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Dated: December 14, 1995.

Reba Andrew,

Staff Director, Representative Payment Advisory Committee.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard Porsche

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

ACTION: Grant of petition for exemption.

SUMMARY: This notice grants in full the petition of Porsche Cars North America, Inc., on behalf of Dr. Ing. h.c.F. Porsche AG, (Porsche) for an exemption of a high-theft car line, (nameplate and model year are confidential), from the parts-marking requirements of the Federal motor vehicle theft prevention standard. Porsche requested and was granted on July 14, 1995, confidential treatment for this vehicle line's nameplate. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard.

DATES: The exemption granted by this notice is effective beginning with the (confidential) model year.

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

SUPPLEMENTAL INFORMATION: In a petition dated September 26, 1995, Porsche Cars North America, Inc., requested on behalf of Dr. Ing. h.c.F. Porsche AG, an exemption from the parts-marking requirements of the Theft Prevention Standard for a motor vehicle line. The submittal requested an exemption from the parts-marking requirements pursuant to 49 CFR Part 543, Exemption From Vehicle Theft Prevention Standard, based on the installation of an antitheft device as standard equipment for the entire line.

Porsche's September 26 letter and supplemental letter of October 24, together constitute a complete petition, as required by 49 CFR Part 543.7, in that it met the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In its petition, Porsche provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the new line. This antitheft device includes an engine starter-interrupt function, a central locking system, and an optional alarm function. The antitheft device is activated by removing the ignition key and locking the doors with it. The optional alarm is operated by a remote control and monitors the doors, hood, rear decklid, glove compartment or radio contact switches and will sound horn and lights if breached.

In order to ensure the reliability and durability of the device, Porsche stated that it conducted tests, based on its own specified standards. Porsche provided a listing of the tests conducted. Porsche stated that the antitheft system also utilizes a built-in self test which constantly checks for system failures. If a failure is detected, the operator is signaled.

Porsche compared the device proposed for its new line with devices which NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements of 49 CFR Part 541, and has concluded that the antitheft device proposed for this new line is no less effective than those devices.

Porsche 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. Porsche based its belief on reduced theft rates of the General Motors Corporation (GM) Chevrolet Camaro, Chevrolet Corvette, and Pontiac Firebird. Porsche stated that the GM Chevrolet Camaro has been equipped with the antitheft device since

model year (MY) 1990. The theft rate of the Camaro continues to decrease, from (MY) 1988 with a theft rated of 25.7394 (55 FR 18794) to 2.7243 in MY 1993 (60 FR 47429). This represents a decrease of 89 percent. The Chevrolet Corvette and Pontiac Firebird equipped with the same antitheft device, have also shown a decrease in theft rates. Since the vehicle line that is the subject of this petition will be equipped with a system similar to that in the Camaro, Porsche expects that the antitheft device on the vehicle line for which it now seeks an exemption will be as effective as the Camaro's system in reducing and deterring theft.

Based on the evidence submitted by Porsche, the agency believes that the antitheft device for the new Porsche 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 Standard (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, preventing defeat of 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 Porsche has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Porsche provided about its device.

For the foregoing reasons, the agency hereby grants in full Porsche's petition for exemption for the (nameplate is confidential) line from the parts-marking requirements of 49 CFR Part 541.

If Porsche decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, mark the line according to the requirements of 49 CFR Parts 541.5 and 541.6.

NHTSA notes that if Porsche 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