

Vehicle Integrity Division, Office of Defects Investigation, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366-5202.

**SUPPLEMENTARY INFORMATION:** In a letter dated July 20, 2000, Clarence M. Ditlow, Executive Director of the Center for Auto Safety in Washington, DC, petitioned NHTSA to expand a then-pending investigation (SQ01-014) involving post-rear crash fires in certain Model Year (MY) 1992-2001 Ford Crown Victoria, Lincoln Town Car, and Mercury Grand Marquis vehicles. These are known as Panther Platform vehicles. The Office of Defects Investigation (ODI) opened a Service Query (SQ01-014) after reviewing a Technical Service Bulletin (TSB) (Ford Article 01-21-14) issued by Ford Motor Company (Ford). The TSB provides information and suggests modifications aimed at reducing the potential for post-rear crash fuel tank punctures in Ford's Panther Platform vehicles produced during MY 1992-2001.

Prior to the publication of the TSB, ODI received three letters from law enforcement organizations expressing concern or requesting an investigation into the potential for fuel leaks in Crown Victoria Police Interceptor (CVPI) vehicles following rear impact crashes. ODI requested additional information from one correspondent (National Troopers Coalition) and received summaries of 17 incidents alleging post-rear crash fires (PRCF) in CVPI vehicles from calendar year (CY) 1983 to 2001. The summaries included allegations of 11 deaths, of which 4 occurred during CY 2001. All the target vehicles involved were CVPIs, and 14 were within the scope of the TSB. It stands to reason that the majority of PRCF's would occur within the law enforcement population of Panther vehicles due to their use on highways where high-energy collisions are most likely to occur. Law enforcement officers routinely pull motorists to the shoulder area, exposing their vehicles to a greater risk of rear impact.

A search of ODI's consumer complaint database revealed one incident involving a MY 2000 CVPI that burst into flames following a high-energy rear impact. Fortunately, the officer escaped with relatively minor injuries.

Based on information available at the time of opening SQ01-014 indicating that each of the post-crash fires resulted from rear impacts, ODI limited the scope of its investigation to crashes where the initial impact point was between the 5 o'clock and 7 o'clock positions (with 12 o'clock representing

the center of the front bumper). NHTSA requested information from Ford on all post-rear crash incidents resulting in fuel loss or fire in Panther Platform vehicles. A similar information request was sent to General Motors with respect to MY 1986-1996 Chevrolet B-Body (Caprice and Impala models) vehicles. The B-Body vehicles represent the closest comparative vehicle to the subject vehicles, since they have similar weight and dimensions, utilize a rear-mounted fuel tank, and were also used by law enforcement agencies.

ODI closed its investigation October 3, 2002, determining that further investigation would be unlikely to produce sufficient evidence to demonstrate the existence of a safety-related defect in the subject vehicles. To address assertions made by the petitioner and determine whether to grant the petition, ODI analyzed information produced during SQ01-014 and real-world crash data in NHTSA's Fatality Analysis Reporting System (FARS).

#### Analysis

To ascertain whether the Panther Platform vehicles have an elevated risk of fire following crashes (including high-energy crashes) compared to other sedans, ODI conducted searches of the FARS database for information on all MY 1992-2001 Panther vehicles and all other sedans (AOS) for fatal crashes involving fire. These searches included all impact locations and were executed both including police vehicles and excluding police vehicles. The risk of fire is expressed as a ratio of fires in fatal vehicles per total fatal vehicles. For the Ford Panther compared to AOS, with police vehicles included, the risk is identical at 0.033. Excluding police vehicles yields a ratio of 0.029 for the Ford Panther versus 0.033 for AOS. These results indicate that the subject vehicles are not over-represented with respect to the risk of fire in real-world high-energy crashes.

A further discussion of issues related to post-crash fires in Panther Platform vehicles is set out in the closing report for SQ01-014, which has been placed in the docket for this petition. It can be viewed at <http://www.nhtsa.dot.gov/current/crownvic/index.htm>.

#### Conclusion

According to the analysis of FARS data, the subject vehicles are not over-represented with respect to the risk of fire following a high-energy crash in all impact directions as alleged in the petition. In fact, the data show that the civilian population of Panther vehicles has an overall lower risk of post-crash

fires than AOS when all impact points are considered.

After reviewing the petition and its supporting materials, as well as information furnished by Ford and GM, and information within the agency's possession from previous investigations and other related actions, NHTSA has concluded that further investigation concerning post-crash fires in the subject vehicles is not likely to lead to a decision that the vehicles contain a safety defect.

For the foregoing reasons, further expenditure of the agency's investigative resources on the allegation in the petition does not appear to be warranted. Therefore, the petition is denied.

**Authority:** 49 U.S.C. 30162(d); delegations of authority at 49 CFR 1.50 and 501.8.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2002-13955; Notice 1]

#### Columbia Body Manufacturing Co.; Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

We are asking for comments on the application by Columbia Body Manufacturing Co. ("Columbia") of Clackamas, Oregon, for an exemption of three years from Motor Vehicle Safety Standard No. 224, *Rear Impact Protection*. Columbia asserts that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

We are publishing this notice of receipt of the application in accordance with our regulations on the subject. This action does not mean that we have made a judgment yet about the merits of the application.

