functions of the Commission are set forth separately, beginning at § 0.181. For a complete description of staff functions, reference should be made to these provisions. (See also the U.S. Government Organization Manual, which contains a chart showing the Commission's organization, the names of the members and principal staff officers of the Commission, and other information concerning the Commission.) So that the public may more readily inform itself concerning the operations of the Commission as a whole, concerning the staff officials who exercise responsibility over matters in which they are interested and concerning the relationship between the several staff units in such matters, however, a brief overall description of staff functions and responsibilities is set forth in this paragraph.

* * * * *

(6) *Network inquiry special staff.* The network inquiry special staff has primary responsibility for the conduct of a special inquiry relating to commercial television network practices and the ability of station licensees to serve the public interest, and related policy issues.

* * * * *

2. Section 0.176 is added to read as follows:

NETWORK INQUIRY SPECIAL STAFF

§ 0.176 Functions of the staff.

The network inquiry special staff is responsible for conducting a fact-gathering investigation and preparing a final report to the Commission relating to commercial television network practices, the ability of station licensees to serve the public interest, and related policy issues.

[FR Doc. 78-23126 Filed 8-16-78; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-163; Amdt. Nos. 171-41, 173-119, 178-49]

BUREAU OF EXPLOSIVES

Withdrawal of Certain Delegations of Authority

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: The purpose and intended effect of these amendments to the Department's hazardous materials regulations is to withdraw all of those delegations of authority to the Bureau of Explosives (hereinafter referred to as the B of E) which pertain to (1) examination and approval of cigarette lighters or other similar ignition devices (§ 173.21(d)); (2) cylinder test apparatus approval (§ 173.34(e)(1)); (3) registration of container manufacturers' mark or symbol; and (4) filing of reports. The few references to the B of E in Part 179—Specifications for Tank Cars—are not included in this rulemaking and will be included in a future notice. This action is being taken as an additional step in conforming existing programs with the purposes of the Hazardous Materials Transportation Act.

DATE: The effective date is August 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: Upon the formation of the Department of Transportation in 1967, the functions of the Interstate Commerce Commission (ICC) relative to formulating regulations for the safe transportation of explosives and other dangerous articles (hazardous materials) pursuant to 18 U.S.C. 831-835 were transferred to the Secretary of Transportation by section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1657(e)(4)). The hazardous materials regulations have been administered by the Department of Transportation since that time.

As a matter of routine, the ICC had delegated certain functions to a nongovernmental body, the B of E. Such delegations were made pursuant to paragraph (e) of 18 U.S.C. 834, which provided that:

> (e) In the execution of sections 831-835, inclusive, of this chapter the Commission may utilize the service of carrier and shipper associations, including the Bureau for the safe transportation of explosives and other dangerous articles * * *.

The Hazardous Materials Transportation Act (title I of Pub. L. 93-633) (HMTA), enacted January 3, 1975, under which authority the hazardous materials regulations were reissued effective January 3, 1977, does not contain any reference to this practice of Federal reliance on authority delegated to the B of E. The HMTA directs the Secretary of Transportation to "take all steps necessary to bring * * * regulations into conformity with (its) purposes and provisions * * * as soon as practicable * * *." (§ 114(b)(2)). Reissuance of the hazardous materials regulations was undertaken to comply with this direction. Withdrawal of delegations to the B of E is being undertaken for the same reason.

Over the past several years, a number of the delegations have been deleted or assumed by the Department in conjunction with various specific rulemaking projects, including the recent docket HM-103/112 amendments (41 FR 15972, 41 FR 40614, and 41 FR 57018) which consolidated all of the Department's hazardous materials regulations into 49 CFR Parts 100-199.

These amendments constitute the first action in an overall phased program to withdraw all of the delegations of authority to the B of E in 49 CFR Parts 100-199. The amendments herein constitute a withdrawal of some of the functions previously delegated and an assumption thereof by the Materials Transportation Bureau (MTB). The MTB has engaged the Department's Transportation Systems Center (TSC), Cambridge, Mass., to perform all of the functions addressed herein under the direction and supervision of the MTB, with the exception of § 173.34(e)(1). The delegations to the B of E remaining after this action will be dealt with in future rulemaking actions.

