Windshield Wiping and Washing Systems, 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 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,* 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 non-U.S. certified 1999–2000 Ferrari 360 Modena passenger cars comply with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicles are 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 a noncomplying symbol on the brake failure indicator lamp; (b) replacement of the speedometer with one calibrated in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model headlamps and front sidemarker lamps; (b) installation of U.S.-model taillamp assemblies and rear sidemarker lights; (c) installation of a U.S.-model high mounted stop lamp on vehicles that are not already so equipped.

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

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a warning buzzer and a warning buzzer microswitch in the steering lock assembly.

Standard No. 118 *Power Window Systems:* installation of a relay in the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* (a) installation of a safety belt warning buzzer, wired to the driver's seat belt latch; (b) replacement of the driver's and passenger's side air bags, control units, sensors, seat belts and knee bolsters with U.S.-model components on vehicles that are not already so equipped. The petitioner states that the vehicles are equipped at the front outboard seating positions with combination lap and shoulder belts that are self tensioning and capable of being released by means of a single red push-button.

Standard No. 214 *Side Impact Protection:* installation of U.S.-model doorbars in vehicles that are not already so equipped.

The petitioner also states that a vehicle identification plate must be affixed to the vehicle near the left windshield post and a reference and certification label must be affixed in the area of the left front door post to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm.] 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: August 9, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 99–5698; Notice 2]

American Honda Motor Company, Inc.; Grant of Application for Second Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 122

For the reasons expressed below, we are granting the application by American Honda Motor Co., Inc., of Torrance, California (''Honda''), for a second renewal of its temporary exemption from the fade and water recovery requirements of Federal Motor Vehicle Safety Standard No. 122 *Motorcycle brake systems.* Honda asserted that an exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard.

We published notice of receipt of Honda's application on May 24, 1999, and afforded an opportunity for comment (64 FR 28025). No comments were received responding to this notice.

The discussion that follows is based on information contained in Honda's application.

Why Honda Needs Again To Renew Its Temporary Exemption To Make Easier the Development or Field Evaluation of a New Motor Vehicle Safety Feature Providing a Safety Level at Least Equal to the Safety Level of Standard No. 122

We previously granted Honda NHTSA Temporary Exemption No. 97–1, expiring September 1, 1998, from the following requirements of 49 CFR 571.122 Standard No. 122 *Motorcycle brake systems:* S5.4.1 Baseline check—minimum and maximum pedal forces, S5.4.2 Fade, S5.4.3 Fade recovery, S5.7.2 Water recovery test, and S6.10 Brake actuation forces (62 FR 52372, October 7, 1997). This exemption covered Honda's 1998 CBR1100XX motorcycle. Honda later applied for an extension of its exemption to September 1, 1999, to cover the 1999 model CBR1100XX motorcycle. This request was also granted (63 FR 65272, November 25, 1998). Now Honda has applied for the exemption to continue for another year to cover the 2000 model CBR1100XX motorcycle. The 2000 model of the CBR1100XX will be mechanically identical to the 1999 model. Under Temporary Exemption No. 97–1, Honda has sold far less than 2,500 exempted 1998 and 1999 model CBR1100XX motorcycles.

Honda's original and renewed requests concern exemption ''from the requirement of the minimum hand-lever force of five pounds in the base line check for the fade and water recovery tests.'' The company continues to evaluate the marketability of an ''improved'' motorcycle brake system setting which is currently applied to the model sold in Europe. The difference in setting is limited to a softer master cylinder return spring in the European version. Using the softer spring results in a ''more predictable (linear) feeling during initial brake lever application,'' and ''allows a more predictable rise in brake gain.'' Honda considers that

motorcycle brake systems have continued to evolve and improve since Standard No. 122 was adopted in 1972, and that one area of improvement is brake lever force which has gradually been reduced. However, the five-pound minimum specification ''is preventing further development and improvement'' of brake system characteristics. This limit, when applied to the CBR1100XX ''results in an imprecise feeling when the rider applies low-level front brake lever inputs.''

On November 5, 1997, Honda submitted a petition for rulemaking to amend Standard No. 122 to eliminate the minimum brake actuation force requirement. We granted Honda's rulemaking petition on March 16, 1999. Honda interprets this action as ''signifying that the agency believes a further review of the issues raised in the petition appears to have merit.''

The CBR1100XX is equipped with Honda's Linked Braking System (LBS) which is designed to engage both front and rear brakes when either the front brake lever or the rear brake pedal is used. The LBS differs from other integrated systems in that it allows the rider to choose which wheel gets the majority of braking force, depending on which brake control the rider uses.

