

meet with lengthy delays if all package designs were required to pass through the approval process of the NRC and these delays could severely limit the effectiveness of the DOE nuclear program.

In view of the strict procedures the DOE requires to be followed to certify its own package designs for radioactive materials, the MTB agrees that DOE packaging requirements and evaluation techniques which demonstrate compliance with safety standards equivalent to those contained in 49 CFR Parts 100 to 177 and 10 CFR Part 71 are sufficient to protect the public health and safety.

Since this amendment is only reinstating an approval authority that was in 49 CFR prior to Docket HM-56 and does not impose additional requirements, public notice has not been provided and this amendment is effective without delay.

In consideration of the foregoing, Part 173 is amended to read as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

In § 173.7, paragraph (d) is added to read as follows:

§ 173.7 U.S. Government material.

(d) Notwithstanding the requirements of §§ 173.393a and 173.394 through 173.396 of this subchapter, packagings made by or under the direction of the U.S. Department of Energy may be used for the transportation of radioactive materials when evaluated, approved, and certified by the Department of Energy against packaging standards equivalent to those specified in 10 CFR Part 71. Packages shipped in accordance with this paragraph shall be marked and otherwise prepared for shipment in a manner equivalent to that required by this subchapter for packagings approved by the Nuclear Regulatory Commission.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A. to Part 1)

Note.—Because this amendment is only a reinstatement of a prior approval, the Materials Transportation Bureau has determined that the final rule (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and environmental assessment are available for review in the Docket. I certify that this final rule will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on February 12, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-4455 Filed 2-17-82; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Part 173

[Docket No. HM-166K, Amdt. No. 54]

Transportation of Anhydrous Ammonia in Intrastate Commerce

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the Department's Hazardous Materials Regulations to allow the continued use in intrastate service of certain cargo tanks for the carriage of anhydrous ammonia in States where this practice was permitted until the Hazardous Materials Regulations were extended to cover both interstate and intrastate transportation of certain materials, including anhydrous ammonia, and prohibited such practice.

This is not a major rule. It is supported by the majority of the persons who submitted comments on the notice of proposed rulemaking. It is designed to rectify a situation which would cause hardship in the agricultural community and the industries which serve it.

EFFECTIVE DATE: This amendment is effective April 19, 1982. However, compliance with the regulations as amended herein is authorized immediately.

FOR FURTHER INFORMATION CONTACT: Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 7th Street SW., Washington, D.C. 20590, telephone number (202) 426-2075.

SUPPLEMENTARY INFORMATION: On Thursday, September 24, 1981, the Materials Transportation Bureau published a Notice of Proposed Rulemaking, Docket No. HM-166K, Notice No. 81-7 [46 FR 47099], which proposed to amend the Hazardous Materials Regulations (HMR) to allow the continued use of certain specification and nonspecification cargo tanks in intrastate anhydrous ammonia service in States which historically have permitted, or never prohibited, the use of these cargo tanks for that service.

The Notice was based in part on a petition from the fertilizer industry to allow the continued use of these cargo tanks in order to avoid hardship both to farmers using anhydrous ammonia for

fertilizer and the fertilizer industry. Comments on the Notice were solicited with a closing date of November 23, 1981.

A total of eleven comments were received, ten from private individuals or companies and one from the Pennsylvania Department of Transportation (Pennsylvania DOT). Based on the comments received, the proposals in the Notice, with one revision, are being incorporated as amendments to the HMR. The following is a summary of the comments received on the Notice.

Of the ten comments received from individuals or companies, nine requested that the amendments proposed in the Notice be adopted. None of these comments went into detail on the proposed amendments or recommended any changes to them. All of these comments stressed the hardship that would fall on the agricultural community and the fertilizer industry which services it if the amendments were not adopted. The tenth commenter protested the elimination of the use of State approved cargo tanks in the first place.

