

58922, extended the expiration date through December 31, 1998. This supplement further extends the expiration date through December 31, 1999.

#### List of Subjects in 41 CFR Part 101-11

Archives and records, Computer technology, Telecommunications, Government procurement, Property management, Records management, and Federal information processing resources activities.

Therefore the effective date for interim rule B-1 published at 61 CFR 41001, August 7, 1996, and extended until December 31, 1998 at 62 FR 58922, October 31, 1997, is further extended until December 31, 1999.

Dated: January 12, 1999.

**David J. Barram,**

*Administrator of General Services.*

[FR Doc. 99-1107 Filed 1-15-99; 8:45 am]

BILLING CODE 6820-34-p

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 95-126, RM-8671]

#### Radio Broadcasting Services; Paris, TX, and Madill, OK

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 270C2 for Channel 282C2 at Paris, Texas, and modifies the license of Station KBUS, Paris, to specify operation on Channel 270C2. This document also substitutes Channel 272A for Channel 273A at Madill, Oklahoma, and modifies the license of station KMAD, Madill, to specify operation on Channel 272A. These actions return both of these stations to their former operating channels. See 62 FR 39781, July 24, 1997. The reference coordinates for the Channel 270C2 allotment at Paris, Texas, are 53-45-04 and 95-24-51. The reference coordinates for the Channel 272A allotment at Madill, Oklahoma, are 34-06-24 and 96-46-30. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** February 23, 1999.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau, (202) 418-2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* adopted December 30, 1998, and released January 8, 1999. The full text

of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3805, 1231 M Street, NW, Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 282C2 and adding Channel 270C2 at Paris.

3. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 273A and adding Channel 272A at Madill.

Federal Communications Commission.

**Charles W. Logan,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 99-904 Filed 1-15-99; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Parts 555 and 581

[Docket No. NHTSA-99-4993]

RIN 2127-AH51

#### Temporary Exemption From Motor Vehicle Safety Standards; Bumper Standard

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

**ACTION:** Final rule; technical amendments.

**SUMMARY:** This document amends NHTSA's temporary exemption regulation (49 CFR part 555) and bumper standard (49 CFR part 581) to reflect recent statutory amendments that allow us to grant temporary exemptions from Federal bumper standards on the same bases as we grant temporary exemptions from the Federal motor vehicle safety standards. Before now, we

had authority to grant a bumper standard exemption only if the vehicle exempted was manufactured for a special use, and if compliance with the bumper standard would interfere unreasonably with the special use of the vehicle.

Low-volume manufacturers may now present hardship arguments in asking for an exemption of up to 3 years. All manufacturers may ask for exemptions of up to 2 years for a limited number of vehicles if the exemption would make easier the introduction of innovative impact protection devices or the use of low-emission vehicles, or if it would allow the sale of a vehicle whose overall level of impact protection is at least equal to that of nonexempted vehicles.

Because part 581 does not reflect our authority to provide special-use exemptions, we are taking this opportunity to establish a procedure for exemptions from the bumper standard on this basis similar to those of part 555, including providing an opportunity for public comment. However, these special-use exemptions would be permanent, given the likelihood that the vehicle is intended for its special use throughout its production life.

We are also making minor amendments to conform to the terminology and section numbers adopted in the 1994 recodification of our statutes.

Because these are technical amendments, they are effective upon their publication.

**DATES:** Effective date: The final rule is effective on January 19, 1999.

**FOR FURTHER INFORMATION CONTACT:** Taylor Vinson, Office of Chief Counsel, NHTSA (telephone: 202-366-5263; FAX: 202-366-3820; e-mail: Tvinson@nhtsa.dot.gov).

