

information on local drivers' attitudes towards speeding, speed limits and enforcement will be gathered through a survey. A survey will be performed both before and after engineering, enforcement and educational measures to reduce speeding are implemented. The information obtained from the survey will help the FHWA understand the effectiveness of the measures and the drivers' responses to them. The responses to the survey will be voluntary and will not involve information that is required by regulations. There will be no direct costs to the respondents other than their time.

*Respondents:* General public.

*Frequency:* Data will be collected before and after engineering, enforcement and educational measures to reduce speeding are implemented.

*Estimated Total Annual Burden Hours:* The burden hours per response will be approximately 10 minutes. We estimate that a total of 800 drivers (400 "before" and 400 "after") will be involved in the survey. Therefore, the total estimate is 134 burden hours.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*Electronic Access:* Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at telephone number 202-512-1661. Internet users may reach the **Federal Register** home page at <http://www.nara.gov/fedreg> and the Government Printing Office's database at <http://www.access.gpo.gov/nara>.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: July 31, 2002.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2002-12937]

#### Notice of Tentative Decision That Certain Nonconforming Vehicles Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Request for comments on tentative decision that certain nonconforming vehicles are eligible for importation.

**SUMMARY:** This notice requests comments on a tentative decision by the National Highway Traffic Safety Administration (NHTSA) that certain vehicles that do not comply with all applicable Federal motor vehicle safety standards, but that are certified by their original manufacturer as complying with all applicable Canadian motor vehicle safety standards, are eligible for importation into the United States. The vehicles in question either (1) are substantially similar to vehicles that were certified by their manufacturers as complying with the U.S. safety standards and are capable of being readily altered to conform to those standards, or (2) have safety features that comply with, or are capable of being altered to comply with, all U.S. safety standards.

**DATE:** The closing date for comments on this tentative decision is September 5, 2002.

**ADDRESS:** Comments should refer to the docket number and notice 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].

**FOR FURTHER INFORMATION CONTACT:** Luke Loy, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards (FMVSS) shall be refused admission into the United States unless

NHTSA has decided, either pursuant to a petition from the manufacturer or registered importer or on its own initiative, that the motor vehicle (1) is substantially similar to a motor vehicle of the same model year that was originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with all applicable FMVSS, and (2) is capable of being readily altered to conform to all applicable FMVSS. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

#### Most Recent Decision

On May 13, 1997, NHTSA published a notice in the **Federal Register** at 62 FR 26348 announcing that it had made a decision on its own initiative that certain motor vehicles that do not comply with all applicable FMVSS, but that are certified by their original manufacturer as complying with all applicable Canadian motor vehicle safety standards (CMVSS), are eligible for importation into the United States. The notice identified these vehicles as:

(a) All passenger cars manufactured on or after September 1, 1996 and before September 1, 2002, that, as originally manufactured, are equipped with an automatic restraint system that complies with Federal Motor Vehicle Safety Standard (FMVSS) No. 208, and that comply with FMVSS No. 214;

(b) All multipurpose passenger vehicles, trucks and buses manufactured on or after September 1, 1993, and before September 1, 1998, that, as originally manufactured, comply with FMVSS Nos. 202, 208, and 216; and

(c) All multipurpose passenger vehicles, trucks and buses manufactured on or after September 1, 1998, and before September 1, 2002, that, as originally manufactured, comply with FMVSS Nos. 202, 208, 214, and 216.

#### Existing Cut-Off Date

In the notice of tentative decision that preceded this final decision, published on March 7, 1997 at 62 FR 10614, NHTSA announced its intention to limit all previously open-ended import eligibility decisions for Canadian-certified passenger cars, multipurpose passenger vehicles (MPVs), trucks, and buses to such vehicles manufactured before September 1, 2002. The agency

explained that it had selected that date because it is the one "on which revised interior impact protection requirements that are to be phased in under FMVSS No. 201, *Occupant Protection in Interior Impact*, and that are not found in the corresponding CMVSS, will become effective for all passenger cars and for MPVs, trucks, and buses with a GVWR of 10,000 pounds or less." See 62 FR 10616. The agency stated its intention "to issue new decisions covering vehicles manufactured on or after September 1, 2002 within a sufficient period before that date is reached." *Id.*

#### Outstanding Compliance Issues

In addressing one of the comments submitted on the notice of tentative decision, the agency stated in the notice of final decision that if Canada should "adopt the revised interior impact protection requirements that are to be phased in under FMVSS No. 201 by September 1, 2002, there will be no need for compliance with this standard to be made a specific condition for import eligibility." See 62 FR 26350. The FMVSS No. 201 requirements that were the subject of the phase-in were for upper interior occupant protection. Canada has not adopted these requirements. Since complex modifications may be required to bring a vehicle into conformity with the FMVSS No. 201 upper interior impact requirements, NHTSA is reluctant to make a blanket import eligibility decision for Canadian-certified vehicles that do not meet these requirements. The capability of any particular make and model vehicle to be conformed to the upper interior impact requirements should be assessed by the agency on a case-by-case basis, through its consideration of individual import eligibility petitions.

