

TABLE 2.—REPORT RATES FOR OTHER SIMILAR INCIDENTS INVOLVING ALLEGED SA OR UA

MY 1996–1997 GM platform (model)	Rate/100,000 Vehs
Z (Saturn) .....	1.39
A (Cutlass, Century) .....	5.52
F (Camaro, Firebird) .....	7.75
K (Deville, Concours, Seville) ...	5.21
W (Lumina, Monte Carlo, Grand Prix, Cutlass Supreme, Regal, Century Custom) .....	1.49
N (Malibu, Grand Am, Achieva, Skylark, Cutlass) .....	4.23
J (Cavalier, Sunfire) .....	4.99

Based on this analysis, using data produced by GM in the lawsuit prompting this petition, the risk of an alleged SAI/UAI involving the subject vehicles is within the range of other GM models.

4.0 ODI Data

ODI also looked at complaint counts in NHTSA’s consumer complaint database. Our review identified 256 complaints coded as “Vehicle Speed Control” (VSC)<sup>11</sup> for the models identified in Tables 1 and 2. We then normalized this data to account for exposure, based on the number of vehicles built within each platform in MY 1996 and 1997, to determine whether incidents involving vehicle speed control malfunctions are more frequently reported to NHTSA by J-car owners.

TABLE 3.—NHTSA REPORT RATE—VEHICLE SPEED CONTROL

MY 1996–1997 GM platform (model)	Rate/100,000 Vehs
Z (Saturn) .....	4.71
A (Cutlass, Century) .....	7.72
F (Camaro, Firebird) .....	6.64
K (Deville, Concours, Seville) ...	5.95
W (Lumina, Monte Carlo, Grand Prix, Cutlass Supreme, Regal, Century Custom) .....	7.05
N (Malibu, Grand Am, Achieva, Skylark, Cutlass) .....	10.15
J (Cavalier, Sunfire) .....	6.04

This analysis does not indicate that the subject vehicles (MY 1996–1997 GM J-cars) are experiencing vehicle speed control-related problems more frequently than other GM models.

<sup>11</sup> With NHTSA’s recent rollout of the ARTEMIS consumer complaint repository, all complaints that may involve a SAI and/or UAI are coded (or in the case of reports pre-dating the roll-out, re-coded) as Vehicle Speed Control-related. These SAI/UAI complaints form a subset of all complaints where a problem related to vehicle (e.g., engine) speed control was alleged (including, for example, stalling complaints).

5.0 Conclusion

Based on the foregoing analysis, there is no reasonable possibility that an order concerning the notification and remedy of a safety-related defect would be issued as a result of granting Mr. Friedman’s petition. Therefore, in view of the need to allocate and prioritize NHTSA’s limited resources to best accomplish the agency’s safety mission, the petition is denied.

[FR Doc. 04–1864 Filed 1–28–04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2004–16949]

Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

SUMMARY: This document announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and/or sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards.

DATES: These decisions are effective as of the date of their publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

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 shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

Vehicle Eligibility Number for Subject Vehicles

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 numbers assigned to vehicles admissible under this decision are specified in Annex A.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

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: January 23, 2004.

**Kenneth N. Weinstein,**  
Associate Administrator for Enforcement.

#### Annex A

#### Nonconforming Motor Vehicles Decided to be Eligible for Importation

1. Docket No. NHTSA-2003-15683

*Nonconforming Vehicles:* 1982 Triumph TSS Motorcycles.  
*Substantially similar U.S.-certified vehicle:* 1982 Triumph TSS Motorcycles.  
*Notice of Petition Published at:* 68 FR 43254 (July 21, 2003).  
*Vehicle Eligibility Number:* VSP-409.

2. Docket No. NHTSA-2003-16206

*Nonconforming Vehicles:* 2000-2002 Jaguar S-Type Passenger Cars.  
*Substantially similar U.S.-certified vehicle:* 2000-2002 Jaguar S-Type Passenger Cars.  
*Notice of Petition Published at:* 68 FR 56042 (September 29, 2003).  
*Vehicle Eligibility Number:* VSP-411.

3. Docket No. NHTSA-2003-16402.

*Nonconforming Vehicles:* 2002 Nissan Pathfinder 4 Wheel Drive Multi-purpose Passenger Vehicles.  
*Substantially similar U.S.-certified vehicle:* 2002 Nissan Pathfinder 4 Wheel Drive Multi-purpose Passenger Vehicles.  
*Notice of Petition Published at:* 68 FR 62345 (November 3, 2003).  
*Vehicle Eligibility Number:* VSP-412.