**SUPPLEMENTARY INFORMATION:**

#### Background

For many years, manufacturers of motor vehicles have been able to apply to us for a temporary exemption from one or more of the Federal motor vehicles safety standards, on one or more of the four bases stated in 49 U.S.C. 30113 (enacted by Pub. L. 92-548, October 25, 1972, as Section 123 of the National Traffic and Motor Vehicle Safety Act, and implemented with 49 CFR part 555). We provide exemptions from a standard of up to three years if we find that compliance would cause substantial economic hardship to a manufacturer (whose annual production is 10,000 units or less) that has tried to meet the standard in good faith. We provide exemptions of up to two years, covering 2500 vehicles a year, to any

manufacturer, if the exemption would promote innovative safety devices or low-emission vehicles, consistent with the safety of the vehicle, or if compliance prevents the applicant from selling a vehicle whose overall level of safety is at least equal to a complying vehicle.

In October 1972, Congress also enacted the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513, October 20, 1972), Title I of which (now 49 U.S.C. Chapter 325) required us to issue bumper standards directed towards reducing the economic loss resulting from motor vehicle crashes at low speeds. We complied by promulgating 49 CFR part 581 *Bumper Standard*. This standard superseded an earlier bumper standard based on safety considerations, Federal Motor Vehicle Safety Standard No. 215 *Exterior Protection*. Standard No. 215 went into effect on September 1, 1972, and we had granted several exemptions from it under our exemption authority provided by Pub. L. 92-548. On the effective date of part 581, September 1, 1978, Standard No. 215 was removed, and the exemptions then in effect terminated. The remainder of the term of these safety standard exemptions could not be transferred to excuse compliance with Part 581, because the Bumper Standard was not a safety standard, and, in any event, contained somewhat different requirements.

Although both Acts were virtually contemporaneous, Pub. L. 92-513 contained no exemption authority comparable to that provided by Pub. L. 92-548. We were authorized only to exempt from any part of a bumper standard a "multipurpose passenger vehicle" as defined by 49 U.S.C. 32101(9), or "a make, model, or class of a passenger motor vehicle manufactured for a special use, if the standard would interfere unreasonably with the special use of the vehicle" (49 U.S.C. 32502(c)). We exercised this limited authority by excluding multipurpose passenger vehicles from Part 581, but we never excused any vehicle from compliance on the basis of "special use."

With the enactment in October 1998 of Pub. L. 105-277, the Omnibus Consolidated Appropriations Act of 1999, Congress has now given us authority to provide the same kinds of exemptions from the bumper standard as from the safety standards.

#### **The 1998 amendments to 49 U.S.C. 30113 and 49 U.S.C. Chapter 325**

These are the amendments made to Title 49 by Pub. L. 105-277. The first sentence of section 30113(b)(1) now reads as follows: "The (NHTSA

Administrator) may exempt, on a temporary basis, motor vehicles from a motor vehicle safety standard prescribed under this chapter or passenger motor vehicles from a bumper standard prescribed under chapter 325 of this title on terms the (Administrator) considers appropriate." The Administrator may provide an exemption on finding that "an exemption is consistent with the public interest and this chapter or chapter 325 of this title (as applicable)," section 30113(b)(1)(3)(A), as amended. If the application is made on a hardship basis, the manufacturer must describe its "good faith effort to comply with each motor vehicle safety standard prescribed under this chapter or a bumper standard prescribed under chapter 325 of this title," section 30113(c)(1). Under section 30113(d), as amended in part, "A manufacturer is eligible for an exemption under subsection (b)(3)(B)(1) of this section (including an exemption under subsection (b)(3)(B)(1) relating to a bumper standard referred to in subsection (b)(1))." Finally, the exemption label "shall either name or describe each motor vehicle safety standard prescribed under this chapter or bumper standard prescribed under chapter 325 of this title from which the vehicle is exempt," section 30113(h) as amended.

