released during the unloading process. The excess flow valves have operated successfully for 40 years, and there is no allegation that chlorine cargo tank vehicles equipped with those valves do not comply fully with § 178.336–11(a)(1)(i).

What possible benefit, therefore, follows from a certification by a ''Design Certifying Engineer'' that the valve will properly operate when it has properly operated for 40 years? The answer, of course, is none.

In addition to its flawless operation, the excess flow valve used on chlorine cargo tank motor vehicles was extensively tested in the 1960's before it was put into widespread service. As the materials attached hereto as Appendix A demonstrate, the excess flow valve, peer CI Drawings 101 and 104 will close at a pressure of 9 psig, a value well below the pressure differential that would be experienced in a complete hose separation during unloading. Since, as previously noted, chlorine is unloaded by pressurizing the tank, there will always be sufficient internal pressure to ensure that the excess flow valve will operate as required.

Given the fact that the excess flow valve was designed many years ago, there is considerable doubt that the valve itself could or would be certified by a ''Design Engineer'' who would have had no part of its design. While the design certification requirement may make sense in some circumstances, it plainly makes no sense in this chlorine situation, and would add nothing to the safety of chlorine unloading.

The arms length requirement discussed above suffers from two major flaws. First, the majority of chlorine MC 330 and MC 331 tanks are unloaded after the motive power has been detached and has left the receiving facility. Thus, under sections 171.8, 177.834, and 178.337–11, the detached tank is no longer a cargo tank within the meaning of the Hazardous Materials Regulations, and is no longer subject to the provisions of the final rule.

Of greater importance is the fact that, unlike propane and ammonia tanks, the chlorine tank is unloaded from a valve located atop the tank. Accordingly, for a person to be within arms length of the valve during unloading he or she must perch precariously atop the tank for the several hours necessary to complete the unloading process. This requirement reflects the fact that the chlorine tank was never really considered during the rulemaking process, and appears in the final rule unexpectedly and inappropriately. Further, since the arms length provisions of the final rule become effective on July 1, 1999, a serious safety issue is present.

In view of the safety concerns raised with respect to chlorine unloading, the final rule should be stayed insofar as it would require persons to stand atop chlorine MC 330 or MC 331 cargo tank motor vehicles during chlorine unloading.

V. Proposed Solution

The Chlorine Institute participated in this rulemaking in only a minor way for the reasons described above. The Institute has no desire to complicate this matter to any degree greater than is necessary to overcome the obvious and serious problems discussed herein. Thus, the Institute proposed to resolve the problems created by the final rule in the simplest and least disruptive way possible.

The genesis of the problems raised by the final rule is the requirement that the chlorine excess flow valve be certified by a ''Design Certifying Engineer.'' A clarification of the final rule by RSPA that acknowledges that the chlorine excess flow valve, by virtue of the materials attached in Appendix A, and by virtue of the 40 years of flawless operation, has been certified within the meaning of the rule would eliminate all problems associated with implementation of the rule.[1]

To be sure, such a clarification would not deal with the obvious problem that the rules should never have addressed pressurized unloading in the first place. But, at least it would eliminate the serious practical problems facing the industry as a result of the ill-advised inclusion of the chlorine in the rulemaking process, and would remove the requirement for a qualified person to perch atop a cargo tank for the minimum period of three necessary to unload a chlorine cargo tank.

VI. Conclusion

In view of the foregoing, the Institute submits that the final rule be modified so as to remove cargo tanks and cargo tank motor vehicles unloading chlorine by pressurization from the requirements of the rule. In the alternative, the Institute requests that RSPA clarify the final rule so as to determine that chlorine excess flow valves in use on MC 330 and MC 331 chlorine cargo tank motor vehicles have been certified within the meaning of the rule.

In addition, inasmuch as the arms length requirements of the rule become effective on July 1, 1999, and enforcement of those provisions could cause serious risks to persons unloading chlorine, the Institute moves that those requirements be stayed while this petition is reviewed by RSPA.

Respectfully submitted,

Paul M. Donovan,

LaRoe, Winn, Moerman & Donovan, 3900 Highwood Court, N.W., Washington, DC 20007, (202) 298–8100, Attorney for Petitioner.

Dated at Washington, DC, June 17, 1999.

[FR Doc. 99–17124 Filed 7–7–99; 8:45 am]

BILLING CODE 4910–60–P

[1] It must be noted, of course, that the excess flow valve discussed herein is designed to, and does operate in the event of a complete separation of the unloading hose. In this regard it fully satisfies the provisions of 49 CFR § 178.337–11(a)(1)(1). Chlorine Institute Pamphlet 57 referenced by RSPA in this rule, contains a system for dealing with incidents that do not involve a complete separation and therefore do not trigger the requirements of § 178.337–11(a)(1)(i).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 574

[Docket No. 99–5928]

RIN 2127–AH10

Tire Identification and Recordkeeping; Tire Identification Symbols

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

ACTION: Final rule.