In the case of functions herein assumed by the MTB, or to be performed by the TSC, as well as those to be considered in future rulemaking, it is necessary to provide for continuity and continued effectiveness of existing B of E registrations for a specified transition period. Accordingly, a new section 171.18 is being added to provide for continued effectiveness of any registration that is valid at the time MTB assumes that registration function. Such registrations continue to be valid until they lapse in the normal course, with one exception in § 173.34(e)(1), or are otherwise restricted by regulation. "Registration" (e.g. § 178.1-4(a)), a clerical function, is distinct from the filing of "reports" (e.g. § 178.1-9(f)), also a clerical function, but one for which renewal is unnecessary. Both functions are distinct from "approval," a judgmental function to be treated in a subsequent notice of proposed rulemaking (except for §§ 173.34(e)(1) and 173.21(d), treated herein).

In the course of evaluating B of E delegations, the MTB expects to propose amendments to many of the sections requiring departmental action in order to establish substitute performance criteria, or to simplify, clarify, or delete such requirements. The amendments in this document may be subject to further rulemaking.

The function in section 173.34(e)(1) herein withdrawn from the B of E will

be performed on an interim basis by persons qualified under section 173.300a. Section 173.34(e)(1) presently requires B of E approval of equipment used in periodic retesting of DOT specification compressed gas cylinders. Persons qualified under section 173.300a are presently authorized to verify inspections and tests required in the construction of new cylinders. Because the knowledge and skills required for inspection and test verifications on new cylinders are clearly adequate for inspection of retesting equipment, the MTB intends to rely on persons so qualified to inspect retest equipment until such time as other criteria may be developed. However, an existing backlog of applications for equipment inspection under section 173.34(e)(1) requires immediate attention. During this interim period, anyone wishing to arrange for inspection under section 173.34(e)(1) should contact the MTB.

Since these amendments do not impose additional requirements, public notice has not been provided and this amendment is effective without delay. The MTB has determined that the environmental and economic impact associated with these amendments is minimal. Primary drafters of this document are Darrell L. Raines, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, and George W. Tenley, Office of Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, 49 CFR Parts 171, 173, and 178 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.8 new definitions of the abbreviations "MTB" and "MTB-TSC" are added immediately following the definition of "Motor vehicle" to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

"MTB" means the Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

"MTB-TSC" means the Transportation Systems Center, Cambridge, Mass. 02142 (for functions performed under the direction and supervision of the MTB).

* * * * *

2. § 171.18 is added to read as follows:

§ 171.18 Continuation of effectiveness of existing Bureau of Explosives registrations.

A registration filed with the Bureau of Explosives in compliance with a requirement of this subchapter, which is valid at the time that registration function is assumed by the MTB or MTB-TSC, remains valid to the same extent as if it had been filed originally with MTB or MTB-TSC.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKINGS

3. In § 173.21 paragraph (d) is revised to read as follows:

§ 173.21 Prohibited packing.

* * * * *

(d) The offering for transportation of any package containing a cigarette lighter or other similar ignition device charged with fuel and equipped with an ignition element, or any self-lighting cigarette, is forbidden unless the design of the device and its packaging insofar as they affect safety in transportation have been examined and approved by MTB-TSC. (An approval which was issued by the B of E remains valid to the same extent as if it had been issued by MTB-TSC.) For lighters containing flammable gases, also see § 173.308.

4. The words "Bureau of Explosives" is changed to read "MTB-TSC" in § 173.24(c)(1)(ii).

5. In § 173.34 paragraph (e)(1) is revised to read as follows:

§ 173.34 Qualification, maintenance, and use of cylinders.

* * * * *

(e) * * *

(1) This periodic retest must include a visual internal and external examination together with a test by interior hydrostatic pressure in a water jacket or other apparatus of suitable form for the determination of the expansion of the cylinder. Each person who represents that he performs retesting in accordance with this paragraph must have a retester's identification number issued by the MTB or have a valid Bureau of Explosives approval issued prior to August (effective date of these amendments) 1978. Such persons holding a B of E approval without a termination date must obtain a retester's identification number from MTB before December 31, 1979. The internal inspection may be omitted for cylinders of the type and in the service described under paragraphs (e) (9) and (10) of this section.