Pub. L. 105-277 made conforming amendments to 49 U.S.C. section 32502(c), which now reads:

(c) EXEMPTIONS.—For good cause, the (Administrator) may exempt from all or any part of a standard—

- (1) A multipurpose passenger vehicle;
- (2) A make, model, or class of a passenger motor vehicle manufactured for a special use, if the standard would interfere unreasonably with the special use of the vehicle; or
- (3) A passenger motor vehicle for which an application for an exemption under section 30113(b) of this title has been filed in accordance with the requirements of that section.

Finally, section 32506(a) GENERAL—has been amended to exclude from the violations set forth in sections 32506(a)(1) through (a)(4) the exceptions "provided in this section and section 32502 of this title."

#### **Conforming Amendments We Are Making to 49 Parts 555 and 581**

##### *Part 555*

In recognition of the expanded exemption authority, we are changing the title of part 555 to "Temporary Exemption from Motor Vehicle Safety and Bumper Standards." We are also adding bumper standards to § 555.1 *Scope*, and § 555.2 *Purpose*. We are also changing the statutory references in

§§ 555.1, 555.6(a)(2)(iv), and 555.6(c)(1) to reflect the recodification in 1994 under which the exemption authority of section 123 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1410) became 49 U.S.C. 30113.

Under section 30113 as now amended, we may exempt "motor vehicles" from a safety standard, and "passenger motor vehicles" from a bumper standard. A "passenger motor vehicle" is defined as "a motor vehicle with motive power designed to carry not more than 12 individuals, but does not include (A) a motorcycle; or (B) a truck not designed primarily to carry its operator or passengers," 49 U.S.C. 32101(10). Part 581's bumper standard currently applies to "passenger motor vehicles other than multipurpose passenger vehicles," § 581.3, which, in effect, means "passenger cars" as defined by 49 CFR 571.3(b) for purposes of compliance with the Federal motor vehicle safety standards. Nevertheless, because section 30113 has been amended to include the phrase "passenger motor vehicles," we are amending §§ 555.3 and 555.5(a) to apply to manufacturers of passenger motor vehicles as well as manufacturers of motor vehicles, to avoid questions of interpretation. We are also amending § 555.4 *Definitions* to define "passenger motor vehicles" as the term is defined in section 32101(10).

The 1994 recodification uses the term "apply" rather than "petition," and we are also amending part 555 where appropriate to replace the noun and verb "petition" with "application" and "apply."

There are two findings that we must make to grant an exemption. The first finding is that "an exemption is consistent with the public interest and (chapter 301) or chapter 325 of this title (as applicable)." Section 30113(b)(3)(A), as amended. We are changing the corresponding requirement under section 555.5(b)(7) to include chapter 325.

The second finding confirms the applicant's arguments under section 30113(b)(3)(B) that an exemption would serve a purpose listed in subsections (B)(i)-(iv): Relieve a substantial economic hardship, make easier the introduction of a new motor vehicle safety feature, or the introduction of a low-emission motor vehicle without unreasonably lowering its safety level, or allow the sale of a motor vehicle whose overall level of safety is at least that of a nonexempted vehicle. However, Pub. L. 105-277 made no corresponding amendments to sections 30113(b)(3)(B)(i)-(iv) to allow arguments for impact protection in lieu

of safety arguments (None appears needed for section 30113(b)(3)(B)(i) whose references to "the standard" can now be read to include bumper standards).

Thus, a literal reading of the amended statute would require us to find that a bumper standard exemption would make easier the introduction of a new safety feature, or contribute to low-emission vehicle development without an adverse effect on safety, or allow the sale of a vehicle certified to meet all applicable Federal motor vehicle safety standards which cannot be sold because it does not meet the bumper standard.