SUMMARY: NHTSA's tire identification and recordkeeping regulation requires new tire manufacturers and tire retreaders to mark a tire identification number on one sidewall of each tire they produce. The number is composed of the manufacturer's or retreader's identification code, a tire size symbol, an optional descriptive code, and the date of manufacture, which includes the date of retreading. The date is reflected in the last 3 digits of the number.

In response to petitions for rulemaking, the agency is amending the regulation to require the date to be expressed in 4 digits instead of the currently required 3, and to reduce the minimum size of the digits from the currently required minimum of 6 millimeters (mm) (¼ inch) to 4 mm (5⁄32 inch). The 4-digit date code will permit better traceability of tires during recalls and allow easier identification of older tires. Reducing the size of the date code from 6 mm to 4 mm will relieve manufacturers and retreaders of the burden they might otherwise incur by having to redesign their tire molds to accommodate the additional digit, without significantly affecting the readability of the date code digits. Finally, these amendments will enhance harmonization by bringing the U.S. tire date code requirements into harmony with the new United Nations' Economic Commission for Europe regulation and the International Organization for Standardization recommended practice.

DATES: *Effective date*: The amendments in this final rule become effective July 2, 2000. Optional early compliance is permitted, commencing on the date of publication of this final rule in the **Federal Register**.

Petitions for reconsideration of this final rule must be received by this agency not later than September 7, 1999.

ADDRESSES: Petitions for reconsideration should be submitted to the Administrator, National Highway Traffic Safety Administration, 400

Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Scott, Safety Standards Engineer, Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; telephone (202) 366–8525; fax (202) 493–2739.

SUPPLEMENTARY INFORMATION:

A. Background.

Section 574.5 of Title 49, Code of Federal Regulations, Tire identification requirements, sets forth the methods by which new tire manufacturers and new tire brand name owners identify their tires for use on motor vehicles. The section also sets forth the methods by which tire retreaders and retreaded tire brand name owners identify tires for use on motor vehicles. The purpose of these requirements is to facilitate the notification of tire purchasers if their tires were found to be defective or not in compliance with applicable Federal motor vehicle safety standards.

Section 574.5 requires each new tire manufacturer and each tire retreader to mold a Tire Identification Number (TIN) into or onto one sidewall of each tire produced, in the manner and location specified in the section and as depicted in the regulation. The TIN is composed of four groups of letters and/or numbers:

(1) The first group of two or three symbols, depending on whether the tire is new or retreaded [1], represents the manufacturer's identification mark assigned to such manufacturer by NHTSA in accordance with § 574.6;

(2) The second group of no more than two symbols represents the tire size for new tires or, for retreaded tires, the retread matrix in which the tire was processed. If no matrix was used, the second group represents a tire size code;

(3) The third group, consisting of no more than four symbols, may, at the option of the manufacturer, be used as a descriptive code for identifying significant characteristics of the tire. If the tire was produced for a brand name owner, the third grouping must identify such brand name owner; and

(4) The fourth group, composed of three symbols, identifies the week and year of manufacture. The first two symbols identify the week of the year, starting with ''01'' to represent the first full week of the calendar year, and the third symbol represents the year. For example, ''218'' would represent the 21st week of 1998.

[1] New tire manufacturers are assigned a 2-digit identification mark, while tire retreaders are assigned a 3-digit identification mark.

NHTSA originally proposed the requirement for a TIN in response to the May 22, 1970 amendments to the National Traffic and Motor Vehicle Safety Act of 1966 (Safety Act) [2]. Those amendments required, among other things, that manufacturers and brand name owners of new and retreaded motor vehicle tires maintain records of the names and addresses of the first retail purchasers of tires in order to facilitate notification of those purchasers if the tires were found to be defective or noncompliant.

The agency believed that an essential element of an effective defect or noncompliance notification system for tire purchasers was an effective method of tire identification. Accordingly, on July 23, 1970, we published a Notice of Proposed Rulemaking (NPRM) (35 FR 11800) proposing to establish a tire identification system. The proposed system provided a means of identifying the manufacturer of the tire, the DOM, the tire size and, at the option of the manufacturer, additional information to further describe the type or other significant characteristics of the tire. The proposed TIN was composed of four groups of symbols: the first group contained the manufacturer's identification mark which would be assigned by NHTSA; the second group identified the tire size by a two-symbol code; the third group of four symbols identified the tire's DOM, the first two symbols of which would indicate the week, and the last two the year; and the fourth grouping reflected the manufacturer's optional description of the tire. The symbols were to be a minimum of 1/4 inch high and were to appear on both sidewalls of the tire.