#### Columbia's Need for an Exemption

Columbia manufactures and sells a dump body type of trailer (the "trailer") which means that the body's front end must be lifted in order to discharge the load out of the back. The load is asphalt, used in road construction. This design of trailer generally has an overhang at the rear for funneling asphalt material into a paving machine; consequently, it needs 16 to 18 inches of unobstructed clearance behind its rear wheels to hook

up with the paving machine and dump its load. Standard No. 224 requires the rearmost surface of an underride guard to be located not more than 305mm (12 inches) from the "rear extremity" of the trailer.

Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 kg or more, including Columbia's, be fitted with a rear impact guard that conforms to Standard No. 223 *Rear impact guards*. Columbia argued that installation of the rear impact guard would prevent its trailer from operating with the paving machine, and "would interfere with the hook-up of the asphalt machine and dump operation of the trailer." Columbia avers that it "has investigated the retrofit and modifications needed to bring our products into compliance with FMVSS 224 without success." We discuss below its efforts to conform in greater detail.

**Columbia's Reasons Why It Believes That Compliance Would Cause It Substantial Economic Hardship and That It Has Tried in Good Faith To Comply With Standard No. 224**

Columbia is a small volume manufacturer. Its average production over the past three years has been 12 trailers a year, "none of which were asphalt paving trailers." Normally, it would produce 10 to 40 trailers annually. The company employs 30 people full time and has annual sales of \$4-5,000,000. Columbia "has had requests to quote on 14" trailers and "14 truck mounted dump boxes, bringing the total sales figure to around \$750,000.00." Absent an exemption, Columbia "will be unable to quote these units substantially decreasing our projected sales figures." Its cumulative net loss for the fiscal years 1998, 1999, and 2000 was \$99,764. We have asked Columbia to provide data on its fiscal year ending December 31, 2001.

Columbia asserted that it has sought manufacturers of underride guards since 1998. As a result of its search,

We only found one English company, Quinton-Hazell that is no longer making either type, telescoping or hydraulic. Their research found that because of the expense of these two types of guards they would not be marketable. We have also investigated the work done by SRAC, located in Los Angeles, CA in the hopes that we might be able to use or modify the guards they designed for the trailers we wish to build. Neither was suitable because retracting the bumper and finding a way to keep the build up of asphalt off of any moving parts was not possible.

The company stated that it intended to continue to try and resolve the problems through continued research.

**Columbia's Reasons Why It Believes That a Temporary Exemption Would Be in the Public Interest and Consistent With Objectives of Motor Vehicle Safety**

Columbia believes that an exemption would be in the public interest and consistent with traffic safety objectives because, "our type of trailer helps state and municipal governments to produce the safe highways that are needed." It contemplates building less than 50 units a year while an exemption is in effect. Further, the amount of time actually spent on the road is limited because of the need to move the asphalt to the job site before it hardens.

**How You May Comment on Columbia's Application**

If you would like to comment on Columbia's application, please do so in writing, in duplicate, referring to the docket and notice number, and mail to: Docket Management, National Highway Traffic Safety Administration, room PL-401, 400 Seventh Street, SW., Washington, DC 20590.

We shall consider all comments received before the close of business on the date indicated below. Comments are available for examination in the docket in room PL-401 both before and after that date, between the hours of 10 a.m. and 5 p.m. To the extent possible, we also consider comments filed after the closing date. We will publish our decision on the application, pursuant to the authority indicated below.

*Comment closing date:* January 3, 2003.

**Authority:** 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.4.

Issued on: November 27, 2002.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA-02-13956, Notice 1]

**Lotus Cars Ltd.; Receipt of Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 201**

Lotus Cars Ltd. ("Lotus") of Norwich, England, through Lotus Cars USA, Inc., has applied for a renewal of NHTSA Temporary Exemption No. 99-12 from S7, Performance Criterion, of Federal Motor Vehicle Safety Standard No. 201, *Occupant Protection in Interior Impact*, as described below. The basis of the

application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

We are publishing this notice of receipt of the application in accordance with the requirements of 49 U.S.C. 30113(b)(2), and have made no judgment on the merits of the application.

**Background**

On November 10, 1999, NHTSA granted Lotus Cars Ltd. NHTSA Temporary Exemption No. 99-12 from S7, Performance Criterion, of Federal Motor Vehicle Safety Standard No. 201, *Occupant Protection in Interior Impact* (64 FR 61379). The basis of the grant was that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. The exemption covered the Esprit model, and was to expire on September 1, 2002. However, Lotus applied for a renewal of its hardship exemption on May 10, 2002, thereby staying the expiration date until the agency has acted upon its petition (49 CFR 555.8(e)). The reader is referred to the 1999 notice for information on the original application and Administrator's decision to grant it.

**Why Lotus Needs a Temporary Exemption**

In early 1997, Lotus decided to terminate production of the Esprit on September 1, 1999, and to homologate the Elise for the American market beginning in 2000. This decision allowed it to choose the option for compliance with S7 provided by S6.1.3, Phase-in-Schedule #3, of Standard No. 201, to forego compliance with new protective criteria for the period September 1, 1998-September 1, 1999, and to conform 100% of its production thereafter.

But a fresh look was taken at the direction of the company, and the plans of early 1997 were abandoned. In due course, new management decided to continue the Esprit in production beyond September 1, 1999, until September 1, 2002, while developing an all-new Esprit, and to remain in the American market without interruption. However, as described in its original petition, the company found itself unable to conform the current Esprit to Standard No. 201. It petitioned for, and received, a temporary exemption until September 1, 2002. Its continued need for an exemption is explained in the next section.