

compliance with the parts-marking requirements.

Nissan has concluded that the antitheft device proposed for its new line is no less effective than those devices in the lines for which NHTSA has already granted exemptions from the parts-marking requirements. Nissan bases its belief on reduced theft rates of the 300ZX, Maxima, and Infiniti Q45 car lines. Nissan stated that the 300ZX has been equipped with an antitheft device since the model designation was changed from 280ZX in July 1983. The company asserts that the thefts of the 300ZX has dropped significantly for that line, resulting in a 51 percent decrease for the MY 1984 theft rates and a 42 percent drop for the MY 1985 rates as compared to the MY 1983 rates (thefts per 1,000 produced). Nissan believes that the reduction of theft rates for the 300ZX are primarily attributable to the antitheft systems installed. Since the vehicle line that is the subject of this petition will be equipped with a similar system as the 300ZX, Nissan expects that the antitheft system of the vehicle line for which it now seeks an exemption will also be as effective in reducing and deterring theft.

Additionally, Nissan provided theft experience for the Maxima and Q45 vehicle lines. The 1985 through 1994 MY Nissan Maxima has been equipped with a device similar to that which is planned for the line that is the subject of this petition. The antitheft device has been installed on the Maxima since it was revised from the Model 810 Sedan in October 1984. Nissan's petition indicated that a 47% decrease in theft occurred for the 1985 Maxima as compared to the MY 1984 Model 810 Sedan. Nissan also stated that the Infiniti Model Q45 theft rates indicates that the system's design is effective. Based on the 1990-91 MY theft data, the Infiniti Model Q45 theft rate is 2.1522 per 1,000 vehicles, which Nissan asserts is significantly below the median rate for those calendar years.

Based on the evidence submitted by Nissan, the agency believes that the antitheft device for the new Nissan line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standards (49 CFR Part 541).

The agency believes that the device will provide the types of performance listed in 49 CFR Part 543.6(a)(3): Promoting activation; attracting attention to unauthorized entries; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by

unauthorized entrants; and ensuring the reliability and durability of the device.

As required by 49 U.S.C. 33106 and 49 CFR Part 543.6 (a)(4) and (5), the agency finds that Nissan has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Nissan provided about its device, much of which is confidential. This confidential information included a description of reliability and functional tests conducted by Nissan for the antitheft device and its components.

For the foregoing reasons, the agency hereby grants in full Nissan's petition for exemption for the line from the parts-marking requirements of 49 CFR Part 541.

If Nissan decides not to use the exemption for this line, it should formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Nissan wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption." The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself.

The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, 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 July 22, 1995.

Barry Felrice,
Associate Administrator for Safety
Performance Standards.

[FR Doc. 95-19023 Filed 8-1-95; 8:45 am]

BILLING CODE 4910-59-P

[Docket No. 95-44; Notice 2]

Decision That Nonconforming 1989 Honda Civic DX Hatchback Passenger Cars Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1989 Honda Civic DX Hatchback passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1989 Honda Civic DX Hatchback 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 a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1989 Honda Civic DX Hatchback), and they are capable of being readily altered to conform to the standards.

DATE: This decision is effective as of the date of its publication in the **Federal Register**.

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) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), 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 (formerly section 114 of the Act), 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,