We have reviewed this matter carefully, and have concluded that Pub. L. 105-277 did not intend that we make safety findings in order to grant exemptions from the bumper standard. Safety and bumper standards are issued under different authorities for different purposes. One purpose is not subservient to the other. In the regulatory sense, the bumper standards are the co-equals of the safety standards. The new amendments give us specific authority to exempt a manufacturer from bumper standards by making the first finding that the exemption is consistent with chapter 325. It follows from the first finding, that the second finding should complement the first. We have concluded, therefore, that § 555.6 should allow arguments that an exemption would make easier the introduction of a new impact protection feature that is at least equivalent to a conforming vehicle and, for the same reason, might facilitate the introduction of a low-emission vehicle. The section should also allow a finding that the applicant is otherwise unable to sell a vehicle with an overall level of impact protection at least equal to that of a nonexempted vehicle. However, we would reserve the right to balance safety considerations against considerations of property protection as part of our first finding that an exemption would be in the public interest. Thus, we would not preclude an applicant from making safety arguments in its application, but we would neither require it nor expect it.

#### Part 581

Under part 581 as amended, the Administrator may provide the three types of exemptions from the bumper standard that we discussed earlier. We have already exercised the authority to exempt multipurpose passenger vehicles under section 32502(c)(1), since the bumper standard does not apply to this class of vehicle, but we have never exercised our authority to exempt vehicles on the basis of special

use under section 32502(c)(2).

Therefore, we are adding a new section, § 581.8 *Exemptions*, to establish an application/decision procedure, not only for applications that may be filed under section 30113 and part 555, but also for special-use exemptions.

Under the new exemption procedure, a manufacturer of a passenger motor vehicle to which a bumper standard issued under part 581 applies may apply to us for rulemaking to exempt a class of passenger motor vehicles from all or any part of a bumper standard on the basis that the class of vehicles has been manufactured for a special use and that compliance with the standard would unreasonably interfere with the special use of the class of vehicle. A manufacturer may also ask us to exempt a make or model of passenger motor vehicle on this special-use basis or in accordance with part 555.

An application filed for exemption on the basis of special use should contain the preliminary information specified in Sec. 555.5 for other exemption applications, and data, views, and arguments in support that the vehicle has been manufactured for a special use and that compliance with the bumper standard would interfere unreasonably with the special use of the vehicle. An application filed for exemption on the bases specified in Part 555 should be filed in accordance with the requirements of that part. We will process all bumper exemption applications the same way as we do those for safety exemptions, in accordance with § 555.7, publishing a notice in the **Federal Register** that affords the public an opportunity to comment. The statute is silent on the length of a special-use exemption, and we will provide no term for it. However, it will expire when the make and model covered is no longer produced, or when it has been so modified from its original design that it can no longer be considered manufactured for the special use upon which the exemption was based. We may terminate a bumper standard exemption in the manner set forth for termination of safety standard exemptions in §§ 555.8(c) and 555.8(f), and for the reasons set forth in § 555.8(d). A vehicle exempted from the bumper standard shall be labeled in accordance with § 555.9. We will make available to the public information relating to an application in the manner specified in § 555.10.

We are also revising § 581.4 *Definitions* to update the statutory citation of the Motor Vehicle Information and Cost Savings Act.

#### Effective Date

Because these amendments are technical in nature, implement statutory amendments, and relieve a restriction upon passenger motor vehicle manufacturers, it is hereby found that notice and comment are not necessary, and that the agency may issue a final rule, incorporating these technical amendments, that is effective upon the date of publication. The amendments are therefore effective upon publication in the **Federal Register**.

#### Rulemaking Analyses

##### A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking action was not reviewed under Executive Order 12886. Further, NHTSA has determined that the action is not significant under Department of Transportation regulatory policies and procedures. The amendments implement statutory amendments extending the right to manufacturers of motor vehicles to apply for exemptions from the bumper standards. NHTSA concludes that the costs of the final rule are so minimal as not to warrant preparation of a full regulatory evaluation. The action does not involve any substantial public interest or controversy. There is no substantial effect upon State and local governments. There is no substantial impact upon a major transportation safety program. The amendments may benefit primarily small manufacturers who require additional time and resources to comply with the full range of Federal motor vehicle safety and bumper standards, or manufacturers of any size who may wish to produce a passenger motor vehicle for a special use and cannot do so because compliance with the bumper standard interferes unreasonably with that special use.