In a final rule published on November 10, 1970 (35 FR 17257), the agency revised the requirements proposed in the NPRM in response to the suggestions of various commenters. We reversed the order of the manufacturer's optional information and the DOM, so that the latter would appear in the fourth grouping and the manufacturer's optional information would appear in the third grouping. We also provided that the TIN need only appear on one sidewall, and that the symbols need only be 5⁄32 inch high on tires with a bead diameter of less than 13 inches or less than 6 inches cross section width. Many commenters requested that the date code be expressed in alpha-numeric form in order to reduce the date symbol to two digits. NHTSA declined to adopt the alpha-numeric system because it could be confusing to the public and because retreaders may not be able to easily determine the age of the casing to be retreaded. In order to shorten the stencil plate, however, we reduced the date code group from four digits to three.

[2] The National Traffic and Motor Vehicle Safety Act of 1966, Pub. L. 89–563, was originally codified at 15 U.S.C. 1581 *et seq.* However, it was recodified in 1995 and is now found at 49 U.S.C. 30101 *et seq.*

B. The Petitions

(1) *Rubber Manufacturers Association* (RMA). The RMA is the primary national trade association for the finished rubber products industry in the U.S. The RMA petitioned the agency to amend 49 CFR 574.5 to permit a 4-digit date code and to reduce the size of the lettering from 6 mm (¼ inch) to 4 mm (5⁄32 inch).

The RMA explained that the ISO Technical Committee 31 on tires recommended the approval of a 4-digit DOM code, beginning in January 2000. RMA further stated that the United Nations' Economic Commission for Europe (ECE) has also authorized the use of a 4-digit date code commencing in January 2000. RMA suggested that if a 4-digit date code were adopted, the first 2 digits would represent the week and the last 2 the year of manufacture. For example, 0100 would mean the first full week of January 2000. RMA further suggested that an appropriate phase-in period be allowed during which use of either the 3 or 4 digit date code would be permitted. In order to avoid having to modify existing molds, RMA suggested that the addition of the fourth digit be offset by reducing the minimum size of the digits from 6 mm (¼ inch) to 4 mm (5⁄32 inch), regardless of tire size. Finally, RMA stated that such modification would bring the U.S. requirements into harmony with the ECE regulation and the recommendation by the committee of the International Organization for Standardization (ISO), and would allow better traceability and identification of older tires.

(2) *European Tyre and Rim Technical Organisation* (ETRTO). Based in Brussels, Belgium, the ETRTO is the European standardization authority for the establishment and promulgation of interchangeability standards for pneumatic tires, rims, and valves. The ETRTO submitted a petition for rulemaking, nearly identical to that of the RMA, which cited the ECE regulations and the ISO recommendations and suggested amending § 574.5 to permit a 4-digit date code effective in January 2000. The first 2 digits would represent the week and the last 2 would represent the year of manufacture. Again, in order to avoid modification of existing tire molds, ETRTO requested reduction of the

height of the digits from 6 mm (¼ inch) to 4 mm (5⁄32 inch), regardless of tire size. ETRTO also asserted that the requested amendments would bring U.S. requirements into line with the ECE regulations and ISO recommendations, and that the amendments would allow better traceability of tires and identification of old tires.

C. Notice of Proposed Rulemaking

NHTSA granted the petitions and published an NPRM on October 19, 1998 (63 FR 55832), proposing to amend the date of manufacture grouping in the TIN to increase the digits in the group from 3 to 4. We also proposed to reduce the minimum size of the numbers in the date code from 6 mm (¼ inch) to 4 mm (5⁄32) inch. An effective date of January 1, 2000 was proposed. We stated in the NPRM that we believed that these proposed amendments to the date code would permit better traceability of tires in the event of a recall and would enhance harmonization of the date code with the ECE and ISO regulation and practice.

D. Comments on the NPRM

The agency received comments from CIMS of Akron, OH, which provides tire identification services to the tire and retread industries; Advocates for Highway and Auto Safety (Advocates), of Washington, DC; Consumer Federation of America (CFA), also of Washington, DC; two comments from the International Tire and Retreaders Association, Inc. (ITRA), of Louisville, KY, a member organization representing companies in the tire and transportation industries; and the Oliver Rubber Company for the Tread Rubber and Tire Repair Materials Manufacturer's Group (TRMG), a trade association composed of companies that manufacture tread rubber for use in retreading tires, repair materials for use in repairing tires, and related products and services. Significant issues submitted by the commenters are summarized as follows:

(1) Increasing the DOM Digits From 3 to 4

All commenters on this issue supported adding a fourth digit to the date code. CIMS stated that this would help eliminate some confusion in trying to determine the actual date of manufacture of a tire. ITRA and TRMG both fully supported the proposal to increase the number of digits from 3 to 4. ITRA stated that the new markings would give a clear understanding of the actual decade in which the tire was produced and eliminate any confusion that was brought about as a result of the old markings. TRMG also fully supported the proposal to increase the number of digits from 3 to 4, stating that the new markings would clearly show the decade in which the tire was produced and eliminate any confusion that has occurred with the present system.

(2) Reducing the Size of the Numbers

ITRA was concerned about the reduction in the size of the numbers insofar as assuring that 4 mm would be a minimum size rather than a specifically-required size, thus allowing molded or branded numbers to be of a larger size when considered necessary. ITRA also indicated support for the proposal to permit use of the 4-digit date code prior to its mandatory compliance date.

