could be armed and disarmed by using the remote transmitter.

The petition also states that the MY 1999 Saab 900 car line will incorporate a battery backup for the alarm siren, "free wheeling" door lock cylinders, a tilt sensor which will detect possible theft of the vehicle by means of a flatbed or tow truck removal, and a panic function feature.

Saab also stated that for MY 1999, the electronic components in the 900 car line will use more advanced technology between various vehicle systems, including but not limited to the engine management system and the on-board diagnostic requirements. Beginning with MY 1999, the 900 car line will incorporate a new advanced communications architecture, "CAN-BUS". The "CAN-BUS" architecture will improve the speed and reliability of the electronic communications between vehicle systems, and allow improvements in the standard antitheft system.

However, Saab noted that the use of the "CAN-BUS" architecture means that it will not be able to use the fuel and ignition immobilization features of its antitheft system in all of the vehicles for the 900 car line in the 1999 model year. These features will be present only in those vehicles that are equipped with a turbo-charged engine; they will not be present in the vehicles with the 2.3 liter

engine. Saab stated that those vehicles that are equipped with a 2.3 liter engine will not incorporate the fuel and ignition immobilizer feature until MY 2000.

In order to ensure the reliability and durability of the device, Saab stated that it conducted tests of the antitheft device which far exceeds the previous testing program that was used to validate the reliability and durability of the 1995 through 1998 vehicles.

Saab believes that the antitheft system proposed for installation on its 900 line is likely to be as effective in reducing thefts as compliance with the parts-marking requirements of Part 541. It believes that the antitheft system for model years 1999 and later will provide essentially the same functions and features as found on today's 1995 through 1998 system. Therefore, Saab believes that the modified system will provide at least the same level of theft prevention over parts marking. Saab supports its belief that its proposed system will be no less effective than the MY 1995 through 1998's system by comparing its MY 1995 preliminary theft rate of 1.3973 for the 900 line with the median theft rate of 3.5826 indicating that the agency's theft data supports its belief.

Saab also submitted information from the Highway Loss Data Institute (HLDI), which reported a comparison of the number of claims per thousand insured vehicles per year. HLDI's September 1996 insurance theft report indicated a theft index of 15 for the 1994 through 1995 Saab 900 line. This was the second lowest figure for all large, midsize, and small cars listed. The HLDI theft report published in September 1997 indicated a theft index of 13, a reduction from the previous year's index. HLDI reported that the antitheft device installed on the Saab 9⁵ car line and sold in Sweden, has been awarded the highest-ever security ratings (96.7 % security rating) given by Thatcham, the motor vehicle insurance industry's research centre.

The agency has evaluated Saab's MY 1999 petition for modification of the exemption for the 900 car line from the parts-marking requirements of 49 CFR Part 541, and has decided to grant it. It has determined that the system is likely to be as effective as parts marking in preventing and deterring theft of these vehicles, and therefore qualifies for an exemption under 49 CFR Part 543. The ability to arm the system using either the ignition key or a remote transmitter means that arming the system does not require any additional action by the driver, which means that the system is more likely to be armed. The ability to use the key or the remote to activate and

deactivate the starter immobilizer improves the level of convenience for the driver/operator to arm and disarm the modified system over the present system. Other improvements include the addition of a battery backup for the alarm siren, "free wheeling" door lock cylinders, a tilt sensor that will detect attempts to steal the vehicle by means of flatbed or tow truck, and a panic function feature.

In its petition, Saab also states that for MY 1999, not all of the vehicles in the 900 car line will have the fuel and ignition immobilizer features as part of the antitheft system. One prerequisite to qualifying for an exemption under Part 543 is that the antitheft device must be installed as standard equipment on all vehicles on a model line. 49 U.S.C. Section 33106(b). Therefore, in evaluating whether a system qualifies for an exemption, the agency may consider only those features that are standard across the car line; and may not consider features that are only present on some vehicles in the line.

Accordingly, for the purpose of evaluating whether the system installed on the Saab 900 line for MY 1999 qualifies for an exemption under Part 543, the agency cannot consider the fuel and ignition interrupt features to be part of the system. Since these features are present on the current system on the Saab 900, this means that the agency must treat the MY 1999 system as though these features are no longer included.

The absence of these features diminishes the level of theft protection somewhat from that provided by the MY 1995 system because the fuel and ignition immobilizer will not be standard equipment on the car line. The agency believes, however, that the decrease is not substantial and that even without this feature, the system as described in Saab's petition for modification will provide a level of theft protection equivalent to parts marking.

The agency notes that Saab has stated in its petition that it plans to install the fuel and ignition immobilizer features in all vehicles in the 900 car line beginning with MY 2000. If Saab does in fact decide to add these features as standard equipment on the 900 line, it must file either a new petition for modification of the exemption or a request for de minimis treatment for the system that incorporates these features.

NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as de minimis, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: October 21, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-28291 Filed 10-23-97; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Section 5a Application No. 34 (Amendment No. 9)]

Middlewest Motor Freight Bureau, Inc.

AGENCY: Surface Transportation Board; DOT.

ACTION: Request for comments.

SUMMARY: The Surface Transportation Board is seeking comments from interested persons on the application filed by the Midwest Motor Freight Bureau, Inc. (MWB) for approval of amendments to its by-laws. The proposed amendments are described below.

DATES: Comments are due by November 24, 1997.

ADDRESSES: Send an original and 10 copies of pleadings to Section 5a Application No. 34 (Amendment No. 9) to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, D.C. 20423-0001. Also send one copy to MWB's representative: Bryce Rea, Jr., 1920 N Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600 (TDD for the hearing impaired: (202) 565-1695.)

SUPPLEMENTARY INFORMATION: MWB is seeking Surface Transportation Board approval of several minor amendments to its by-laws. MWB states that the amendments would reduce the number of directors and quorum requirements for meetings of the board of directors (the Board) of MWB, reduce the size of the nominating committee for the Board, revise titles of officers, authorize the Board to fill vacancies on the Board, allow for greater flexibility in scheduling and holding Board meetings, and eliminate territorial classifications for the Board or for directors.

MWB proposes to change the titles of Board members as follows: "Executive Vice President" would be changed to "President", "President" would be changed to "Chairman of the Board", and "Vice President" would be changed to "Vice Chairman of the Board."