The Pennsylvania DOT concurred in part in the amendments proposed in the Notice. However, they recommend that documentation be required to be carried on each vehicle to establish the fact that the vehicle had complied with the requirements contained in the proposed amendment. Reasons cited by the Pennsylvania DOT for such documentation were to make enforcement of the HMR by State authorities easier and to prevent unnecessary disruption of service by enforcement officials. While MTB recognizes that a requirement for the documentation suggested by the Pennsylvania DOT would somewhat ease the enforcement burden of both State and Federal enforcement personnel, this benefit is out-weighed by the recordkeeping burden placed on the carrier to maintain a copy of these documents in each vehicle at all times. It is the policy of the Federal government to reduce, not add to the paperwork burden of the regulated community. However, if the carrier elects to carry this documentation with the vehicle, it may facilitate inspections and prevent delays by enforcement officials.

As stated in the summary of the Notice it was the intention of the proposal to authorize the use of specification and nonspecification cargo tanks with a design service pressure of 250 psig in the carriage of anhydrous ammonia in intrastate service. However, due to oversight, the proposed change

dealt only with nonspecification cargo tanks. Cargo tanks built to Specification MC-330 or MC-331 with a design service pressure of 250 psig were omitted from the proposed rule change. This omission has been corrected by including Specification MC-330 and MC-331 cargo tanks in Note 17.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGING

1. In § 173.315 a new note, Note 17, is added to the Table in § 173.315(a)(1) and the entry for "Anhydrous ammonia" is revised. The note is referenced in the first column and the last two columns of the Table (with headings of "Type" and

"Minimum design pressure," respectively) for the first material entry: "Anhydrous ammonia."

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

(a) * * *

(1) * * *

TABLE

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
Anhydrous ammonia (see Notes 14 and 17 and paragraph (1) of this section).	56	82; see Note 5.....	DOT-51, MC-330, MC-331; see Notes 12 and 17.	265; see Note 17.

Note 17.—A Specification MC-330 or MC-331 cargo tank or a nonspecification cargo tank meeting, and marked in conformance with, the edition of the ASME Code in effect when it was fabricated, may be used for the transportation of anhydrous ammonia if it—

- (1) Has a minimum design pressure not lower than 250 psig;
- (2) Was manufactured in conformance with the ASME Code prior to January 1, 1981, according to its ASME name plate and manufacturer's data report;
- (3) Is painted white or aluminum;
- (4) Complies with Note 12 of this paragraph;
- (5) Has been inspected and tested in accordance with § 173.33 as specified for Specification MC-330 or MC-331;
- (6) Was used to transport anhydrous ammonia prior to January 1, 1981;
- (7) Is operated exclusively in intrastate commerce (including its operation by a motor carrier otherwise engaged in interstate commerce) in a state where its operation was permitted by the laws of that State (not including the incorporation of this subchapter) prior to January 1, 1981; and
- (8) Is operated in conformance with all other requirements of this subchapter.

(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, Appendix A to Part 1).)

Note.—The Materials Transportation Bureau has determined that this document is not a "major rule" under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and environmental assessment are available for review in the Docket. I certify that this Amendment will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on February 12, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-4457 Filed 2-17-82; 8:45 am]

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National Highway Traffic Safety Administration

49 CFR Parts 526 and 533

[Docket No. FE 82-01; Notice 1]

Petitions Under the Automobile Fuel Efficiency Act of 1980; Procedures Relating to Light Truck Fuel Economy Standards

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

ACTION: Interim final rule and request for comments.

SUMMARY: This notice establishes requirements for the contents of petitions filed under the Automobile Fuel Efficiency Act of 1980 ("the 1980 Act"). The 1980 Act authorizes the granting of relief from certain requirements related to the automobile

fuel economy standards established under Title V of the Motor Vehicle Information and Cost Savings Act ("the Cost Savings Act"). This notice is being issued to inform manufacturers about the types of information which must be submitted in support of the various types of relief petitions and plans. This notice also expands the flexibility of manufacturers in determining how to group their vehicles for the purposes of compliance with the MY 1982 light truck fuel economy standards. Finally, this notice seeks comments on these actions before permanent rules are adopted.

DATES: Effective date: February 18, 1982. Comments on this notice must be received by the agency not later than April 5, 1982.

ADDRESS: Comments should refer to the docket and notice numbers and be submitted (preferably in 10 copies) to: Docket Section, Room 5109, National

Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Richard Strombotne, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-0846).