TRMG, whose members are also members of ITRA, supported the comments of ITRA and urged that the proposed 4 mm size be a minimum size, thereby permitting the use of larger sizes when necessary or desirable.

Advocates opposed our proposal to reduce the size of the numbers, arguing that we are proposing to reduce the size of the digits by ⅓ while the number of older people in the United States is increasing. Advocates stated that, as people age, they tend to experience a wide variety of visual pathologies such as cataracts, glaucoma, macular degeneration, and other degradations of static acuity, which is especially common among older people with diabetic-related disorders. Advocates stated that hundreds of thousands of people may have excellent static acuity of 20/20 Snellen, yet have extraordinarily poor contrast vision or Contrast Sensitivity Function (CSF). Thus, Advocates asserted that because tire sidewall information consists of letters and numerals in black-on-black relief, the lowest possible contrast conditions, reduction in the size of the numerals will result in a significant portion of the population being unable to read the date code. Advocates further suggested that the proposal was not consistent with the philosophy underlying the Americans With Disabilities Act (ADA).

CFA asserted that the TIN figures should be increased in size rather than decreased. CFA urged NHTSA to develop more pronounced ways to display information on tire sidewalls, thereby making it easier for consumers who know about it to use it or attract the attention of those that are not aware of it. CFA argued that NHTSA needs to require safety and performance information to be prominently and clearly displayed in order to encourage the marketplace, rather than regulation, to produce safer and better performing products. In closing, CFA stated that it concurs with the positions taken by Advocates, summarized above.

Although CIMS did not specifically oppose reduction of the size of the numbers, it commented that ''(e)xperience would tell whether this keeps the same readability or decreases it if the change is made.''

(3) Marking the TIN on Both Sidewalls

CIMS suggested that the TIN be marked on both sidewalls, citing as an example a particular tire recall in which many dealers were required to raise the vehicle on a hoist in order to check the TIN that appeared on the inside of the mounted tire. CIMS asserted that although the industry sought to limit the TIN to one sidewall to avoid the cost and safety considerations of changing it each week on both sides of the tire, it would be easier both for the purchaser of the tire and the tire dealer in the event of a recall. CIMS argued that registration percentages are too low, resulting in many recalled tires remaining in service, possibly because the purchaser did not receive the notification because it was too difficult for anyone to check the TIN.

(4) Keep Current Requirements for Retreads

CIMS stated that NHTSA did not solicit comments or information with respect to the problems of retreaders. CIMS pointed out that many retreaders are small businesses and that any changes could result in increased costs to them. CIMs argued that retreaded tires are not kept in the pipeline as long as new tires, therefore it seems unnecessary for retreaders to incur the additional cost of this change. Even if this change would result in only a minor materiel charge, CIMS asserted that there would be a significant retooling charge to retreaders and suppliers. Finally, CIMS stated that retreaders who still use hand-punched tins would have to change their dies to add the additional digit when they punch in the TIN. CIMS stated that this would increase costs, including increased labor costs.

E. Discussion

(1) 4-Digit Date Code

NHTSA continues to believe that a 4-digit date code would aid in the identification of tires during recall campaigns. As discussed in the Background section above, we originally proposed a 4-digit date code for the TIN, but in response to suggestions of

commenters, reduced the code from 4 digits to 3 in order to shorten the stencil plate to conserve sidewall space. The 3-digit code presented no identification problems during the 1970's because the requirement was new and tires with date codes were obviously built in that decade. There still were no problems in the 1980's because it was easy to distinguish between the newly popular radial tires and the bias-ply tires of the 1970's.

In the 1990's, however, the physical differences between radial tires produced in the previous decade were not readily apparent. One could not be sure, therefore, in which decade a given tire was produced. Accordingly, we believe that in order to avoid any further confusion as to when a tire was produced, the time has come to add a 4th digit to the date code. As stated in the Comments section above, all commenters on the issue, as well as the petitioners, RMA and ETRTO, support adding a 4th digit to the date code. NHTSA has decided to require that a 4th digit be added to the date code grouping of the TIN so that the week of manufacture will be expressed in the first 2 digits and the year of manufacture will be expressed in the last 2 digits.

(2) Reducing Digit Size

As discussed in section A(1) above, the agency established a defect and noncompliance notification system in accordance with amendments to the Safety Act of May 22, 1970. Thus, in our NPRM of July 23, 1970, we explained that the amendments to the Safety Act required tire manufacturers, retreaders, and brand name owners to maintain records of the names and addresses of new and retreaded tire purchasers ''*in order to facilitate notification to that purchaser in the case of defective tires or tires that do not comply with an applicable Federal motor vehicle safety standard*'' (35 FR 11800) (emphasis added). We also explained that the tire identification system that we proposed in that NPRM was intended to provide ''a suitable method of identifying the tires involved.'' Id.