Another standard that will become effective for all U.S.-certified passenger cars on September 1, 2002 is FMVSS No. 401, *Interior Trunk Release*. Canada has not adopted a similar standard. Because complex modifications may also be required in some vehicles to achieve conformity with the requirements of this standard, particularly if the trunk compartment is situated in the front of the vehicle, NHTSA is also reluctant to make a blanket import eligibility decision for Canadian-certified vehicles that do not meet these requirements.

Lastly, there are requirements for the lower anchorages of child restraint anchorage systems under FMVSS No. 225, *Child Restraint Anchorage Systems*, which have not been adopted by Canada. In light of these differences, NHTSA is reluctant to make a blanket

import eligibility decision for Canadian-certified vehicles that do not meet these requirements. FMVSS No. 225 applies to passenger cars, to trucks and MPVs with a GVWR of 3,855 kg (8,500 lb) or less, except walk-in van-type vehicles and vehicles manufactured to be sold exclusively to the U.S. Postal Service, and to buses (including school buses) with a GVWR of 4,536 kg (10,000 lb) or less, except shuttle buses.

As a consequence, the agency has tentatively decided to require, as a condition for import eligibility, that Canadian-certified passenger cars manufactured on or after September 1, 2002 comply, as originally manufactured, with FMVSS Nos. 201, 225, and 401. In addition, we have tentatively decided to require, as a condition for import eligibility, that Canadian-certified MPVs, trucks, and buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less manufactured on or after September 1, 2002 comply, as originally manufactured, with FMVSS No. 201 and, insofar as it is applicable, with FMVSS No. 225.

#### Future Cut-off Date

To avoid the need to amend any existing eligibility decisions in the event that there are any further requirements imposed under the FMVSS that are not carried into the corresponding CMVSS, NHTSA has tentatively decided to limit its import eligibility decisions for Canadian-certified passenger cars and for MPVs, trucks, and buses with a GVWR of 10,000 pounds or less to such vehicles manufactured before September 1, 2007. Prior to that date, the agency will assess whether there is a need to condition the import eligibility of any subsequently manufactured Canadian-certified vehicles on compliance with any additional FMVSS. The agency intends to issue new decisions covering vehicles manufactured on or after September 1, 2007 within a sufficient period before that date is reached.

#### Tentative Decisions

Pending its review of any comments submitted in response to this notice, NHTSA hereby tentatively decides that:

(a) All passenger cars manufactured on or after September 1, 2002 and before September 1, 2007, that, as originally manufactured, are equipped with an automatic restraint system that complies with Federal Motor Vehicle Safety Standard (FMVSS) No. 208, and that comply with FMVSS No. 201, 214, 225, and 401; and

(b) All multipurpose passenger vehicles, trucks and buses with a GVWR

of 4,535 kg (10,000 lb) or less that were manufactured on or after September 1, 2002, and before September 1, 2007, and that, as originally manufactured, comply with FMVSS Nos. 201, 202, 208, 214, and 216, and, insofar as it is applicable, with FMVSS No. 225;

that are certified by their original manufacturer as complying with all applicable Canadian motor vehicle safety standards, are eligible for importation into the United States on the basis that either:

1. They are substantially similar to vehicles of the same make, model, and model year originally manufactured for importation into and sale in the United States, or originally manufactured in the United States for sale therein, and certified as complying with all applicable FMVSS, and are capable of being readily altered to conform to all applicable FMVSS, or

2. They have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

#### Vehicle Eligibility Number

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. Vehicle eligibility number VSA-80 is currently assigned to Canadian-certified passenger cars and vehicle eligibility number VSA-81 is currently assigned to Canadian-certified MPVs, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less. If this tentative decision is made final, all passenger cars admissible under that decision will be assigned vehicle eligibility number VSA-80, and all MPVs, trucks, and buses admissible under that decision will be assigned vehicle eligibility number VSA-81.

#### Comments

Section 30141(b) of Title 49, U.S. Code requires NHTSA to provide a minimum period for public notice and comment on decisions made on its own initiative consistent with ensuring expeditious, but full consideration and avoiding delay by any person. NHTSA believes that a comment period of 30 days is appropriate for this purpose. Interested persons are invited to submit comments on the tentative decision 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. Alternatively, you may submit your

comments electronically by logging onto the Docket Management System (DMS) website at <http://dms.dot.gov>. Click on "Help & Information" of "Help/Info" to view instructions for filing your comments electronically.

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 NHTSA's final decision will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.8; delegation of authority at 49 CFR 1.50.

Issued on: August 1, 2002.