SUPPLEMENTARY INFORMATION: The Automobile Fuel Efficiency Act of 1980 (94 Stat. 1821) amended the fuel economy provisions of the Motor Vehicle Information and Cost Savings Act to assist the automobile manufacturers in complying with fuel economy standards and to promote employment in the U.S. automotive industry. To obtain this relief, the 1980 Act requires manufacturers first to file petitions or plans with the agency and make certain specified showings. This

notice establishes an interim final regulation concerning the specific information which manufacturers must submit in their petitions and plans.

This notice addresses four different types of relief authorized under the 1980 Act. The agency has previously issued a rule under the 1980 Act relating to the availability of monetary credits for exceeding the light truck average fuel economy standards. See 45 FR 83233, December 19, 1980, and section 6(b) of the 1980 Act.

The first set of requirements established in this notice applies to the exemption provided by section 4(a) of the 1980 Act from the domestic content requirement in section 503 of the Cost Savings Act. The requirement specifies that if at least 75 percent of the cost to the manufacturer of an automobile is attributable to value added in the United States or Canada, the automobile is considered domestically-manufactured. If the percentage is below that level, the automobile is considered to be foreign-manufactured. See section 503(b)(2)(E). Under that requirement, if a manufacturer produces cars both in this country and abroad for sale in this country and it raises the domestic content of the cars produced in this country above 75 percent, it must ensure that its domestically-produced cars and its foreign-produced cars separately meet the fuel economy standards. Thus, the manufacturer could not average high fuel economy imported cars with lower fuel economy domestically-manufactured cars as a strategy for complying with the fuel economy standards.

The domestic content provision was originally included in the Cost Savings Act to promote employment in the U.S. automobile industry by encouraging manufacturers to produce high fuel economy vehicles in this country, instead of relying on the importation of high fuel economy cars which they produce or purchase abroad. However, the requirement for separate compliance has had the opposite effect on U.S. employment in its application to foreign manufacturers. Foreign manufacturers which seek or might seek to produce high fuel economy cars in the U.S. are penalized under the original domestic content provision. If they produce their high fuel economy cars in this country and eventually exceed 75 percent domestic content, they would lower the average fuel economy of their remaining foreign-produced fleet. As a result, a manufacturer's foreign fleet might not comply with the fuel economy standards, although its combined foreign

and domestic fleet would probably exceed the standard substantially.

To reduce this disincentive for foreign manufacturers to initiate production in this country and to achieve high levels of domestic content, Congress amended section 503(b) of the Cost Savings Act by adding a new subsection (3). Under that provision, a manufacturer which completes its first model year of domestic production of automobiles between 1975 and 1985 may petition the agency for exemption from the requirement for separate compliance so that it does not apply when the domestic content of the U.S. produced fleet exceeds 75 percent. Section 503(b)(3) requires that the agency grant such a petition unless it finds that doing so would "result in reduced employment in the United States related to motor vehicle manufacturing." Employment reductions could occur if, for example, granting the petition resulted in the petitioner's capturing increased sales from current U.S. manufacturers whose vehicles have a higher domestic content. The agency has already granted a petition under this provision to Volkswagen of America. (See 46 FR 54453; November 2, 1981.) It appears that in most instances, increasing U.S. content for one company should produce net increases in overall U.S. employment.

To determine whether to grant a petition filed under this provision, the agency needs information on the magnitude of these possible adverse employment effects, if any. The agency would also need to know the magnitude of the positive employment effects resulting from the decision to begin domestic production or increase domestic content. Therefore, the regulations or petitions and plans for relief set forth below specifies that a petitioning manufacturer submit information describing insofar as possible the vehicles it plans to sell in the United States during the exemption period, the projected sales of those vehicles, the domestic content of those vehicles and plans for obtaining components from domestic sources. Information is also required on the extent, if any, to which additional sales of the petitioner's vehicles are expected to be gained at the expense of current U.S. manufacturers, and the net employment impact of the shift in sales. The petitioner must also submit data on the yearly total employment related to its U.S. production operations to give an overview of the positive impact of granting the petition. Finally, information is required on the extent to which the petitioner's product plan and

component sourcing decisions would be affected by the agency's granting or denial of the petition.