* * * * *

6. The words "Bureau of Explosives" are change to read "MTB-TSC" each time they appear in the following sections:

Sections 173.34(1)(2); 173.34(1)(3); 173.119(b)(3) note 1.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

7. The words "Bureau of Explosives" are changed to read "MTB-TSC" each time they appear in the following sections:

§ 178.1-4(a)
§ 178.1-8(a)(2)
§ 178.1-9(f)
§ 178.2-4(a)
§ 178.2-6(a)(2)
§ 178.3-4(a)
§ 178.3-8(a)(2)
§ 178.3-9(f)
§ 178.4-4(b)
§ 178.4-7(a)(2)
§ 178.4-8(f)
§ 178.5-7(a)(2)
§ 178.5-9(f)
§ 178.6-8(a)(2)
§ 178.6-10(f)
§ 178.7-3(a)
§ 178.7-7(a)(2)
§ 178.7-8(f)
§ 178.8-7(a)(2)
§ 178.9-7(a)(2)
§ 178.12-9(a)(2)
§ 178.13-2(a)
§ 178.13-5(a)(2)
§ 178.14-3(a)
§ 178.14-7(a)(2)
§ 178.14-8(f)
§ 178.15-7(b)
§ 178.18-8(a)(2)
§ 178.19-6(a)(3)
§ 178.21-2(b)(2)
§ 178.24-5(a)(2)
§ 178.27-2(c)(2)
§ 178.33-9(a)(2)
§ 178.33a-9(a)(2)
§ 178.35-3(b)(2)
§ 178.35a-2(c)(2)
§ 178.36-4(d)
§ 178.36-20(a)(3)
§ 178.37-4(d)
§ 178.37-20(a)(3)
§ 178.38-4(d)
§ 178.38-20(a)(2)
§ 178.39-4(d)
§ 178.39-19(a)(2)
§ 178.40-4(d)
§ 178.40-20(a)(2)
§ 178.41-4(d)
§ 178.41-19(a)(2)
§ 178.42-4(d)
§ 178.42-14(a)(2)
§ 178.43-4(d)
§ 178.43-20(a)(2)
§ 178.44-4(d)
§ 178.44-23(a)(2)
§ 178.47-4(d)
§ 178.47-21(a)(2)
§ 178.48-4(d)
§ 178.48-19(a)(2)
§ 178.49-4(d)
§ 178.49-19(a)(2)
§ 178.50-4(d)
§ 178.50-19(a)(2)
§ 178.51-4(d)
§ 178.52-4(d)
§ 178.52-19(a)(2)
§ 178.53-4(d)
§ 178.53-18(a)(2)
§ 178.54-4(d)
§ 178.54-20(a)(2)
§ 178.55-4(d)
§ 178.55-20(a)(2)
§ 178.56-4(d)
§ 178.56-19(a)(2)
§ 178.57-4(d)
§ 178.57-20(a)(3)
§ 178.58-4(d)
§ 178.58-21(a)(2)
§ 178.59-3(c)
§ 178.59-18(a)(2)
§ 178.60-3(c)
§ 178.60-22(a)(2)
§ 178.61-4(d)
§ 178.61-20(a)(2)
§ 178.68-4(d)
§ 178.68-19(a)(2)
§ 178.80-11(a)(2)
§ 178.81-11(a)(2)
§ 178.82-11(a)(2)
§ 178.83-11(a)(2)
§ 178.84-11(a)(2)
§ 178.85-10(a)(2)
§ 178.87-11(a)(2)
§ 178.88-10(a)(2)
§ 178.89-9(a)(2)
§ 178.90-10(a)(2)
§ 178.91-11(a)(2)
§ 178.92-12(a)(2)
§ 178.97-9(a)(2)
§ 178.98-9(a)(2)
§ 178.99-9(a)(2)
§ 178.100-9(a)(2)
§ 178.101-9(a)(2)
§ 178.102-4(a)(2)
§ 178.103-6(a)(3)
§ 178.107-9(a)(2)
§ 178.108-9(a)(2)
§ 178.109-9(a)(2)
§ 178.110-8(a)(2)
§ 178.111-8(a)(2)
§ 178.112-10(a)(2)
§ 178.115-10(a)(2)
§ 178.116-10(a)(2)
§ 178.117-11(a)(2)
§ 178.118-10(a)(2)
§ 178.119-10(a)(2)
§ 178.130-8(a)(2)
§ 178.131-9(a)(3)
§ 178.132-9(a)(3)
§ 178.133-9(a)(2)
§ 178.134-4(a)(2)
§ 178.135-8(a)(3)
§ 178.136-9(a)(2)
§ 178.140-6(a)(2)
§ 178.141-7(a)(2)
§ 178.146-15(a)(2)
§ 178.147-15(a)(2)
§ 178.148-5(a)(2)
§ 178.149-7(a)(2)
§ 178.150-7(a)(3)
§ 178.156-12(a)(2)
§ 178.165-13(b)
§ 178.168-18(d)
§ 178.169-18(d)
§ 178.170-17(d)
§ 178.171-17(d)
§ 178.172-19(b)