##### B. Regulatory Flexibility Act

The agency has also considered the effects of this action in relation to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). I certify that this action will not have a substantial economic impact upon a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. 605(b)). The final rule would primarily affect motor vehicle manufacturers who cannot comply with 49 CFR part 581 and are thereby prohibited from selling motor vehicles that do not meet the Federal bumper standards. These manufacturers are small businesses within the meaning of the Regulatory Flexibility Act, and

the final rule affords a means by which they may achieve temporary relief while they achieve compliance with all applicable Federal bumper and motor vehicle safety standards.

Governmental jurisdictions will not be affected at all since they are not purchasers of nonconforming motor vehicles.

#### C. Executive Order 12612 (Federalism)

The agency has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 "Federalism" and determined that the action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### D. National Environmental Policy Act

NHTSA has analyzed this action for purposes of the National Environmental Policy Act. The action will not have a significant effect upon the environment because it is anticipated that the annual volume of motor vehicles manufactured pursuant to exemption from a bumper standard will not vary significantly from that existing before promulgation of the rule.

#### E. Civil Justice

This rule will not have any retroactive effect. Under 49 U.S.C. 32511(a), whenever a Federal passenger motor vehicle bumper standard is in effect, a state may prescribe or enforce a bumper standard only if the standard is identical to a standard prescribed under 49 U.S.C. 32502. Section 32503 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal passenger motor vehicle bumper standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

#### F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the cost, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments in the aggregate, or by the private sector, of more than \$100 million annually. Because this final rule will not have a \$100 million effect, no Unfunded Mandates assessment has been prepared.

#### List of Subjects in 49 CFR parts 555 and 581

Imports, Motor vehicle safety, Motor vehicles.

### PART 555—TEMPORARY EXEMPTION FROM MOTOR VEHICLE SAFETY AND BUMPER STANDARDS

In consideration of the foregoing, 49 CFR part 555 is amended as follows:

1. The authority citation for part 555 is revised to read as follows:

**Authority:** 49 U.S.C. 30113, 32502, Pub. L. 105-277; delegation of authority at 49 CFR 1.50.

2. The heading of Part 555 is revised to read as set forth above.

3. Section 555.1 *Scope* is revised to read as follows:

#### § 555.1 Scope.

This part establishes requirements for the temporary exemption by the National Highway Traffic Safety Administration (NHTSA) of certain motor vehicles from compliance with one or more Federal motor vehicle safety standards in accordance with 49 U.S.C. 30113, and of certain passenger motor vehicles from compliance with all or part of a Federal bumper standard in accordance with 49 U.S.C. 32502.

4. Section 555.2 *Purpose* is amended by designating the current text as paragraph (a) and by adding a new paragraph (b) to read as follows:

#### § 555.2 Purpose.

\* \* \* \* \*

(b) The purpose of this part is also to provide a means by which manufacturers of passenger motor vehicles may obtain a temporary exemption from compliance with all or part of a Federal bumper standard issued under part 581 of this chapter on a basis similar to that provided for exemptions from the Federal motor vehicle safety standards.

5. Section 555.3 *Application* is revised to read:

#### § 555.3 Application.

This part applies to manufacturers of motor vehicles and passenger motor vehicles.

6. Section 555.4 *Definitions* is amended by adding a definition of *Passenger Motor Vehicle* in alphabetical order, between the definition of *Administrator* and the definition of *United States*, to read as follows:

#### § 555.4 Definitions.

\* \* \* \* \*

*Passenger motor vehicle* means a motor vehicle with motive power designed to carry not more than 12 individuals, but does not include a truck not designed primarily to carry its operator or passengers, or a motorcycle.