4. Docket No. NHTSA-2003-16449

*Nonconforming Vehicles:* 2000 Mazda MPV Multi-Purpose Passenger Vehicles.  
*Substantially similar U.S.-certified vehicle:* 2000 Mazda MPV Multi-Purpose Passenger Vehicles.  
*Notice of Petition Published at:* 68 FR 63844 (November 10, 2003).  
*Vehicle Eligibility Number:* VSP-413.

5. Docket No. NHTSA-2003-16450

*Nonconforming Vehicles:* 2000-2002 BMW 5 Series Passenger Cars.  
*Substantially similar U.S.-certified vehicle:* 2000-2002 BMW 5 Series Passenger Cars.  
*Notice of Petition Published at:* 68 FR 63843 (November 10, 2003).  
*Vehicle Eligibility Number:* VSP-414.

6. Docket No. NHTSA-2003-16474

*Nonconforming Vehicles:* 1999-2003 Suzuki GSX-R 750 Motorcycles.  
*Substantially similar U.S.-certified vehicle:* 1999-2003 Suzuki GSX-R 750 Motorcycles.  
*Notice of Petition Published at:* 68 FR 64680 (November 14, 2003).  
*Vehicle Eligibility Number:* VSP-417.

7. Docket No. NHTSA-2003-16473

*Nonconforming Vehicles:* 2002-2003 Mercedes Benz E-320 (211 chassis) Passenger Cars.  
*Substantially similar U.S.-certified vehicle:* 2002-2003 Mercedes Benz E-320 (211 chassis) Passenger Cars.  
*Notice of Petition Published at:* 68 FR 64678 (November 14, 2003).  
*Vehicle Eligibility Number:* VSP-418.

8. Docket No. NHTSA-2003-16480

*Nonconforming Vehicles:* 1999 Chevrolet Corvette Coupe Passenger Cars.  
*Substantially similar U.S.-certified vehicle:* 1999 Chevrolet Corvette Coupe Passenger Cars.  
*Notice of Petition Published at:* 68 FR 64947 (November 17, 2003).  
*Vehicle Eligibility Number:* VSP-419.

9. Docket No. NHTSA-2003-16508

*Nonconforming Vehicles:* 2000 MV Agusta F4 Motorcycles.  
*Substantially similar U.S.-certified vehicle:* 2000 MV Agusta F4 Motorcycles.  
*Notice of Petition Published at:* 68 FR 65112 (November 18, 2003).  
*Vehicle Eligibility Number:* VSP-420.

10. Docket No. NHTSA-2003-16510

*Nonconforming Vehicles:* 1999-2003 Ducati 748 and 916 Motorcycles.  
*Substantially similar U.S.-certified vehicle:* 1999-2003 Ducati 748 and 916 Motorcycles.  
*Notice of Petition Published at:* 68 FR 65112 (November 18, 2003).  
*Vehicle Eligibility Number:* VSP-421.

11. Docket No. NHTSA-2003-16528

*Nonconforming Vehicles:* 2004 Harley Davidson FX, FL, XL and VRSCA Motorcycles.  
*Substantially similar U.S.-certified vehicle:* 2004 Harley Davidson FX, FL, XL and VRSCA Motorcycles.  
*Notice of Petition Published at:* 68 FR 65489 (November 20, 2003).  
*Vehicle Eligibility Number:* VSP-422.

12. Docket No. NHTSA-2003-16481

*Nonconforming Vehicles:* 1991-1994 Mercedes Benz S class (140 car line) Passenger Cars.  
*Substantially similar U.S.-certified vehicle:* 1991-1994 Mercedes Benz S class (140 car line) Passenger Cars.  
*Notice of Petition Published at:* 68 FR 64945 (November 17, 2003).  
*Vehicle Eligibility Number:* VSP-423.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-16948]

#### Notice of Receipt of Petition for Decision that Nonconforming 2003-2004 CFMOTO CF125T-2 Motorcycles Are Eligible for Importation

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

**ACTION:** Notice of receipt of petition for decision that nonconforming 2003-2004 CFMOTO CF125T-2 motorcycles are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a

petition for a decision that 2003-2004 CFMOTO CF125T-2 motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

**DATES:** The closing date for comments on the petition is March 1, 2004.

**ADDRESSES:** 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.] Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

#### 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 shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. 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 Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register**