The second relief provision added by the 1980 Act is intended to encourage manufacturers to transfer production of a foreign-produced vehicle to this country. Section 503(b)(4) of the Cost Savings Act authorizes a temporary exemption from the domestic content requirement in section 503. Under that requirement, an automobile whose domestic content is less than 75 percent must be treated as a foreign-produced automobile. This poses a problem particularly if a manufacturer wishes to transfer production of a high fuel economy car and average it with its domestic fleet. The exemption is available to any manufacturer which plans to phase-in domestic production of a new vehicle by gradually increasing its domestic content to 75 percent. A manufacturer which satisfies the statutory requirements is permitted to include up to 150,000 automobiles in its domestic fleet if the automobiles have at least 50 percent domestic content initially and if the manufacturer submits and the agency approves a plan for achieving 75 percent domestic content by the fourth year of the exemption.

In considering whether to approve a plan under this provision, the agency must determine whether the plan is adequate. To verify achievement of the 50 and 75 percent domestic content levels, the regulation specifies that information must be provided on the total manufacturing costs of the vehicles whose production is to be transferred to this country. In addition, information is required on the changes in domestic content of the vehicles to be produced in this country during each of the four years covered by the plan, including information on the timing and nature of the change.

The third relief provision relates to compliance with fuel economy standards for 4-wheel drive light trucks. This provision, which was added by the 1980 Act to the Cost Savings Act as section 502(k), authorizes the agency to adjust the manner in which average fuel economy is calculated for a petitioner's 4-wheel drive light truck fleet or to provide other relief with respect to a fuel economy standard for 4-wheel light trucks. To obtain this relief, the petitioner must show that it would be unable to comply with such a standard "without causing severe economic impacts such as plant closings or reduction in employment in the United States related to motor vehicle manufacturing." (Section 502(k)).

To enable the agency to assess the impacts on a petitioning manufacturer of compliance with a fuel economy standard for 4-wheel drive light trucks, the regulation requires that information be submitted on the changes planned by the manufacturer to achieve compliance and the cost and fuel economy impacts of each of those changes. The manufacturer must also identify the particular compliance steps which the manufacturer believes would cause "severe economic impacts" and the nature of those impacts. This information will permit the agency to determine what level of rule economy the petitioner is capable of achieving without experiencing "severe economic impacts".

Information must also be submitted on monetary credits likely to be earned in the three model years preceding and the three model years following the model year for which relief is sought. This information will permit the agency to assess the effect of available credits on the need for relief. Credits are earned at the rate of five dollars per vehicle for each tenth of a mile per gallon by which a manufacturer's fleet exceeds a average fuel economy standard. Earned credits may be used to offset civil penalties (accrued at the same rate) for the manufacturer's falling below a standard in one or more of the three model years before or after the model year in which the credit was earned.

Finally, the petitioner must specify the precise type and extent of relief being sought.

The final relief provision is section 502(1) of the Cost Savings Act which was added by section 6(b) of the 1980 Act. Section 502(1) authorizes a manufacturer which expects to fail to meet a fuel economy standard in a particular model year to file a plan with NHTSA regarding the prospects for earning credits in the next three model years. The plan must set forth the individual actions comprising the plan and a schedule for accomplishing those actions. If NHTSA approves the plan, the credits are available immediately to offset the civil penalty for the model year in which the manufacturer failed to meet the standard. The benefit of having such a plan approved is that the manufacturer can avoid ever being deemed to have violated the fuel economy standard for that model year if it actually earns the projected credits. If such a manufacturer does not obtain the agency's approval for a plan under section 502(1), the manufacturer may have to pay the civil penalty and then seek a refund if credits are subsequently earned.

Section 502(1) directs the agency to approve any plan submitted by a manufacturer under that section unless the agency determines that "it is unlikely that the plan will result in the manufacturer earning sufficient credits" to offset the civil penalty. The agency might make such a finding if either the technological or other steps planned by the manufacturer will fail to produce the levels of average fuel economy necessary to earn the credits.

Therefore, the regulation specifies that the manufacturer must submit information demonstrating the feasibility of its plan. Among types of required information are descriptions of planned product actions which will affect fuel economy (e.g., the introduction of a new model), and the effect of that product action on the manufacturer's average fuel economy.

