

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2000-8090; Notice 2]

Honda Motor Company, Ltd.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 122

This notice grants the application by American Honda Motor Co., Inc., of Torrance, California ("Honda"), on behalf of Honda Motor Company, Ltd., of Japan, for a temporary exemption from the fade and water recovery requirements of Federal Motor Vehicle Safety Standard No. 122 *Motorcycle Brake Systems*. The basis of the application is 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.

Notice of receipt of the application was published on October 25, 2000, and an opportunity afforded for comment (65 FR 63912).

Honda seeks an exemption of one year for its 2001 CBR1100XX motorcycle "from the requirement of the minimum hand-lever force of five pounds in the base line check for the fade and water recovery tests." Honda has previously received exemptions totaling three years from this requirement for the 1998-2000 model year CBR1100XX (See Docket No. 93-47). The brake system of the 2001 model is said to be identical to the system on vehicles previously exempted. In 1997, Honda filed a petition for rulemaking to amend Standard No. 122 to accommodate the braking system of the CBR1100XX. NHTSA granted the petition and published a Notice of Proposed Rulemaking on November 17, 1999 (64 FR 62622); however, a final rule had not been issued as of September 1, 2000, when its exemption expired.

Honda has been evaluating the marketability of a motorcycle brake system setting which is currently applied to the model sold in Europe, and has sold 3,600 exempted motorcycles as of the date of its application. The difference in setting is limited to a softer master cylinder return spring in the European version. As Honda said in its initial application in 1997, using the softer spring results in a "more predictable (linear) feeling during initial brake lever application." Although "the change allows a more predictable rise in brake gain, the on-set of braking occurs at lever forces slightly below the five pound minimum" specified in Standard No. 122. If on-set

of braking is delayed until the five pound minimum is reached, a feeling results that the brakes come on suddenly or unpredictably. 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. Honda reports that many who try the system "feel that they have more control with independent front and rear brake systems," and that "The European version setting has shown greater consumer acceptance."

The CBR1100XX is equipped with Honda's Linked Brake 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 and from Honda cycles previously exempted. If the CBR1100XX is exempted it will meet "the stopping distance requirement but at lever forces slightly below the minimum."

While Honda's application did not cite applicable sections of Standard No. 122, its previous applications asked for relief from the first sentence of S6.10 *Brake application forces*, which reads:

Except for the requirements of the fifth recovery stop in S5.4.3 and S5.7.2 (S7.6.3 and S7.10.2) the hand lever force is not less than five and not more than 55 pounds and the foot pedal force is not less than 10 and not more than 90 pounds.

However, NHTSA determined that Honda required relief from different provisions of Standard No. 122, although S6.10 related to them. Paragraph S6 only sets forth the test conditions under which a motorcycle must meet the performance requirements of S5. A motorcycle manufacturer certifies compliance with the performance requirements of S5 on the basis of tests conducted according to the conditions of S6 and in the manner specified by S7. In short, NHTSA provided relief from the performance requirements of S5 that are based upon the lever actuation force test conditions of S6.10 as used in the test procedures of S7.

These relate to the baseline checks under which performance is judged for

the service brake system fade and fade recovery tests (S5.4), and for the water recovery tests (S5.7). According to the test procedures of S7, the baseline check stops for fade (S7.6.1) and water recovery (S7.10.1) are to be made at 10 to 11 feet per second per second (fpsps) per stop. The fade recovery test (S7.6.3) also specifies stops at 10 to 11 fpsps. Test data submitted by Honda with its 1997 application, and which it has incorporated by reference in its 2000 application, show that, using a hand lever force of 2.3 kg (5.1 pounds), the deceleration for these stops is 3.05 to 3.35 meters per second per second, or 10.0 to 11.0 fpsps. This does not mean that Honda cannot comply under the strict parameters of the standard, but the system is designed for responsive performance when a hand lever force of less than five pounds is used. For these reasons, NHTSA interprets Honda's application as requesting relief from S5.4.2, S5.4.3, and S5.7.2.

Honda argued 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. We feel that improvements in braking, even those of an incremental nature, are in the public's interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

No comments were received on the application.

Honda's application is, in effect, a request for a one-year extension of an exemption previously granted to it. Except for the model year of the vehicle involved, the facts and arguments remain the same. The agency's rationale in granting the original exemption and its extensions are hereby incorporated by reference (62 FR 52372, October 7, 1997; 63 FR 65272, November 25, 1998; 64 FR 44263, August 13, 1999).

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 a temporary exemption is in the public interest and consistent with the objectives of motor vehicle safety. Accordingly, Honda Motor Company Ltd. is granted NHTSA Temporary Exemption No. EX2000-4, from the following requirements incorporated in 49 CFR 571.122 Motor Vehicle Safety 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. The exemption applies only to the CBR 1100XX model and expires December 1, 2001.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on January 3, 2001.

