

DATES: The effective date of June 27, 1995, for the final rule published under Docket MC-93-17 on December 29, 1994, (59 FR 67544) is extended to September 27, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Peter C. Chandler, Office of Motor Carrier Research and Standards, HCS-10, (202) 366-5763; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

(49 U.S.C. 5901-5907, 31132, 31136, 31502, and 31504; 49 CFR 1.48)

Issued on: May 11, 1995.

Rodney E. Slater,

Administrator, Federal Highway Administration.

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National Highway Traffic Safety Administration

49 CFR Parts 552, 554, 573, 576, and 577

[Docket No. 93-68; Notice 3]

RIN 2127-AD83

Petitions for Rulemaking, Defect and Noncompliance Orders; Standards Enforcement and Defect Investigations; Defect and Noncompliance Reports; Record Retention; and Defect and Noncompliance Notification

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Response to petitions for extension of effective date of final rule; denial of petitions for extension of time to petition for reconsideration.

SUMMARY: In this notice, the National Highway Traffic Safety Administration (NHTSA) rescinds the May 5, 1995, effective date for compliance with the final rule published in the **Federal Register** on April 5, 1995 (60 FR 17254) and adopts a new effective date of July 7, 1995. The rescission of the effective date and adoption of a new effective date applies to all sections of 49 CFR part 552, 554, 573, 576, and 577 that were amended by the final rule.

The agency is taking this action in response to petitions filed by several manufacturers for suspension of the effective date of the final rule. They

have also filed petitions for reconsideration of various provisions of the final rule, which are not addressed by this notice. The agency also denies the petitions of Ford Motor Company to extend the 30-day time period for filing petitions for reconsideration of the final rule to June, and the petition of Chrysler Corporation to extend the time for filing of petitions for reconsideration until July 10, 1995.

DATES: The final rule published in the **Federal Register** on April 5, 1995 (60 FR 17254) will become effective on July 7, 1995.

FOR FURTHER INFORMATION CONTACT: Jonathan D. White, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Room 5319, Washington, DC 20590; (202) 366-5227.

SUPPLEMENTARY INFORMATION: On April 5, 1995, the National Highway Traffic Safety Administration ("NHTSA") published in the **Federal Register** a final rule amending several provisions of its regulations that pertain to its enforcement of the provisions of Chapter 301 of Title 49 of the United States Code, with respect to the statutory obligations to provide notification and remedy without charge for motor vehicles and items of motor vehicle equipment that have been determined not to comply with a Federal motor vehicle safety standard or to contain a defect related to motor vehicle safety. The final rule was to be effective on May 5, 1995.

In the several days prior to the effective date of the final rule, NHTSA received from several manufacturers (General Motors Corporation ("GM"), Ford Motor Company ("Ford"), Chrysler Corporation ("Chrysler") and PACCAR, Inc. ("PACCAR")) petitions for reconsideration of various provisions of the final rule and to suspend the effective date for 60 or 90 days (PACCAR and Chrysler, respectively), or indefinitely (GM and Ford). As grounds for the petitions for a delay in the effective date, the manufacturers assert that compliance by the effective date is impossible, and that it will take them periods ranging from two months to a year to bring themselves into compliance.

While the agency does not believe that either an indefinite or 90-day suspension of the effective date is appropriate or necessary, it has decided to grant the petitions to suspend the effective date to the extent of rescinding the original May 5 effective date and adopting a new effective date of July 7, 1995.

The filing of petitions for reconsideration is not ordinarily considered to be sufficient in itself to warrant postponing the effective date of a final rule. However, the agency believes that in the circumstances presented in this instance, the establishment of a new effective date for this final rule is reasonable and appropriate. The original effective date was May 5, 1995. The manufacturers have presented NHTSA with information that makes a credible showing that they are not capable of achieving compliance with at least some provisions of the final rule by May 5, and that it will be some months before they are able to do so. Moreover, in view of the short time period between the filing of the petitions and the original effective date, it is not feasible and specify merely the particular provisions that appear to present the greatest difficulty.

To address this situation, the agency has decided that, rather than grant the petitions by suspending the effective date indefinitely, it will rescind the May 5, 1995, effective date of the entire final rule and adopt a new effective date of July 7, 1995. If more time is needed for particular provisions, the agency will take appropriate action prior to that time.

The Agency is denying the petitions by Ford and Chrysler to extend the 30-day time period for filing petitions for reconsideration of the final rule. 49 CFR § 553.35. It will, however, treat Ford's letter of April 28, 1995, and Chrysler's letter of May 5, 1995, as petitions for reconsideration.

The agency wishes to note that it does intend to give full and careful consideration to the pending petitions for reconsideration of the final rule. However, it cannot predict what its ultimate decision will be on those petitions. While the petitions are under consideration, it expects the manufacturers to continue to take the steps necessary to bring themselves into compliance with all provisions of final rule as expeditiously as possible.

For the foregoing reasons, the petitions to suspend the effective date of the final rule are granted to the extent that the original effective date is rescinded and a new effective date of July 7, 1995, is adopted.

Issued on: May 8, 1995.

Ricardo Martinez,

Administrator.

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