§ 178.176-6(b)	§ 178.177-6(b)
§ 178.181-11(b)	§ 178.182-4(a)(2)
§ 178.185-19(b)	§ 178.185-22(c)(2)
§ 178.186-19(b)	§ 178.187-5(b)
§ 178.190-9(a)(2)	§ 178.191-9(a)(2)
§ 178.193-6(a)(2)	§ 178.194-6(b)
§ 178.196-15(a)(2)	§ 178.197-14(a)(2)
§ 178.198-4(a)(2)	§ 178.205-18(a)(2)
§ 178.206-18(a)(2)	§ 178.207-18(a)(2)
§ 178.208-12(a)(2)	§ 178.209-13(a)(2)
§ 178.209-14(a)	§ 178.210-12(a)(2)
§ 178.211-6(a)(2)	§ 178.212-8(a)(2)
§ 178.214-17(a)(2)	§ 178.214-18(a)
§ 178.218-10(a)(2)	§ 178.218-11(a)
§ 178.219-13(a)(2)	§ 178.219-14(a)
§ 178.224-4(a)(2)	§ 178.225-3(a)(1)(ii)
§ 178.225-3(a)(2)(ii)	§ 178.226-4(a)(2)
§ 178.230-8(a)(2)	§ 178.233-9(a)(2)
§ 178.234-9(a)(2)	§ 178.236-7(b)
§ 178.237-7(b)	§ 178.238-7(b)
§ 178.239-7(b)	§ 178.240-10(a)(2)
§ 178.241-5(b)	§ 178.245-7(a)
§ 178.255-15.	

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

The Materials Transportation Bureau has determined that this final regulation will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on August 10, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

[FR Doc. 78-22739 Filed 8-16-78; 8:45 am]

[4910-06]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSRM-1, Notice 5]

PART 221—REAR END MARKING DEVICE—PASSENGER, COMMUTER, AND FREIGHT TRAINS

Approved Devices

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Final rule amendment.

SUMMARY: Part 221 establishes requirements for the installation of rear end marking devices that are to be used on passenger, commuter, and freight trains. The purpose of this notice is to amend part 221 by the addition of a new appendix which sets forth those specific devices that have been approved by FRA as of July 26, 1978.

DATES: This amendment is effective August 25, 1978.

FOR FURTHER INFORMATION CONTACT:

PRINCIPAL AUTHORS

Principal program person: John A. McNally, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, 202-426-9178.

PRINCIPAL ATTORNEY

Lawrence I. Wagner, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, 202-426-8836.

SUPPLEMENTARY INFORMATION: The Federal Railroad Safety Authorization Act of 1976 (Pub. L. 94-348, "the act") required the Secretary of Transportation to issue such rules as may be necessary to require that "the rear car of all passenger and commuter trains shall have one or more highly visible markers which are lighted during periods of darkness or whenever weather conditions restrict clear visibility;" and "the rear car of all freight trains shall have highly visible markers during periods of darkness or whenever weather conditions restrict clear visibility" (Pub. L. 94-348, section 5(b)).

On January 11, 1977, FRA published a final rule prescribing the requirements for the installation of a rear end marking device for use on passenger, commuter, and freight trains (42 FR 2321). The rule establishes performance standards for marking devices and requires that the Federal Railroad Administrator approve devices that are to be installed.

On December 8, 1977, FRA amended part 221 by the addition of appendix A which set forth the specific procedures by which railroads subject to this part are to obtain approval of the marking devices to be used on passenger, commuter, and freight trains (42 FR 62002). This amendment also postponed, from January 1, 1978, to July 1, 1978, the date trains subject to part 221 must be equipped with approved marking devices.

Several railroads have now obtained approval of marking devices in accordance with the procedures set forth in appendix A. Additionally, FRA has received many individual requests for information on approved devices. Consequently, FRA has decided to publish appendix B to reflect those devices that have received FRA approval as of July 26, 1978.

