

inadvertently appeared in Table 4 of the Appendix B.

EFFECTIVE DATE: February 11, 1999.

FOR FURTHER INFORMATION CONTACT: Mike Israni, (202) 366-4571, or e-mail: mike.israni@rspa.dot.gov.

SUPPLEMENTARY INFORMATION: When RSPA published the final rule in the **Federal Register**, it inadvertently included an unrelated sentence "This section has been revised to include

reference to ANSI/NFPA 59A in paragraph (a) as follows:" in the 'Indicator' column of Table 4 in Appendix B. This document corrects the text in Table 4 of Appendix B by removing that sentence. RSPA regrets any confusion this erroneous sentence may have caused.

Correction of Publication

Accordingly, the publication on November 4, 1998, of the final rule, in

the **Federal Register** (63 FR 59475) is corrected as follows:

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Appendix B [Corrected]

On page 59482, in the Table 4, 'Indicator' column is corrected to read as follows:

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TABLE 4.—PRODUCT INDICATORS

Indicator	Considerations	Product Examples
H	Highly volatile and flammable	(Propane, butane, Natural Gas Liquid (NGL), ammonia).
	Highly toxic	(Benzene, high Hydrogen Sulfide content crude oils).
M	Flammable—flashpoint <100F	(Gasoline, JP4, low flashpoint crude oils).
L	Non-flammable—flashpoint 100+F	(Diesel, fuel oil, kerosene, JP5, most crude oils).
	Highly volatile and non-flammable/non-toxic	Carbon Dioxide.

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Issued in Washington, D.C. on February 3, 1999.

Kelley S. Coyner,

Administrator, Research and Special Programs Administration.

[FR Doc. 99-3428 Filed 2-10-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 567

[Docket No. NHTSA-99-5047]

RIN 2127-AG65

Vehicle Certification; Contents of Certification Labels for Multipurpose Passenger Vehicles and Light Duty Trucks

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

ACTION: Final rule.

SUMMARY: This rule amends NHTSA's regulations on vehicle certification that specify the contents of the certification labels that manufacturers are required to affix to new motor vehicles. The amendment requires the certification label for multipurpose passenger vehicles (MPVs) and trucks with a gross vehicle weight rating (GVWR) of 6,000 pounds or less to specify that the vehicle complies with all applicable Federal motor vehicle safety and theft prevention standards. Under the prior regulations, the certification labels on these vehicles needed only to state that the vehicles comply with all applicable Federal motor vehicle safety standards.

The amendment conforms the certification requirements to legislation making the theft prevention standard applicable to MPVs and trucks rated at 6,000 pounds or less.

DATES: The amendment established by this final rule will be effective on June 11, 1999. As such, the amendment applies to MPVs and trucks with a GVWR of 6,000 pounds or less that are manufactured on or after that date.

Any petitions for reconsideration must be received by NHTSA not later than March 29, 1999.

ADDRESSES: Any petitions for reconsideration should refer to the docket number above and be submitted to Administration, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. (202-366-5238).

SUPPLEMENTARY INFORMATION:

A. Background

This rule was preceded by a notice of proposed rulemaking (NPRM) that NHTSA published on June 25, 1998 (63 FR 34623). As explained in the NPRM, in June 1996, NHTSA received a letter from American Honda Motor Co., Inc. (Honda) seeking clarification of certain vehicle certification requirements in 49 CFR Part 567. The letter noted that section 567.4(g)(5)(ii) of those regulations requires the certification label on 1987 and subsequent model year passenger cars manufactured on or after April 24, 1986, to state that the vehicle "conforms to all applicable

Federal motor vehicle safety, bumper, and theft prevention standards in effect on the date of manufacture . . ."

Honda's letter further noted that under a provision of the Anti Car Theft Act of 1992 now codified at 49 U.S.C. 33101, the definition of vehicles subject to the major parts marking requirements of the theft prevention standard was expanded to include "a multi-purpose passenger vehicle or light duty truck when that vehicle or truck is rated at not more than 6,000 pounds gross vehicle weight." This prompted Honda to observe that the language prescribed for certification labels at 49 CFR 567.4(g)(5) may have to be amended to reflect these vehicles' conformity with the theft prevention standard.

In its response to Honda's letter, NHTSA noted that although the Anti Car Theft Act of 1992 contains no explicit requirement for such an amendment to the vehicle certification regulations, the agency agreed that this amendment should be made so that the certification requirements for MPVs and trucks with a GVWR of 6,000 pounds or less are consistent with those in sections 567.4(g)(5)(i) and (ii) that apply specifically to passenger cars.

Accordingly, the NPRM proposed to amend the certification regulations to require the certification label for MPVs and trucks with a GVWR of 6,000 pounds or less to specify that the vehicle complies with all applicable Federal motor vehicle safety and theft prevention standards. The NPRM also stated that this requirement would apply to vehicles manufactured on or after January 1, 1999 so that affected manufacturers would have adequate lead time to exhaust their existing inventory of certification labels and

have new labels printed if the amendment were adopted.

