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Issued on: March 18, 2014.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0029]

#### Notice of Buy America Waiver

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

**ACTION:** Notice of Buy America waiver.

**SUMMARY:** This Notice provides NHTSA’s finding that a non-availability waiver of the Buy America requirements is appropriate for the purchase of motorcycle helmets by the Florida Department of Transportation (FDOT), using Federal grant funds. NHTSA has determined that a waiver is appropriate because there are no suitable motorcycle helmets produced in the United States that are designed for consumer-use.

**DATES:** The effective date of this waiver is May 1, 2014. Written comments regarding this notice may be submitted to NHTSA and must be received on or before: April 16, 2014.

**ADDRESSES:** Written comments may be submitted using any one of the following methods:

- Mail: Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- Fax: Written comments may be faxed to (202) 493–2251.
- Internet: To submit comments electronically, go to the Federal regulations Web site at <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

**Instructions:** All comments submitted in relation to this waiver must include the agency name and docket number. Please note that all comments received will be posted without change to <http://www.regulations.gov>, including any

personal information provided. You may also call the Docket at 202–366–9324.

**FOR FURTHER INFORMATION CONTACT:** For program issues, contact Barbara Sauers, Office of Regional Operations and Program Delivery, NHTSA (phone: 202–366–0144). For legal issues, contact Andrew DiMarsico, Office of Chief Counsel, NHTSA (phone: 202–366–5263). You may send mail to these officials at National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** This Notice provides NHTSA’s finding that a waiver of the Buy America requirements, 23 U.S.C. 313, is appropriate for the Florida Department of Transportation (FDOT) to purchase consumer-use motorcycle helmets, using grant funds authorized under 23 U.S.C. 403 (section 403). Section 403 funds are available for use by State Highway Safety Research and Development Activities that, among other things, aim to reduce injuries and deaths from motorcycle accidents. 23 U.S.C. 403. The Buy America Act provides that NHTSA “shall not obligate any funds authorized to be appropriated to carry out the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or [Title 23] and administered by the Department of Transportation, unless steel, iron, and manufactured products used in such project are produced in the United States.” 23 U.S.C. 313. However, NHTSA may waive those requirements if (1) their application would be inconsistent with the public interest; (2) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent. 23 U.S.C. 313(b). In this instance, NHTSA has determined that a waiver is appropriate for the purchase of the consumer-use motorcycle helmets because there is no sufficient product produced domestically that meets the need identified by FDOT.

FDOT seeks a waiver to purchase motorcycle helmets for use by its program called “The Demonstration to Promote Motorcycle Helmet Use.” Although the State of Florida does not require motorcyclists to wear a helmet, Florida aims to increase helmet use through alternate efforts, such as raffles for helmets and exchanges that allow motorcyclists to receive DOT-compliant helmets for trading in non-DOT-compliant helmets. FDOT seeks to expend Federal grant funds to purchase

motorcycle helmets for use during these outreach activities at motorcycle rallies and events. FDOT will use the motorcycle helmets to encourage participation in its helmet safety education programs at these events. FDOT states that its proposed helmet drawings and exchange program will incentivize the use of helmets within the segment of the motorcycle rider community that is suspicious of the safety benefits of helmet use.

FDOT seeks to use these motorcycle helmets for its program because they are designed specifically for consumers. FDOT believes that using these motorcycle helmets as an incentive should encourage and increase the use of helmets within the motorcycling community. Florida is unable to identify, however, any motorcycle helmets that meet the Buy America Act requirements. Florida assessed the location of manufacturing for approximately forty helmet brands and manufacturers through phone and internet searches. Despite this assessment, FDOT still was unable to find an American made motorcycle helmet.

NHTSA is aware of only one brand of consumer-use motorcycle helmet that is produced in the United States: Super Seer Corporation (Seer), a Colorado-based custom motorcycle helmet manufacturer. Seer primarily produces helmets for law enforcement. It also makes one model (Seer Touring Helmet) for public use. The Seer helmet is not offered to the general public through retail outlets. These custom motorcycle helmets are not mass produced, rather they are hand-made to order.<sup>1</sup> Consumers may purchase a custom helmet through Seer’s Internet Web site. Although these helmets are made in the United States, NHTSA believes they are not produced in sufficient and reasonably available quantities for FDOT’s purposes. NHTSA is not aware of any other motorcycle helmets produced in the United States. Though there are other American-based companies in this business, they manufacture their motorcycle helmets overseas. NHTSA assessed approximately forty motorcycle helmet brands and manufacturers, including HJC, Bell, and MHR. NHTSA found that all the companies produce their helmets overseas, in locations such as China, Taiwan, and Italy. Since consumer-use motorcycle helmets are unavailable from an American manufacturer in reasonably available quantities, the Buy

<sup>1</sup> The custom-made Seer touring helmet is much more expensive than other helmets that are sold in stores.