\* \* \* \* \*

6a. The heading to §§ 555.5 and 555.6, and §§ 555.5(b) introductory text,

555.5(b)(5), 555.6(a)(1)(v), 555.7(d) introductory text, and 555.7(e) are amended by removing "petition" and adding in its place "application."

7. Sections 555.5(a) and (b)(7) are revised to read as follows:

#### § 555.5 Application for exemption.

(a) A manufacturer of motor vehicles or passenger motor vehicles may apply to NHTSA for a temporary exemption from any Federal motor vehicle safety or bumper standard or for a renewal of any exemption on the bases of substantial economic hardship, making easier the development or field evaluation of new motor vehicle safety or impact protection, or low-emission vehicle features, or that compliance with a standard would prevent it from selling a vehicle with an overall level of safety or impact protection at least equal to that of nonexempted vehicles.

(b) \* \* \*

(7) Set forth the reasons why the granting of the exemption would be in the public interest, and, as applicable, consistent with the objectives of 49 U.S.C. Chapter 301 or Chapter 325.

\* \* \* \* \*

#### § 555.6 [Amended]

8. Sections 555.6(b)(5), 555.6(c)(5), 555.6(d)(4), 555.7(b), 555.7(c), 555.8(e), and 555.8(f)(1) are amended by removing "a petition" and adding in its place "an application."

9. Sections 555.6(a)(2)(iv) last sentence in parenthesis, 555.6(b) introductory text, 555.6(b)(1), 555.6(b)(2) introductory text, 555.6(b)(2)(i), 555.6(b)(2)(iii), 555.6(b)(4), 555.6(c)(1), 555.6(c)(2) introductory text, 555.6(c)(2)(iv), 555.6(d) introductory text, 555.6(d)(1) introductory text, 555.6(d)(1)(ii), 555.6(d)(1)(iv), and 555.6(d)(1)(v) are revised to read as follows:

#### § 555.6 Basis for application.

(a) If the basis of the application is that compliance with the standard would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith, the applicant shall provide the following information:

\* \* \* \* \*

(2) \* \* \*

(iv) \* \* \* (49 U.S.C. 30113(d) limits eligibility for exemption on the basis of economic hardship to manufacturers whose total motor vehicle production in the year preceding the filing of their applications does not exceed 10,000.)

(b) If the basis of the application is that the exemption would make easier the development or field evaluation of a new motor vehicle safety or impact

protection features providing a safety or impact protection level at least equal to that of the standard, the applicant shall provide the following information:

(1) A description of the safety or impact protection features, and research, development, and testing documentation establishing the innovative nature of such features.

(2) An analysis establishing that the level of safety or impact protection of the feature is equivalent to or exceeds the level of safety or impact protection established in the standard from which exemption is sought, including—

(i) A detailed description of how a vehicle equipped with the safety or impact protection feature differs from one that complies with the standard;

\* \* \* \* \*

(iii) The results of tests conducted on the safety or impact protection features that demonstrates performance which meets or exceeds the requirements of the standard.

\* \* \* \* \*

(4) A statement whether, at the end of the exemption period, the manufacturer intends to conform to the standard, apply for a further exemption, or petition for rulemaking to amend the standard to incorporate the safety or impact protection features.

\* \* \* \* \*

(c) If the basis of the application is that the exemption would make the development or field evaluation of a low-emission vehicle easier and would not unreasonably lower the safety or impact protection level of that vehicle, the applicant shall provide—

(1) Substantiation that the vehicle is a low-emission vehicle as defined by 49 U.S.C. 30113(a).

(2) Research, development, and testing documentation establishing that a temporary exemption would not unreasonably degrade the safety or impact protection of the vehicle, including—

\* \* \* \* \*

(iv) Reasons why the failure to meet the standard does not unreasonably degrade the safety or impact protection of the vehicle.