Rosalyn G. Millman,

Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-01-8587; Notice No. 01-04]

Reauthorization of the Federal Hazardous Materials Transportation Law

AGENCY: Research and Special Programs Administration (RSPA), DOT

ACTION: Notice; request for comments.

SUMMARY: The Department of Transportation ("Department" or "we") is preparing a legislative proposal to reauthorize its hazardous materials transportation safety program. Congress last authorized the program in 1994. In preparing our proposal, we are looking for ways to improve the effectiveness of this important safety program. In this notice, we are requesting ideas and comments from the public, state and local governments, industry, and other interested parties on possible amendments to Federal hazardous materials transportation law (Federal hazmat law), which is the statutory basis for the Department's hazardous materials program. Your ideas and comments will assist us in identifying issues that we may address and evaluate as we prepare a draft reauthorization bill.

DATES: *Comments.* Submit comments by February 26, 2001. To the extent possible, we will consider comments received after this date.

ADDRESSES: *Written comments.* Submit comments to the Dockets Management System, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590-0001. Comments should identify Docket Number RSPA-01-8587 and be submitted in two copies. If you wish to receive confirmation of receipt of your written comments, include a self-addressed, stamped postcard. You may

also submit comments by e-mail by accessing the Dockets Management System web site at <http://dms.dot.gov> and following the instructions for submitting a document electronically.

The Dockets Management System is located on the Plaza level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. You can also review comments on-line at the DOT Dockets Management System web site at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Edward H. Bonekemper, III, (202) 366-4400, or Nancy E. Machado, (202) 366-4400, Office of the Chief Counsel, Research and Special Programs Administration.

SUPPLEMENTARY INFORMATION:

I. Background

A. Federal Hazardous Materials Transportation Law

In this notice, we are asking stakeholders in DOT's hazardous materials transportation safety program for their ideas on ways to improve that program through statutory changes. We will consider all stakeholder comments as we develop our legislative proposal.

Federal hazmat law forms the statutory foundation of the Department's hazardous materials transportation safety program. Federal hazmat law, codified at 49 U.S.C. 5101 *et seq.*, authorizes the Secretary of Transportation to establish regulations for the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce. Specifically, the statute authorizes the Secretary to issue regulations that apply to persons who: (1) Transport hazardous materials in commerce; (2) cause hazardous materials to be transported in commerce; or (3) manufacture, mark, maintain, recondition, repair, or test packagings or containers (or components thereof) that are represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials in commerce. 49 U.S.C. 5103(b)(1)(A). Also, the Secretary has the authority to issue regulations governing any safety aspect of hazardous materials transportation that the Secretary considers appropriate. 49 U.S.C. 5103(b)(1)(B).

The Department's hazardous materials regulations ("HMR") are found at 49 CFR parts 171-180. Five operating administrations within the Department are responsible for implementing Federal hazmat law and the HMR: the

Research and Special Programs Administration, Federal Motor Carrier Safety Administration, Federal Aviation Administration, Federal Railroad Administration; and U.S. Coast Guard. Furthermore, the Secretary recently delegated authority to the Office of Intermodalism to oversee and coordinate cross-modal issues (issues that affect more than one DOT operating administration) and multimodal issues (issues that affect more than one mode of transportation) arising out of the hazardous materials transportation safety program. (See 65 Fed. Reg. 49763, August 15, 2000.)

Congress last authorized the Department's hazardous materials transportation safety program in 1994, amending the existing law to authorize appropriations for fiscal years 1994 through 1997. (See Public Law 103-311, August 26, 1994.) In 1997 and again on February 16, 1999, the Secretary of Transportation sent Congress proposed legislation to reauthorize the Department of Transportation's hazardous materials transportation safety program. Since fiscal year 1998, the Department has received annual appropriations to continue the program.

You can view a variety of documents that describe and provide information about the current hazardous materials safety program at <http://hazmat.dot.gov>. Documents you may find of interest as you prepare your comments include:

- DOT's 1999 proposed bill plus section-by-section analysis, a red-line/strike-out version of the proposed bill comparing the 1999 proposal to existing law, and a table comparing the 1999 proposal to the existing law and the Administration's 1997 reauthorization proposal (<http://hazmat.dot.gov/99reauthact.htm>);
- Federal hazmat law (<http://hazmat.dot.gov/pubtrain/dotbill.pdf>);
- The Hazardous Materials Regulations (<http://www.text-trieve.com/dotrspa>);
- The 1996-1997 biennial hazardous materials safety program report (<http://hazmat.dot.gov/ohmforms.htm#biennial>); and
- The March 2000 Hazardous Materials Program Evaluation report (<http://hazmat.dot.gov/hmpe.htm>).

Copies of these documents may also be obtained by contacting either Ed Bonekemper or Nancy Machado at 202-366-4400.

B. Comments

As we prepare our legislative proposal to reauthorize the Department's hazardous materials transportation safety program, we are looking for ideas on how to improve the effectiveness of