America waiver is appropriate. NHTSA invites public comment on this conclusion.

In light of the above discussion, and pursuant to 23 U.S.C. 313(b)(2), NHTSA finds that it is appropriate to grant a waiver from the Buy America Act requirements to FDOT in order to purchase consumer-use motorcycle helmets. This non-availability waiver applies to Florida and all other States seeking to use section 403 funds to purchase motorcycle helmets for the purposes mentioned herein. The waiver will continue through fiscal year 2014 and will allow the purchase of off-the-shelf consumer motorcycle helmets required for Florida's demonstration motorcycle helmet program. Accordingly, this waiver will expire at the conclusion of fiscal year 2014 (September 30, 2014). In accordance with the provisions of Section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), NHTSA is providing this notice as its finding that a waiver of the Buy America Act requirements is appropriate. Written comments on this finding may be submitted through any of the methods discussed above.

**Authority:** 23 U.S.C. 313; Pub. L. 110-161.

Issued on: March 26, 2014.

**O. Kevin Vincent,**  
Chief Counsel.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; HONDA

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

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This document grants in full the American Honda Motor Co., Inc.'s (Honda) petition for an exemption of the Honda Accord vehicle line in accordance with 49 CFR Part 543, *Exemption from Vehicle Theft Prevention Standard*. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of 49 CFR Part

541, *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard).

**DATES:** The exemption granted by this notice is effective beginning with the 2015 model year (MY).

**FOR FURTHER INFORMATION CONTACT:** Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, W43-439, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Ballard's phone number is (202) 366-5222. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** In a petition dated November 18, 2013, Honda requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Accord vehicle line beginning with MY 2015. The petition requested an exemption from parts-marking pursuant to 49 CFR Part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Honda provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for its new Accord vehicle line. Honda stated that it will install a passive, transponder-based electronic engine immobilizer antitheft device as standard equipment on its Accord vehicle line. Key components of the antitheft device will include a passive immobilizer, transponder ignition key, "smart entry" remote, Powertrain Control Module (PCM) and an Immobilizer Entry System (IMOES). Honda stated that it will install two types of ignition systems ("keyed" and "smart entry" with push button start) on its Accord vehicle line. The "keyed" ignition system will be installed on its DX/LX/Sport sedans and LX-S coupe models and the "smart entry" system will be installed on its EX/EXL/EXL-V6/Touring sedans, EX/EXL/EXL-V6 coupe models, and its plug-in and EX-L/Touring hybrid models.

Honda stated that its "keyed" ignition system vehicles require the use of an ignition key with a correct matching and verified immobilization code to authorize starting of the vehicle.

Honda additionally stated that deactivation of the immobilizer occurs when a valid key and matching immobilization code is verified, allowing the engine to continue normal operations. Specifically, the immobilization system automatically

checks for a matching code each time starting of the vehicle is attempted. A matching code must be validated by both the PCM and IMOES in order for the engine to start. Honda stated that if an incorrect key is used to try and start the vehicle, the PCM will prevent fueling of the engine and allow the vehicle to start and run a few seconds before it automatically switches off and the immobilizer telltale indicator begins to flash.

According to Honda, the "smart entry" system operates identically to its "keyed" ignition system except that ignition for its "smart entry" system vehicle is started by pushing the Engine Start/Stop button located to the right of the steering wheel on the vehicle dashboard. Specifically, Honda states that the "smart entry" system operates once the remote is within operating range, the start/stop button is pushed, and matching codes are verified by both the PCM and the IMOES allowing the engine to start. Honda further states that if a "smart entry" remote without a matching code is placed inside the operating range and the Engine Start/Stop button is pushed, the PCM will prevent fueling and starting of the engine. Deactivation of the device occurs when a "smart entry" remote with matching codes is placed within the operating range and verified, allowing the engine to continue normal operations.

In order to attract attention to an unauthorized person attempting to enter its vehicles without the use of a transponder ignition key or a "smart entry" remote, Honda stated that it plans to install a vehicle security system as standard equipment on all Accord trim levels except its DX models to monitor attempts of unauthorized entry. Specifically, Honda stated that whenever an attempt is made to open one of its vehicle doors, hood or trunk without turning a key in the key cylinder, or using the key fob to disarm the vehicle, the vehicle's horn will sound and its lights will flash. The security system is armed when all of the doors are locked and the hood and trunk are closed and locked. Honda's security system is deactivated by using the key fob to unlock the vehicle doors or by unlocking the driver's door with the physical ignition key. Honda stated that deactivation of the vehicle's security system feature in its "smart entry" vehicles occurs when the "smart entry" remote is within operating range and the operator grabs either of the vehicle's front door handles.

Honda stated that its Accord vehicle line will also be installed with other features that have been designed to