\* \* \* \* \*

(d) If the basis of the application is that the applicant is otherwise unable to sell a vehicle whose overall level of safety or impact protection is at least equal to that of a nonexempted vehicle, the applicant shall provide—

(1) A detailed analysis of how the vehicle provides the overall level of safety or impact protection at least equal to that of nonexempted vehicles, including—

\* \* \* \* \*

(ii) A detailed description of any safety or impact protection features that the vehicle offers as standard equipment that are not required by the Federal motor vehicle safety or bumper standards;

\* \* \* \* \*

(iv) The results of any tests conducted on the vehicle demonstrating that its overall level of safety or impact protection exceeds that which is achieved by conformity to the standards.

(v) Other arguments that the overall level of safety or impact protection of the vehicle is at least equal to that of nonexempted vehicles.

\* \* \* \* \*

10. The heading of § 555.7, and § 555.7(a) are revised to read as follows:

**§ 555.7 Processing of applications.**

(a) The NHTSA publishes in the **Federal Register**, affording opportunity for comment, a notice of each application containing the information required by this part. However, if the NHTSA finds that an application does not contain the information required by this part, it so informs the applicant, pointing out the areas of insufficiency and stating that the application will not receive further consideration until the required information is submitted.

\* \* \* \* \*

11. In section 555.10, the first sentence of paragraph (a) is revised to read as follows:

**§ 555.10 Availability for public inspection.**

(a) Information relevant to an application under this part, including the application and supporting data, memoranda of informal meetings with the applicant or any other interested person, and the grant or denial of the application, is available for public inspection, except as specified in paragraph (b) of this section, in Room PL-401 (Docket Management), 400 Seventh Street, SW., Washington, DC 20590. \* \* \*

**PART 581—[AMENDED]**

In consideration of the foregoing, 49 CFR part 581 is amended as follows:

1. The authority citation for part 581 is revised to read as follows:

**Authority:** 49 U.S.C. 30113, 32502, Pub. L. 105-277; delegation of authority at 49 CFR 1.50.

2. The first sentence in § 581.4 *Definitions* is revised to read as follows: **§ 581.4 Definitions.**

All terms defined in 49 U.S.C. 32101 are used as defined therein.

\* \* \* \* \*

3. New § 581.8 *Exemptions* is added to read:

**§ 581.8 Exemptions.**

A manufacturer of a passenger motor vehicle to which a bumper standard issued under this part applies may apply to the Administrator:

(a) For rulemaking as provided in part 552 of this chapter to exempt a class of passenger motor vehicles from all or any part of a bumper standard issued under this part on the basis that the class of vehicles has been manufactured for a special use and that compliance with the standard would unreasonably interfere with the special use of the class of vehicle; or

(b) To exempt a make or model of passenger motor vehicle on the basis set forth in paragraph (a) of this section or part 555 of this chapter.

(c) An application filed for exemption on the basis of paragraph (a) of this section shall contain the information specified in § 555.5 of this chapter, and set forth data, views, and arguments in support that the vehicle has been manufactured for a special use and that compliance with the bumper standard would interfere unreasonably with the special use of the vehicle.

(d) An application filed for exemption under part 555 of this chapter shall be filed in accordance with the requirements of that part.

(e) The NHTSA shall process exemption applications in accordance with § 555.7 of this chapter. An exemption granted a manufacturer on the basis of paragraph (a) of this section is indefinite in length but expires when the manufacturer ceases production of the exempted vehicle, or when the exempted vehicle as produced has been so modified from its original design that the Administrator decides that it is no longer manufactured for the special use upon which the application for its exemption was based. The Administrator may terminate an exemption in the manner set forth in §§ 555.8(c) and 555.8(f) of this chapter, and for the reasons set forth in § 555.8(d) of this chapter. An exempted vehicle shall be labeled in accordance with § 555.9 of this chapter. Information relating to an application shall be available to the public in the manner specified in § 555.10 of this chapter.

Issued on January 11, 1999.

**Ricardo Martinez,**  
*Administrator.*

[FR Doc. 99-933 Filed 1-15-99; 8:45 am]