B. Comments

Three comments were submitted in response to the NPRM. The first of these was from Mercedes-Benz of North America, Inc. (Mercedes-Benz) on behalf of its parent company, Daimler-Benz AG of Stuttgart, Germany. In this comment, Mercedes-Benz stated that it supported the proposal to amend 49 CFR Part 567 to require the certification label for MPVs and trucks with a GVWR of 6,000 pounds or less to specify that the vehicle complies with all applicable Federal motor vehicle safety and theft prevention standards. Mercedes-Benz observed that if a vehicle is subject to the parts marking requirements of the theft prevention standard, or is exempted from those requirements as a result of a petition submitted to NHTSA under 49 CFR Part 543, *Exemption From Vehicle Theft Prevention Standard*, the manufacturer should be able to identify this information on the certification label, as Mercedes-Benz claims is presently done for passenger cars.

The agency notes that there is no provision within Part 543 for a certification label to reflect that a vehicle has been exempted from the theft prevention standard. In the final rule establishing that part, published on September 8, 1988 at 52 FR 33821, NHTSA discussed the generally unfavorable comments that it had received from vehicle manufacturers on whether the certification label should reflect the exempt status of a high theft line vehicle. The agency concluded that it is unnecessary to require such a statement on the certification label because such information would only be of benefit to law enforcement officials, and those officials could obtain information on exempt high theft lines from alternate sources, including the agency's annual publication of the list of high theft lines in Appendix A to 49 CFR Part 541. See 52 FR 33822-23.

The second comment was submitted by the Association of International Automobile Manufacturers (AIAM), which identified itself as a trade association that represents companies that sell passenger cars and light trucks in the United States that are manufactured both here and abroad. In this comment, AIAM observed that if January 1, 1999 were retained as the effective date of the final rule, as proposed in the NPRM, manufacturers would not have sufficient lead time to comply with the new requirement. AIAM requested that manufacturers be given 120 days lead time to implement the proposed changes and to exhaust

their existing supply of certification labels. AIAM noted that a minimum of 120 days is typically needed following the promulgation of a final rule for a manufacturer to coordinate the needed design change, certification activities, and parts changes with suppliers and assembly plants. AIAM also noted that delaying implementation of the final rule for 120 days will give manufacturers sufficient time to exhaust their supply of the existing label.

NHTSA recognizes the validity of the issue raised by AIAM. Accordingly, the agency had delayed the effective date of this final rule until 120 days after the date of its publication.

The third comment was submitted by John Russell Deane III, who identified himself as the General Counsel of the Speciality Equipment Market Association (SEMA). In his comment, Mr. Deane recommended that NHTSA amend 49 CFR 567.7, the provision in the certification regulations that prescribes requirements for persons who alter certified vehicles, so that it is consistent with the amendments to the certification requirements for manufacturers proposed in the NPRM. Mr. Deane noted that although vehicle alterers have a statutory responsibility to certify that any vehicle they alter that is subject to the theft prevention standard remains in compliance with that standard following the completion of the alterations, section 567.7 has never been amended to reflect that requirement.

Because NHTSA did not propose an amendment to section 567.7 in the NPRM, it is now constrained from amending that section as part of this final rule. The agency recognizes, however, the validity of the issues raised by Mr. Deane, and will commence rulemaking shortly to address the disparity that now exists between the certification responsibilities for manufacturers and those for alterers with regard to the theft prevention standard.

Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This rule was not reviewed under E.O. 12866. NHTSA has analyzed this rule and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small

entities. Based upon this evaluation, I certify that the amendment resulting from this final rule will not have a significant economic impact on a substantial number of small entities. Motor vehicle manufacturers who will be affected by the rule typically would not qualify as small entities. This amendment will also have no effect on small businesses, small organizations, and small governmental units. Accordingly, no regulatory flexibility analysis has been prepared.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws will be affected.

4. National Environmental Policy Act

The agency has considered the environmental implications of this rule in accordance with the National Environmental Policy Act of 1969 and determined that the rule would not significantly affect the human environment.

5. Civil Justice Reform

This rule does not have any retroactive effect. It modifies an existing Federal regulation to make it consistent with a statutory requirement. A petition for reconsideration or other administrative proceeding will not be a prerequisite to an action seeking judicial review of this rule. This rule does not preempt the states from adopting laws or regulations on the same subject, except that it does preempt a state regulation that is in actual conflict with the Federal regulation or makes compliance with the Federal regulation impossible or interferes with the implementation of the Federal statute.

List of Subjects in 49 CFR Part 567

Labeling, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, § 567.4, *Requirements for manufacturers of motor vehicles*, in Title 49 of the Code of Federal Regulations at Part 567 is amended as follows:

PART 567—[AMENDED]

1. The authority citation for part 567 is revised to read as follows:

Authority: 49 U.S.C. 322, 30111, and 30115, 30117, 30166, 32502, 32504, 33101-33104, and 33109; delegation of authority at 49 CFR 1.50.

2. Section 567.4 is amended by adding a new paragraph (g)(5)(iii), to read as follows:

§ 567.4 Requirements for manufacturers of motor vehicles.

* * * * *

(g) * * *

(5) * * *

(iii) In the case of multipurpose passenger vehicles (MPVs) and trucks with a GVWR of 6,000 pounds or less manufactured on or after June 11, 1999, the expression "and theft prevention" shall be included in the statement following the word "safety".

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Issued on: February 4, 1999.

Ricardo Martinez,

Administrator.

[FR Doc. 99-3291 Filed 2-10-99; 8:45 am]

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