**Jeffrey W. Runge,**  
Administrator.

[FR Doc. 02-19842 Filed 8-5-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Petition for Rulemaking; Code of Federal Regulations

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

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This document denies the petition submitted by Nicholas Bromer to amend the Code of Federal Regulations to require vehicles to be equipped with vehicle identification number-encoded brake and/or rear running lamps to assist law enforcement in more accurately identifying motor vehicles and in combating vehicle theft.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosalind Proctor, Office of Safety Performance Standards, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-4807. Her facsimile number is (202) 493-2290.

#### SUPPLEMENTARY INFORMATION:

##### The Petition

By letter dated December 3, 2001, Nicholas Bromer petitioned the agency to amend the Code of Federal Regulations (CFR) to require that brake and/or running lamps for vehicles be equipped with flickering, red, light-emitting diodes (LEDs) encoded with the vehicle identification number (VIN)

or a derivative of the VIN to assist law enforcement in the accurate identification of vehicles from any distance. Mr. Bromer did not identify the regulation within the CFR he was petitioning the agency to amend.

Mr. Bromer's idea is that, once a vehicle is reported stolen, its VIN would be put into a database. Automatic scanners placed on the roadside or on overpasses would check each passing vehicle against a list of stolen or wanted vehicles. Simultaneously, law enforcement authorities would be alerted. The LEDs would radiate the VIN in a binary digital format, rapidly turning on and off and capable of flickering out a complete VIN in a thousandth of a second. The petitioner asserted that the flickering would be invisible to the human eye and would slightly decrease the brightness of the brake or running lights. A light-sensing detector, aimed at the flickering lamp can read the VIN. The system will sort out the flickering light patterns from background noise, decode the flickering and access a databank. According to the petitioner, intermittent flickering, flickers from two different vehicles, both in a group of vehicles in optical range of a detector are unlikely to overlap, thus allowing the identification of both vehicles. Because flickering a complete VIN only takes a thousandth of a second, the flicker repetition interval can be much longer than that, while still insuring that there are plenty of flickers from each vehicle for the detector to register. Therefore, a detector can easily read the VINs of a large group of vehicles flickering simultaneously. The petitioner also asserted that because the brakes or running lamps would only flicker for a small proportion of time, its brightness would only be slightly decreased, by about 1 percent.

The Bromer system allows augmented VINs with at least one secret character or numeral. The VIN plate, vehicle title, and other public records would omit the secret portion of the VIN, which would be kept in a central databank. When a complete VIN is sent to the database, the incoming identifier would be checked against a secret database. The database response would read either "authentic" or "fake".

The petitioner suggests that the system could be used to record all vehicles that have entered a building or area, or that law enforcement could use it to determine the history of any vehicle prior to making contact with the driver. The petitioner even states that owner information such as the owner's criminal record could also be made available.

#### Background

Since Mr. Bromer's request for amending the CFR did not identify a particular regulation, the agency believes that there are three regulations that may be relevant to his petition. Those applicable regulations are: 49 CFR Part 541, *Federal Motor Vehicle Theft Prevention Standard*; Federal Motor Vehicle Safety Standard (FMVSS) No. 114, *Theft Protection*; and FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment*. In addition, there is the possibility that the agency could issue a new FMVSS.

#### Agency Analysis

In 1984, Congress enacted the Motor Vehicle Theft Law Enforcement Act (the 1984 Theft Act) in response to escalating motor vehicle thefts (Pub. L. 98-547). The 1984 Theft Act was designed to reduce the incidence of motor vehicle thefts and simplify the tracing and recovery of parts from stolen vehicles. The 1984 Theft Act directed NHTSA to issue a theft prevention standard requiring vehicle manufacturers to mark major parts of high-theft passenger car lines with identifying numbers or symbols. The 1984 Theft Act is codified at 49 U.S.C. 33101. Under 49 U.S.C. Chapter 331, *Theft Prevention*, NHTSA has the authority to develop standards to reduce the incidence of motor vehicle theft. NHTSA issued the Federal Motor Vehicle Theft Prevention Standard, 49 CFR part 541 (50 FR 43166, October 24, 1985). The standard applies only to those motor vehicle lines that the agency has designated as high-theft. Manufacturers of these high-theft passenger motor vehicle lines must mark the certain "major parts" in those lines with the vehicle identification number (VIN). Subsequently, Congress enacted the Anti Car Theft Act of 1992 (the 1992 Theft Act). The 1992 Theft Act (59 FR 64164, December 13, 1994) extended the parts marking requirements to multipurpose passenger vehicles (MPVs) (i.e., passenger vans and sports utility vehicles) and light trucks (pickup trucks) with a gross vehicle weight rating (GVWR) of 6,000 pounds or less that NHTSA designated as high-theft. The 1992 Theft Act also extended the parts marking requirements to selected motor vehicle lines that were below the 1990/1991 median theft rate. However, neither Act provides NHTSA with the authority to mandate that a manufacturer be required to use a particular parts marking system such as that suggested by Mr. Bromer, on its motor vehicle lines.