In addition to establishing a regulation regarding certain types of submissions under provisions added to the Cost Savings Act by the 1980 Act, this notice also adopts a simple change relating to how light trucks are grouped for purposes of compliance with the light truck fuel economy standards for model year 1982. The change would give manufacturers the same latitude in grouping their light trucks in that model year that they presently have for model years 1983-1985. On December 31, 1979, the NHTSA published a proposal to establish separate standards for 2-wheel drive and 4-wheel drive light trucks for model years 1982-1985. Due to a statutory deadline for issuing the model year 1982 standards, the agency published them on March 31, 1980. The standards were 16 miles per gallon for 4-wheel drive light trucks and 18 miles per gallon for 2-wheel drive light trucks. The NHTSA then sought further comment on the model year 1983-1985 standards and expressly focused public attention on the concept of a combined standard. When the agency published its decision on December 11, 1980, it provided manufacturers with an option of complying with separate standards or a single combined standard. The NHTSA did not, however, then go back and provide the same option for model year 1982.

Over the past year, the agency has been reviewing its existing procedures and regulations pursuant to E.O. 12291 to determine the need for any amendments to eliminate ineffective or unnecessarily burdensome or inflexible regulations. However, it was only in December that the agency received information indicating the value of increasing the flexibility of the manufacturers in grouping their light

trucks for compliance purposes. In that month, the manufacturers submitted their semi-annual fuel economy reports required by 49 CFR 537. The agency's analysis of the information in those reports revealed for the first time the value of giving manufacturers the same flexibility in grouping their light trucks for model year 1982 as they already have for model years 1983-1985. By placing all of its light trucks in a single group, a manufacturer has greater freedom to choose how it allocates its efforts to improve fuel economy between technology changes and sales mix changes.

Accordingly, the agency has decided to provide manufacturers with the option of complying with a single, combined standard. In terms of required fuel savings, the separate standards of 16 and 18 miles per gallon are essentially the equivalent of a single standard of 17.5 miles per gallon for all light trucks together. The single standard has therefore been set at that level. The figure of 17.5 was calculated by harmonically weighting the separate standards based on the 75 percent/25 percent sales mix of 2-wheel drive light trucks and 4-wheel drive light trucks used in the 1983-85 proceeding. This notice adopts that combined standard of 17.5 miles per gallon. As noted above, this action makes no change in the level of fuel economy required of manufacturers, but does allow a manufacturer the choice of placing all of its 2-wheel drive and 4-wheel drive light trucks together in a single group or maintaining two separate groups for compliance purposes. It also provides an additional method of compliance, i.e., selling larger numbers of the higher fuel economy 2-wheel drive light trucks.

The actions taken by this notice are being issued as an interim final rule because they are essentially procedural and therefore notice and opportunity for comment is not required by the Administrative Procedures Act. Nevertheless, the agency is providing an opportunity to comment. Appropriate changes warranted by the comments will be incorporated in the permanent final rules.

The agency also notes and expressly finds there is good cause for proceeding directly to an interim final rule. As noted above, the need for this amendment was identified by the agency as a result of its evaluation of the recently submitted pre-model year fuel economy reports. Those reports were submitted to the agency last month. If manufacturers are to have a meaningful opportunity to take advantage of this change, it must be

adopted now. Typical production runs for 1982 light trucks of major domestic manufacturers end in June 1982. That is only about four months away. If the rule were not adopted and made effective until after a comment period and the issuance of another Federal Register, little or no time would remain for the manufacturers to take advantage of the additional flexibility being provided through the combined standard. Extensive comment has already been solicited and obtained on the concept of an optional combined standard for the immediately following model years. Applying the concept to model year 1982 does not appear to raise any issues not considered in that rulemaking. For these reasons and because this amendment relieves a restriction, the agency finds good cause also for making the amendment effective upon publication in the Federal Register.

The petitions and plans regulation also is being made effective immediately. The agency finds good cause for doing so since it will facilitate the submission of any requests for relief.

The agency has considered the impacts of this rule and determined that it is neither major within the meaning of E.O. 12291 nor significant within the meaning of the Department of Transportation regulatory policies and procedures. The agency anticipates that any manufacturer wishing to petition or submit a plan will not have to make any special effort to obtain the necessary information. The manufacturer will likely have already obtained the information for its own purposes. Further, the agency expects few petitions and plans to be submitted. In the 15 months since the 1980 Act was adopted, there has been only one petition. The combined standard requires virtually the same level of average fuel economy as do the existing standards. NHTSA has, however, prepared a regulatory evaluation and placed it in the docket. Copies of the evaluation may be obtained by contacting the Docket Section at the address provided at the beginning of this notice.