According to Honda, the overall braking performance remains unchanged from a conforming motorcycle. Exempted CBR1100XX vehicles meet ''the stopping distance requirement but at lever forces slightly below the minimum.''

Honda's Reasons Why a Temporary Exemption Is in the Public Interest and Consistent With Objectives of Motor Vehicle Safety

Honda argued in 1997 that granting an exemption would be in the public interest and consistent with objectives of traffic safety because it

> * * * should improve a rider's ability to precisely modulate the brake force at low-level brake lever input forces. Improving the predictability, even at very low-level brake lever input, increases the rider's confidence in the motorcycle's brake system.

Honda repeated those arguments in 1998 and 1999. It has asserted that a renewal allows further refinement and development of the LBS. It believes that the LBS has ''many desirable characteristics—especially during emergency braking—that could reduce the number of rear brake locks-up crashes.''

Our Findings in Support of Granting Honda's Application

We find persuasive the same reasons supporting granting Honda's application as we did before. As we said in granting Honda's initial petition in 1997 (62 FR 52372):

> The distinctive motorcycle brake system setting which Honda seeks to evaluate in the United States is a ''new motor vehicle safety feature'' that can be evaluated in the field. * * * Further, the level of safety provided should be at least equal to the level provided by Standard No. 122 * * * Honda * * * asserts that the lower force to modulate the brake lever would improve the rider's control over the brake force. This improved control, and thus predictability over the brake's function, would also improve the rider's confidence in the brakes and motorcycle.
>
> NHTSA concurs with Honda that new technology that may lead to greater rider control over the brake force thus resulting in reduced stopping distances and better crash avoidance is in the public interest and consistent with efforts to improve traffic safety.

And we conclude that a renewal should allow further refinement and development of the LBS.

In consideration of the foregoing, it is hereby found that an exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of Standard No. 122. It is also hereby found that the renewal of the temporary exemption is in the public interest and consistent with the objectives of motor vehicle safety. Accordingly, NHTSA Temporary Exemption No. 97–1 is extended to, and will expire on, September 1, 2000.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.)

Issued on August 9, 1999.

Ricardo Martinez,

Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 98–4357; Notice 2]

Aprilia, S.p.A.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 123

We are granting the application by Aprilia S.p.A. of Noale, Italy, for a temporary exemption from a requirement of S5.2.1 (Table 1) of Federal Motor Vehicle Safety Standard No. 123 *Motorcycle Controls and Displays.* The basis of the request was that ''compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall level of safety at least equal to the overall safety level of nonexempt vehicles,'' 49 U.S.C. 30113(b)(3)(B)(iv).

We published notice of receipt of the application on August 28, 1998, and provided an opportunity for comment (63 FR 46097).

Paragraph S5.2.1 of Standard No. 123 requires that, if a motorcycle is equipped with rear wheel brakes, those brakes be operable through the right foot control, though the left handlebar is a permissible brake control location for motor driven cycles (Item 11, Table 1). Aprilia would like to use the left handlebar as the control for the rear brakes of its Leonardo 150 motorcycle, whose 150 cc engine produces more than the 5 hp maximum that separates motor driven cycles from motorcycles. The Aprilia can attain speeds up to 106 km/h (65.7 mph). The frame of the Leonardo ''has not been designed to mount a right foot operated brake pedal, which is a sensitive pressure point able to apply considerable stress to the frame, causing failure due to fatigue * * *.'' Aprilia ''intends to begin sales into the United States for market testing purposes during the 1999 sales year and would like to present a model line including the Leonardo 150 motorcycle.'' Absent an exemption, it would be unable to do so because the vehicle would not fully comply with Standard No. 123. It requested an exemption for calendar years 1999 and 2000.

Aprilia argued that the overall level of safety of the Leonardo 150 equals or exceeds that of a non-exempted motor vehicle for the following reasons. The Leonardo 150 is equipped with an automatic transmission. As there is no foot operated gear change, ''the operation and use of a motorcycle with an automatic transmission is similar to the operation and use of a bicycle.'' Thus, the Leonardo 150 can be operated without requiring special training or practice. In response to NHTSA's justification for standardization of motorcycle controls, Aprilia argued that ''any driver will not hesitate when confronted with an emergency'' because ''the use of a left hand lever for the rear brake is highly 'intuitive'' and easy to use * * *.''

Admitting that ''the human foot can apply much more force than can the hand,'' Aprilia believes that ''with the modern hydraulically activated disc brakes used on the Leonardo 150, more than enough brake actuation force is available from the hand of even the smallest rider.'' Further, ''it takes much longer for the rider's foot to be placed over the pedal, and the foot force applied, than it does for the rider to reach and squeeze the hand lever.''