Advocates and CFA opposed reducing the size of the numbers in the TIN on the basis that such reduction would make it more difficult for consumers to see, especially those with visual pathologies. These commenters, however, did not provide any data showing that drivers cannot read 4 mm figures. Moreover, our experience to date with 4mm figures on tires suggests that figures of that size do not present a problem. For those familiar with font sizes, 4 mm is approximately the equivalent of font size 16 in Windows 95, which is approximately double the font size used in this **Federal Register** and also approximately double the size of the letters found on a U.S. quarter. By way of another example, the Uniform Tire Quality Grading Standards (UTQGS) (49 CFR § 575.104) are intended to establish a tire grading system for consumer information, and the size of the tire grades marked on the tire sidewalls has always been 4 mm (5/32 inch). In the nearly 25 years since establishment of the UTQGS, we have not received a single complaint that those letters and numbers were too small to read. In addition, Part 574 permits tires of less than 13-inches in diameter or those of less than 6-inches cross section width to have a letter/number size of 4 mm, again with no complaints.

We would also like to discuss the following point suggested by Advocates, as follows:

> Given the public philosophy that underlies the Americans with Disabilities Act , *i.e.* to increase the accommodation of a wide array of Americans whose needs are not met by current practices involving, among other things, the task of visual detection and comprehension, Advocates believes that NHTSA has offered a proposed amendment without any foundation in the administrative record of this rulemaking.
>
> Advocates letter of December 17, 1998 to U. S. DOT Docket Management, page 5.

> Title II of the Americans with Disabilities Act of 1990 (ADA) provides: No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. 42132.

The primary benefit provided by the TIN is that tires subject to recall notices can be identified and replaced. The change in the size of the numbering does not deny persons with poor vision this benefit because even if the person has difficulty seeing the date code, dealers and repair personnel will still be able to identify the tires and effectuate the recall. The ADA does not prescribe a particular type size for information provided by government agencies. The nearest comparison is in the aviation consumer protection context where restriction on airfares are required to be in 10 or 12-point type, depending on the size of the advertisement. See *Morales* v. *TWA*, 504 U.S. 374 (1992). The size of the date code numbers prescribed in this rule is the equivalent of 16-point type, approximately 25 percent larger than 12-point type.

While it is unclear how many people have inadequate static acuity or impaired CSF that would make it difficult to read 4 mm numbers, a person so impaired can be reasonably accommodated through the use of a magnifying glass or by simply asking repair personnel to check the tire numbers against any recall notices. The U.S. Supreme Court recently held that a physical impairment must be evaluated in light of corrective measures such as eyeglasses. See *Sutton* v. *United Airlines*, ____ U.S. ____ (1999). It is therefore unclear at this time whether persons with inadequate static acuity or impaired CSF that would make it difficult for them to see the 4 mm numbers have a disability covered by the ADA.

(3) Marking the TIN on Both Sidewalls

Although this issue is beyond the scope of our proposals in the NPRM, we wish to discuss the issue anyway. The agency addressed the issue of marking the TIN on both sidewalls in the final rule of November 10, 1970 (35 FR 17257) in which we established the TIN. We originally proposed in the NPRM of July 23, 1970 (35 FR 11800) that the TIN be marked on both sidewalls. Many tire manufacturers responded by suggesting that the TIN be marked on only one sidewall because first of all, one sidewall was sufficient for recordkeeping purposes. Secondly, the commenters stated that marking the TIN on both sidewalls would create a serious safety hazard for the factory machine operators in that they would have to work inside the jaws of each open tire press in order to position identification plates on both sidewalls. Some manufacturers further commented that its unions had objected to their members working under such hazardous conditions. We were persuaded by the manufacturers' comments and decided that since first purchasers receive direct notification from the manufacturer by certified mail in the event of a recall and because of the production hazards involved, the TIN need be marked on only one sidewall of the tire. We believe that our rationale in the November 10, 1970 final rule remains valid.

(4) Keep Current Requirements for Retreads

As noted in greater detail below, the agency believes that increasing the DOM code from 3 digits to 4 will not result in any cost increases or other burden for either the new and retread tire industries. Further, although there are still some small businesses retreading tires, the retread tire industry in general has in recent years experienced considerable consolidation, so that many of today's retreaders are

franchisees. Finally, we note that ITRA, RMA, and ETRTO all supported both adding the 4th digit and decreasing the size of the digits from 6 mm to 4 mm. ITRA is an international trade association representing those segments of the transportation industry that manufacture, sell, repair, service, recycle, or use new or retreaded tires, as well as those individuals or suppliers that furnish equipment, materiel, or services to the transportation industry. As explained above, the RMA is the primary national trade association for the finished rubber products industry in the U.S., and the ETRTO is the European standardization authority for the establishment and promulgation of interchangeability standards for pneumatic tires, rims, and valves. None of these associations expressed any reservations with respect to the impact of these amendments on tire retreaders. Further, CIMS provided no backup data to support its assertions. We believe, therefore, that the concerns expressed in CIMS'' comments are not representative of those of the tire retreading industry in general and do not justify our creating different marking systems for new and retreaded tires.