The agency has also considered these actions under the Regulatory Flexibility Act. Since notice and comment is not required on them, a regulatory flexibility analysis is not required. Even if the Flexibility Act were applicable, the agency notes that it would certify that there are no significant impacts of the petitions and plans regulation on any small entities. Petitions and plans will be rarely submitted small organizations and governmental units. Further, few, if any, of the manufacturers that might

submit a petition or plan qualify as small businesses. Similarly, even if the issuance of a combined standard were subject to the Flexibility Act, the agency would certify that an analysis is not required because few, if any, of the light truck manufacturers are small businesses.

Finally, the agency has reviewed these actions under the National Environmental Policy Act and determined that they will not have any significant impact on the human environment.

Interested persons are invited to submit comments on this notice. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit information under a claim of confidentiality, three copies of the complete submission, including the purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies from which that purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information would result in significant competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage.

In addition, the commenter, or in the case of a corporation, a responsible corporate official authorized to speak for the corporation, must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been released to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after

that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

For the reasons set forth in the preamble, Chapter V of Title 49, Code of Federal Regulations, is amended as set forth below.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002 and 2003); delegation of authority at 49 CFR 1.50)

Issued on February 11, 1982.

Raymond A. Peck, Jr.,
Administrator.

1. Part 526 is added to 49 CFR Chapter V to read as follows:

PART 526—PETITIONS AND PLANS FOR RELIEF UNDER THE AUTOMOBILE FUEL EFFICIENCY ACT OF 1980

Sec.

- 526.1 General provisions.
- 526.1 U.S. production by foreign manufacturer.
- 526.3 Transfer of vehicle from foreign to U.S. production.
- 526.4 Adjustment of fuel economy standards for 4-wheel drive light trucks.
- 526.5 Earning offsetting monetary credits in future model years.

Authority: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); Sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002 and 2003); delegation of authority at 49 CFR 1.50.

§ 526.1 General provisions.

(a) Applicability. These regulations apply to petitions and plans submitted under the Automobile Fuel Efficiency Act of 1980, Pub. L. 96-425, as codified in Title V of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2001 *et seq.*

(b) Address. Each petition and plan submitted under the Automobile Fuel Efficiency Act of 1980 must be addressed to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington D.C. 20590.

(c) Authority and scope of relief. Each petition or plan must specify the specific

provision of the Act under which relief is being sought. The petition or plan must also specify the model years for which relief is being sought.

§ 526.2 U.S. production by foreign manufacturer.

Each petition filed under section 4(a) of the Act must contain the following information:

(a) For each model type (as defined by the Environmental Protection Agency in 40 CFR Part 600) planned by the petitioner to be sold in the United States (regardless of place of manufacture), and for each model year beginning with the year before the first one for which relief is sought by the petition through the last year covered by the petition, the following information based on the petitioner's current product plan and the assumption that the petition will be granted:

(1) A description of the model type, including car line designation, engine displacement and type, transmission type, and average fuel economy;

(2) U.S. sales projected for the model type;

(3) The average percentage of the cost to the manufacturer of the model type which is attributable to value added in the United States or Canada, determined in accordance with 40 CFR 600.511-80, and the total manufacturing cost per vehicle.

(4) In the case of model types not offered for sale in the United States before the first year for which relief is sought in the petition or other model types for which expansions in production capacity are planned during the years covered by the petition, information (including any marketing surveys) indicating from where the additional sales will be captured. If sales are projected to be captured from U.S. manufacturers, the petition must provide an estimate of the employment impact on those manufacturers of the lost sales and the gain in employment for the petitioner and its U.S. suppliers.

(b) The total number of persons employed in the United States by the petitioner, excluding non-motor vehicle industry related employees, for each model year covered by the petition and for the model year immediately prior to those years.

(c) A description of how the petitioner's responses to paragraphs (a) and (b) of this section would differ if the petition were denied.

§ 526.3 Transfer of vehicle from foreign to U.S. production.