The approved devices identified in appendix B have been broken into two parts. Part I identifies those devices which were assembled by a manufacturer for the railroad industry and were tested for the manufacturer either by an independent testing laboratory or by the manufacturer's own testing facilities. Consequently, all of the required test data may be obtained from the manufacturer. Part II identifies devices which were assembled for a specific carrier either by the railroad involved or by a manufacturer and may contain components furnished by a variety of sources. Testing of these devices was performed in most instances by an independent testing laboratory or by the carrier's own testing facilities. Consequently, acquisition of the test data may require contacting both the carrier and the manufacturer of the components.

The addition of appendix B consitutes a statement of policy by the FRA. In accordance with the provisions of section 553 of the Administrative Procedure Act (5 U.S.C. 533), notice and public procedure are not required and this amendment may be made effective in less than 30 days after publication. Furthermore, FRA has evaluated the addition of this appendix in accordance with the Department of Transportation's existing and proposed policies for the evaluation of regulatory impacts, discussed in the FEDERAL REGISTER on June 1, 1978 (43 FR 23925), and has concluded that this appendix will have no measurable regulatory impact.

In light of the foregoing, title 49 CFR, chapter II, part 221 is amended, effective August 25, 1978, as follows:

1. 49 CFR part 221 is amended by adding a new appendix B as follows:

APPENDIX B—APPROVED REAR END MARKING DEVICES

PART I—APPROVED DEVICES TESTED FOR OR BY MANUFACTURERS

1. Manufacturer: Star Headlight & Lantern Co., 168 West Main Street, Honeoye Falls, N.Y. 14472.

FRA identification Nos. FRA-PLE-STAR-845-F (flasher) and FRA-PLE-STAR-845-C (steady burn).

2. Manufacturer: Julian A. McDermott Corp., 1639 Stephen Street, Ridgewood, Long Island, N.Y. 11227.

FRA identification Nos. FRA-MEC-MCD-100-C (steady burn), FRA-MEC-MCD-100-F (flasher), FRA-MEC-MCD-300-C (steady burn), and FRA-MEC-MCD-300-F (flasher).

3. Manufacturer: American Electronics, Inc.,[1] 40 Essex Street, Hackensack, N.J. 07601.

FRA identification Nos. FRA-DRGW-YANK-300 (portable strobe), FRA-WP-YANK-301R (flashing), FRA-WP-YANK-305R (flashing), and FRA-WP-YANK-306R (steady burn).

PART II—APPROVED DEVICES TESTED FOR OR BY RAIL CARRIERS

1. Carrier: Atchison, Topeka & Santa Fe Railway Co., Technical Research & Development Department, 1001 Northeast Atchison Street, Topeka, Kans. 66616.

Manufacturer: Trans-Lite, Inc., P.O. Box 70, Milford, Conn. 06460.

FRA identification Nos. FRA-ATSF-TL-875-150, FRA-ATSF-TL-875-60, FRA-

[1]Note.—Yankee Metal Products Corp. previously produced these devices.

ATSF-TL-875-4412, and FRA-ATSF-TL-200.

2. Carrier: Amtrak—National Railroad Passenger Corporation, 400 North Capitol Street NW., Washington, D.C. 20001.

Manufacturer: (a) Trans-Lite, Inc., P.O. Box 70, Milford, Conn. 06460.

FRA identification Nos. FRA-ATK-TL-3895-1, FRA-ATK-TL-4491-2, FRA-ATK-TL-4491-3, and FRA-ATK-TL-FM-4491-1.

Manufacturer: (b) Luminator Division of Gulfton Industries, Inc., 1200 East Dallas North Parkway, Plano, Tex. 75074.

FRA identification No. FRA-ATK-LUM-0101890-001.

Manufacturer: (c) Whelen Engineering Co., Inc., Deep River, Conn. 06417.

FRA identification No. FRA-ATK-WHE-WERT-12".

(Sec. 202, 84 Stat. 971 (45 U.S.C. 431); sec. 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).)

Issued in Washington, D.C., on August 11, 1978.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 78-23090 Filed 8-16-78; 8:45 am]

[4910-59]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 1-22; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Vehicle Identification Numbers

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

ACTION: Final rule.

SUMMARY: This notice amends standard No. 115, vehicle identification number, to extend its applicability to additional classes of motor vehicles and to specify its content and format. The action was undertaken because of the increased use of vehicle identification numbers by the safety community, and is intended to extend and simplify VIN use.