(5). Harmonization With National, Regional and International Requirements

Although no commenters addressed this issue, harmonization remains one of the agency's goals, particularly in those instances in which NHTSA can raise the level of its standards through harmonizing with a higher non-U.S. requirement. We already know that the European community and Japan will require the 4-digit, 4 mm date code commencing January 1, 2000. The agency believes that harmonizing our date code requirements with those of Europe and Japan makes sense, since it also is to our advantage by making the dates of manufacture of tires easier to ascertain for the agency as well as the industry. In addition, by not harmonizing our requirements with theirs, needless additional costs could be incurred by both domestic and foreign tire manufacturers who export tires into and out of the United States. Thus, the agency believes that adding a 4th digit to the date code and reducing the minimum size of the digits to 4 mm is consistent with our goal of higher safety through upward harmonization.

F. Agency Decision.

For the reasons enumerated in the Discussion section above, the agency has decided to amend 49 CFR 574.5 to change the date of manufacture grouping in the tire identification number, also known as the date code, which is the fourth grouping of digits. Effective July 2, 2000, the number of digits in the date code will be increased from 3 to 4, the first 2 digits representing the week of manufacture and the last 2 digits representing the year of manufacture. Thus, the numbers 0100 would represent the first full week of January 2000. In addition, the minimum size of those digits is reduced from 6 mm (¼ inch) to 4 mm (5⁄32 inch) for all tire sizes in order to fit within the tire molds currently utilized by tire manufacturers. Early compliance with these requirements will be permitted effective upon publication of this rule in the **Federal Register**.

Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This document has not been reviewed under Executive Order 12866, *Regulatory Planning and Review.*

NHTSA has analyzed the impact of this rulemaking action and has determined that it is not ''significant'' within the meaning of the DOT's regulatory policies and procedures. This action amends the tire identification number required by 49 CFR 574.5 to be marked on all tires sold in the United States. Specifically, this proposal increases the number of digits in the date of manufacture grouping of the tire identification number from 3 to 4, and permits a reduction in the size of those digits so that the 4 digits will fit within the same ''plug'' in the tire molds in which the currently-required 3 digits fit. That permits tire manufacturers and retreaders to use the same molds that they do now, thereby relieving them of the necessity of absorbing the costs of constructing new molds. Date codes are changed weekly by manufacturers and with an approximately 1-year phase-in period, manufacturers will have ample opportunity to phase-in the new 4-digit date code without having to redesign their tire molds. For these reasons, the agency believes that implementation of the amendments herein will not result in any increased costs to tire manufacturers, distributors, dealers, or consumers. Accordingly, the agency has concluded that preparation of a full regulatory evaluation is not warranted.

B. Regulatory Flexibility Act

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* I hereby certify that this rulemaking action will not have a significant impact on a substantial number of small entities.

The following is the agency's statement providing the factual basis for the certification (5 U.S.C. 605(b)). The amendments implemented herein will primarily affect manufacturers and retreaders of motor vehicle tires. The Small Business Administration (SBA) regulation at 13 CFR Part 121 defines a small business as a business entity which operates primarily within the United States (13 CFR 121.105(a)).

SBA's size standards are organized according to Standard Industrial Classification (SIC) codes. SIC code No. 3711, *Motor Vehicles and Passenger Car Bodies*, prescribes a small business size standard of 1,000 or fewer employees. SIC code No. 3714, *Motor Vehicle Part and Accessories*, prescribes a small business size standard of 750 or fewer employees.

The amendments promulgated in this rulemaking action merely increase the number of digits in the date of manufacture symbol in the tire identification number from 3 digits to 4, and permit a reduction in the size of those digits from 6 mm (¼ inch) to 4 mm (5⁄32 inch). The purpose of these changes is to make tires more easily traceable in the event of a defect or noncompliance, to allow easier identification of old tires, and to harmonize U.S. requirements with those of the European Community and Japan. These amendments were requested by the trade organizations that represent the major tire manufacturers in both the U. S. and Europe. In particular, the reduction in the size of the digits will be beneficial so that tire manufacturers would be spared the expense of designing and making new tire molds. NHTSA believes, therefore, that the amendments promulgated herein will not impose any increased costs or other burdens on tire manufacturers, most, if not all, of which would not qualify as small businesses under SBA guidelines. Further, these amendments will not result in any increase in costs for small retreaders and other small businesses or consumers. Accordingly, we believe that there will be no significant impact on small businesses, small organizations, or small governmental units by these amendments. For those reasons, the agency has not prepared a regulatory flexibility analysis.

C. Executive Order No. 12612, Federalism

NHTSA has analyzed this rulemaking action in accordance with the principles and criteria of E.O. 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

D. National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act and has determined that implementation of this rulemaking action will have no significant impact on the quality of the human environment.