Each plan submitted under section

4(b) of the Automotive Fuel Efficiency Act of 1980 must contain the following information:

(a) For each model year for which relief is sought in the plan and for each model type of automobile sought to be included by the submitter in its domestic fleet under the plan (i.e., those with 50 to 75 percent U.S. value added), provide the following information:

(1) A description of the model type, including engine type and displacement, transmission class, car line designation, and fuel economy;

(2) The projected U.S. sales of the model type;

(3) The average total manufacturing cost per vehicle for the model type;

(4) The percentage of the cost to the manufacturer attributable to value added in the United States or Canada for the model type;

(b) For each year covered by the plan, a list of individual product actions (e.g., change from imported engine to domestically manufactured engine) which will increase the domestic content of the affected vehicles. For each action, provide the model year in which the action will take effect, a description of the nature of the action, and the percentage change in domestic content resulting from the action.

§ 526.4 Adjustment of fuel economy standards for 4-wheel drive light trucks.

Each petition submitted under section 5 of the Automotive Fuel Efficiency Act of 1980 must contain the following information:

(a) For each configuration (as defined by the Environmental Protection Agency in 40 CFR Part 600) of 4-wheel drive light trucks to be manufactured by the petitioner and for each model year from the year in which the petition is filed to the year for which relief is sought:

(1) Model designation and type (e.g., K-15 pickup);

(2) Test weight;

(3) Gross vehicle weight rating;

(4) Engine displacement, cylinder configuration and engine type.

(5) Transmission type;

(6) Fuel economy;

(7) Projected sales;

(8) Rear axle ratio; and

(9) N/V ratio.

(b) A list and full description of each planned product action (e.g., new transmission, addition of improved tires) which will affect the average fuel economy of the petitioner's 4-wheel drive light trucks beginning with the current model year and ending with the model year for which relief is sought.

(c) An indication of which configurations specified under paragraph (a) of this section are affected by each product action specified under paragraph (b) of this section.

(d) The fuel economy effect of each product action specified under paragraph (b) of this section per affected vehicle.

(e) The petitioner's actual or projected average fuel economy for 4-wheel drive light trucks subject to fuel economy standards for the model year for which relief is sought, the three preceding model years and the three following model years. For model years 1979 and 1982-85, also provide actual or projected fuel economies for the combined fleet of 2-wheel drive and 4-wheel drive light trucks, and the number of vehicles in the combined fleet. For those same five model years, provide the number of vehicles in the combined fleet which are subject to a fuel economy standard for 4-wheel drive light trucks.

(f) The actions which the petitioner would undertake to comply with the fuel economy standard for 4-wheel drive light trucks in the model year for which relief is sought and which the petitioner believes would result in severe economic impacts.

(g) The economic effects (such as reduction in employment or plant closings) which would result from undertaking the actions specified under paragraph (f) of this section. Provide information to support the conclusion that these impacts would result from attempted compliance. If reductions in employment or plant closings are projected, identify the plants which may be affected and the number of employees at each plant which are involved in the production of 4-wheel drive light trucks.

§ 526.5 Earning offsetting monetary credits in future model years.

Each plan submitted under section 6(b) of the Automotive Fuel Efficiency Act of 1980 must contain the following information:

(a) Projected average fuel economy and production levels for the class of automobiles which may fail to comply with a fuel economy standard and for any other classes of automobiles from which credits may be transferred, for the current model year and for each model year thereafter ending with the last year covered by the plan. For light truck credit transfers which may occur between different classes of light trucks, provide the information specified in section 526.4(e).

(b) A list and full description of each planned product action (e.g., new model, mix change) which will affect the average fuel economy of the class of automobiles subject to the credit earning plan, for each model year beginning with the current model year and ending with the last year covered by the credit earning plan.

(c) The portion of the petitioner's fleet affected by each product action (e.g., all K-cars with 6-cylinder engines) and the number of affected vehicles.

(d) The fuel economy effect of each product action specified under paragraph (b) of this section per affected vehicle.

PART 533—LIGHT TRUCK FUEL ECONOMY STANDARDS

§ 533.5 [Amended]

2. 49 CFR Part 533 is amended in § 533.5(a) by designating the table specifying standards for model years 1979-1982 as "Table I" and by designating the table specifying standards for model years 1983-1985 as "Table II".