EFFECTIVE DATES: January 1, 1980, for passenger cars; September 1, 1980, for other vehicles.

FOR FURTHER INFORMATION CONTACT:

Mr. Nelson Erickson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0854.

SUPPLEMENTARY INFORMATION: On January 16, 1978, the National Highway Traffic Safety Administration (NHTSA) published a notice of proposed rulemaking (43 FR 2189) which proposed extending the applicability of Federal motor vehicle safety standard No. 115 dealing with vehicle identification numbers (49 CFR 571.115) to additional classes of vehicles and specifying VIN format and content for specific classes of vehicles.

The uses and users of the vehicle identification number (VIN) were discussed in detail in the previous notice. In summary, the VIN is used as the key identifier of a vehicle by motor vehicle administrators, manufacturers, insurance companies, law enforcement agencies and the NHTSA, and is the cornerstone of the safety defect recall program. Also discussed in the previous notice were the longstanding efforts by several groups in the United States and abroad to standardize the VIN format and content and the two major and incompatible VIN systems previously proposed by the International Standards Organization and the Vehicle Equipment Safety Commission.

The system developed by the International Standard's Organization (ISO), with the participation of United States representatives from industry and government, consists of 17 characters and is flexible in terms of content. A second system developed by the Vehicle Equipment Safety Commission (VESC), working in conjunction with the American Association of Motor Vehicle Administrators (AAMVA), consists of 16 characters whose characteristics are rigidly defined. While the Motor Vehicle Manufacturers Association (MVMA) attempted to establish a compromise position between the ISO and VESC-AAMVA systems by letter to Commissioner C. B. Craig of California (a copy of which was submitted to the docket), neither party appears to have been persuaded to alter their system and both continue to urge that the jurisdictions they serve and the NHTSA adopt their system.

By issuing a proposal which the NHTSA believed was a first step in establishing a better-engineered, more flexible system serving all users to the greatest degree possible, the agency hoped to elicit comments which would aid it in this endeavor. While some comments merely recited their belief that either the ISO or the VESC-AAMVA system should be adopted in toto, most were helpful in their analysis of the NHTSA proposal. All comments were carefully considered.

The NHTSA concludes it should not change its previous position that neither the ISO nor the VESC-AAMVA systems are sufficient to satisfy the broadest group of potential users of the VIN in the most efficient fashion. In the case of the ISO system, the legitimate needs of the motor vehicle administrators for descriptive information concerning the vehicle identified were not met. It should be pointed out the ISO saystem was never meant to serve this need, but merely to identify the vehicle. The VESC-AAMVA systems, on the other hand, while admirably suited to the needs of the States did not take into account fully the needs of the manufacturers and the NHTSA. The most significant comments concerning the NHTSA proposal are discussed below.

PREEMPTION

A threshold question discussed in the notice of proposed rulemaking (NPRM), but raised again by the comments, related to the preemptive effective of the NHTSA standard on nonidentical State standards relating to the same aspect of performance (see § 103(d) of the National Highway Traffic and Motor Vehicle Safety Act. 15 U.S.C. 1392(d)). This issue was most comprehensively discussed by the Maryland Department of Transportation, which raised two basic points.

First, Maryland called the attention of the agency to the preamble of the notice which originally established Federal motor vehicle safety standard No. 115 (33 FR 10207). As originally established in 1968, the Standard did not specify requirements regarding either the content or the format of the VIN. In that notice, the Administrator stated that State laws relating to identifying numbers used for titling purposes did not conflict with the standard as then drafted and therefore were not preempted.

The question, however, is not whether standard No. 115 as originally issued 10 years ago preempted State standards, but whether the expanded standard regarding VIN format and content being promulgated today preempts the States in regulating this aspect of the VIN. As stated in the advance notice of proposed rulemaking (41 FR 38189) and the NPRM, and as reiterated here it is the agency's view that standard No. 115 as promulgated by this notice fully occupies the area of VIN format and content and preempts State and local requirements relating to the same matter.

The second legal argument raised by Maryland is that by establishing the format and content of the VIN, the NHTSA is "unabashedly violating fundamental constitutional principles of federalism." The gist of Maryland's argument, as we understand it, is that establishing the content and format of the VIN makes it necessary for the States to purchase computers and recordkeeping equipment and thereby makes them "quasi-departments and instrumentalities" of the NHTSA. In support of their position, they cite *Na-*