E. Paperwork Reduction Act

The amendments requiring tire manufacturers to designate the date of manufacture of their tires in 4 digits instead of the currently required 3 and to reduce the size of the digits from 6 mm to 4 mm relate to third-party information collection requirements as defined by the Office of Management and Budget (OMB) in 5 CFR Part 1320. These amendments create no additional information collection requirements since the amendments merely make a slight change to the format of existing requirements.

The information collection requirements for 49 CFR Part 574 have been submitted to and approved by OMB pursuant to the provisions of the Paperwork Reduction Act , 44 U.S.C. 3501, *et seq.* This collection of information authority for tire information and recordkeeping has been assigned control number 2127–0503, which expires August 31, 2000.

F. Civil Justice Reform

This rule does not have any retroactive effect. 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 574

Labeling, Motor vehicle safety, Motor vehicles, Reporting and recordkeeping requirements, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 574 is amended as follows:

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

1. The authority citation for part 574 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 574.5 is amended by revising paragraph (d) and Figures 1 and 2 to read as follows:

§ 574.5 Tire identification requirements.

* * * * *

(d) *Fourth grouping.* For tires produced or retreaded on and after July 2, 2000, the fourth grouping, consisting of four numerical symbols, must identify the week and year of manufacture. The first two symbols must identify the week of the year by using ''01'' for the first full calendar week in each year, ''02'' for the second full calendar week, and so on. The final week of each year may include not more than 6 days of the following year. The third and fourth symbols must identify the year. Example: 3197 means the 31st week of 1997, or the week of August 3 through 9, 1997; 0198 means the first full calendar week of 1998, or the week of January 4 through 10, 1998. The symbols signifying the date of manufacture must be not less than 4 mm (5/32 inch) in height and shall immediately follow the optional descriptive code (paragraph (c) of this section). If no optional descriptive code is used, the symbols signifying the date of manufacture must be placed in the area shown in Figures 1 and 2 for the optional descriptive code.

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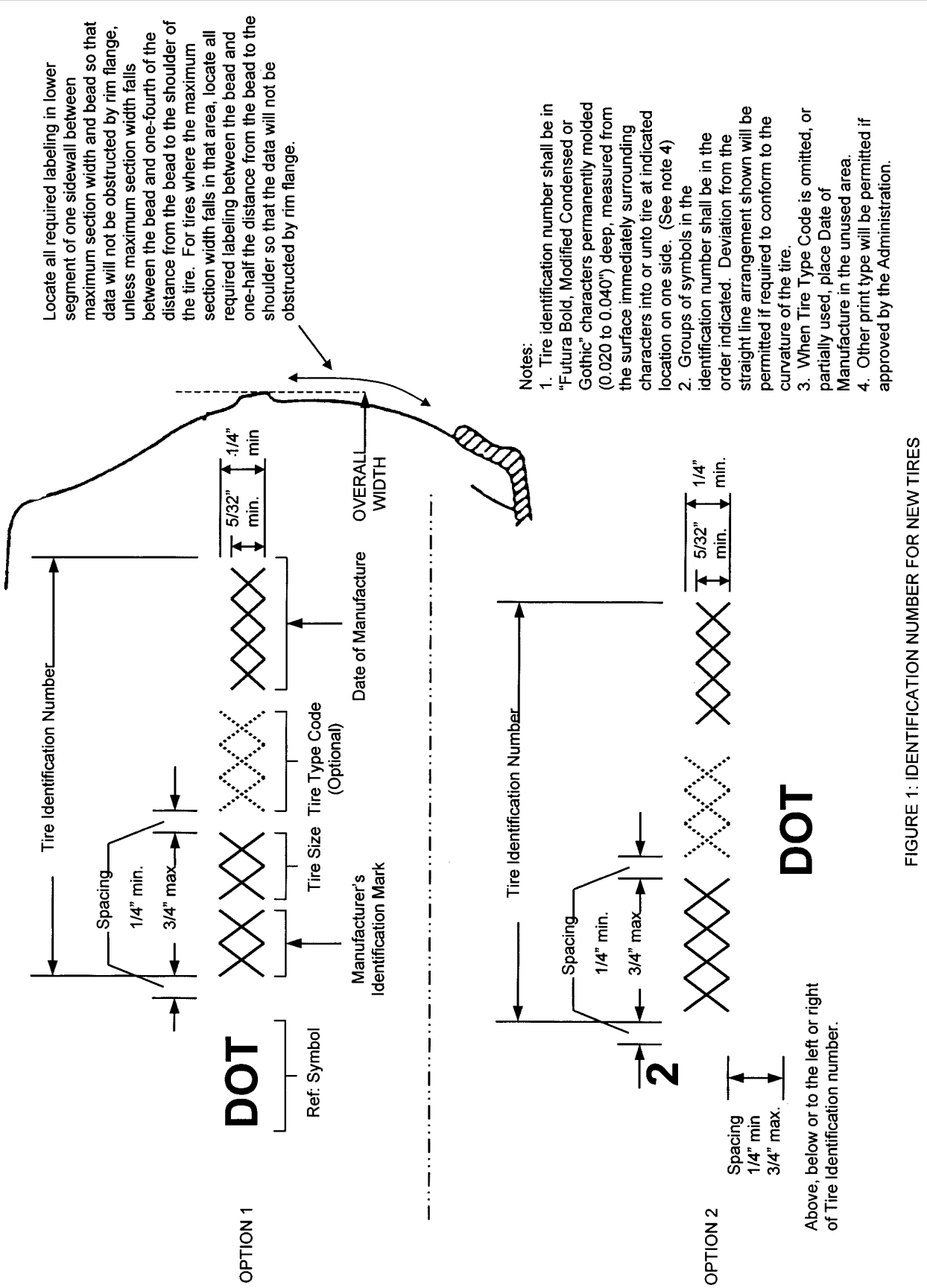