3. 49 CFR Part 533 is amended by removing the model year 1982 standards from the first table (Table I) in section 533.5(a) and by revising the second table (Table II) to read as follows:

§ 533.5 Requirements.

(a) * * *

TABLE II

Model year	Combined standard		2-wheel drive light trucks		4-wheel drive light trucks	
	Cap- tive imports	Oth- ers	Cap- tive imports	Oth- ers	Cap- tive imports	Oth- ers
1982	17.5	17.5	18.0	18.0	16.0	16.0
1983	19.0	19.0	19.5	19.5	17.5	17.5
1984	20.0	20.0	20.3	20.3	18.5	18.5
1985	21.0	21.0	21.6	21.6	19.0	19.0

§ 533.5 [Amended]

3. The lead-in to § 533.5(d) of Title 49 of the Code of Federal Regulations is amended by revising it to read as follows:

* * * * *

(d) For model years 1982-85, each manufacturer may: * * *

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BILLING CODE 4910-59-M

49 CFR Part 571

[Docket No. 76-06, Notice 12 and Docket No. 1-18, Notice 22]

Federal Motor Vehicle Safety Standards; Speedometers and Odometers; Controls and Displays

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

ACTION: Final rule.

SUMMARY: This notice revokes Standard No. 127, *Speedometers and Odometers*. This action is based on the agency's conclusion that such a standard is unlikely to yield any significant safety benefits. Revocation of the standard will result in cost savings for manufacturers and consumers.

DATES: The revocation is effective on March 25, 1982. Petitions for reconsideration must be received by March 22, 1982.

ADDRESSES: Petitions for reconsideration should refer to the docket and notice numbers and be submitted to the Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket Room hours: 8:00 a.m.-4:00 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. John Carson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426-2720.

SUPPLEMENTARY INFORMATION: On October 22, 1981 (46 FR 51789), the agency proposed revoking Standard No. 127, *Speedometers and Odometers* (49 CFR 571.127). After evaluating all of the comments submitted on the proposal, the agency has decided to revoke the standard. Significant comments to the docket are addressed below.

Preemption

General Motors and Renault raised the issue of what effect the revocation of Standard No. 127 would have on the ability of states to adopt their own safety laws on speedometers and odometers. GM requested the agency to declare that speedometers and odometers not be subject to regulation by the States because the agency has determined that only Federal regulation of the subject is appropriate.

The legislative history of the National Traffic and Motor Vehicle Safety Act

shows that one goal of the Act is to establish a uniform national safety program that applies to all vehicles before they are first sold to consumers. Congress directed that the agency establish and maintain Federal safety standards on significant safety problems. The Senate Report on the Act stated that the agency is to issue safety standards for those "vehicle characteristics that have a significant bearing on safety" (S. Rep. No. 1301, 89th Cong., 2d Sess. 6 (1966)).

In the case of Standard No. 127, the agency recognizes that there is a nexus between safety and having a speedometer and odometer. Based on available data, however, the agency has determined that the current requirements are not yielding and cannot be expected to yield significant safety benefits.

In revoking this standard, NHTSA intends that other levels of government be preempted from establishing similar requirements. The agency believes that regulation of speedometers and odometers is not appropriate at this time at any level based on the absence of data indicating regulatory methodologies exist which would in fact yield significant safety benefits. Contrary regulatory decisions at other levels of government would negate the agency's exercise of discretion and undermine the Congressional goal of uniform national standards.

Further, refraining from regulation will facilitate experimentation by the manufacturers in providing more effective ways of improving speedometer and odometer performance and thus possibly providing significant safety benefits. Manufacturers indicated in their comments that they voluntarily intend to continue meeting many of the speedometer requirements. They also indicated that they would continue to provide anti-tampering odometer features that they voluntarily adopted prior to implementation of the standard. During this rulemaking, some manufacturers, such as GM, have indicated that they will continue their odometer development programs. GM said it may install additional cost-effective anti-tampering features. In addition, the technology of odometers is rapidly advancing as manufacturers begin developing electronic odometers.

Because the agency continues to recognize the safety nexus in the area of speedometer and odometer regulation, NHTSA will continue to monitor manufacturer development programs and the effectiveness of anti-tampering features voluntarily adopted by manufacturers. If speedometer and