FIGURE 1: IDENTIFICATION NUMBER FOR NEW TIRES

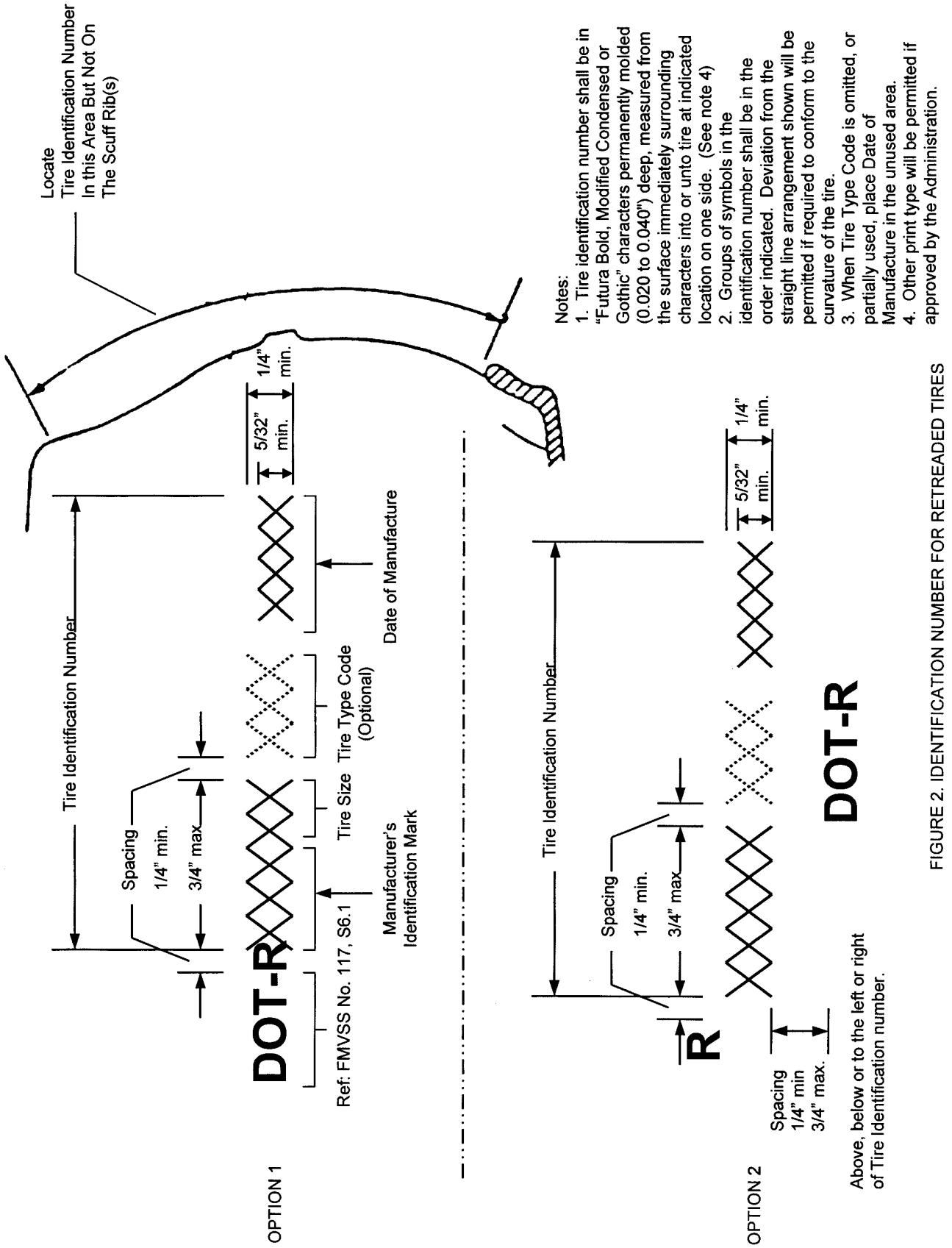
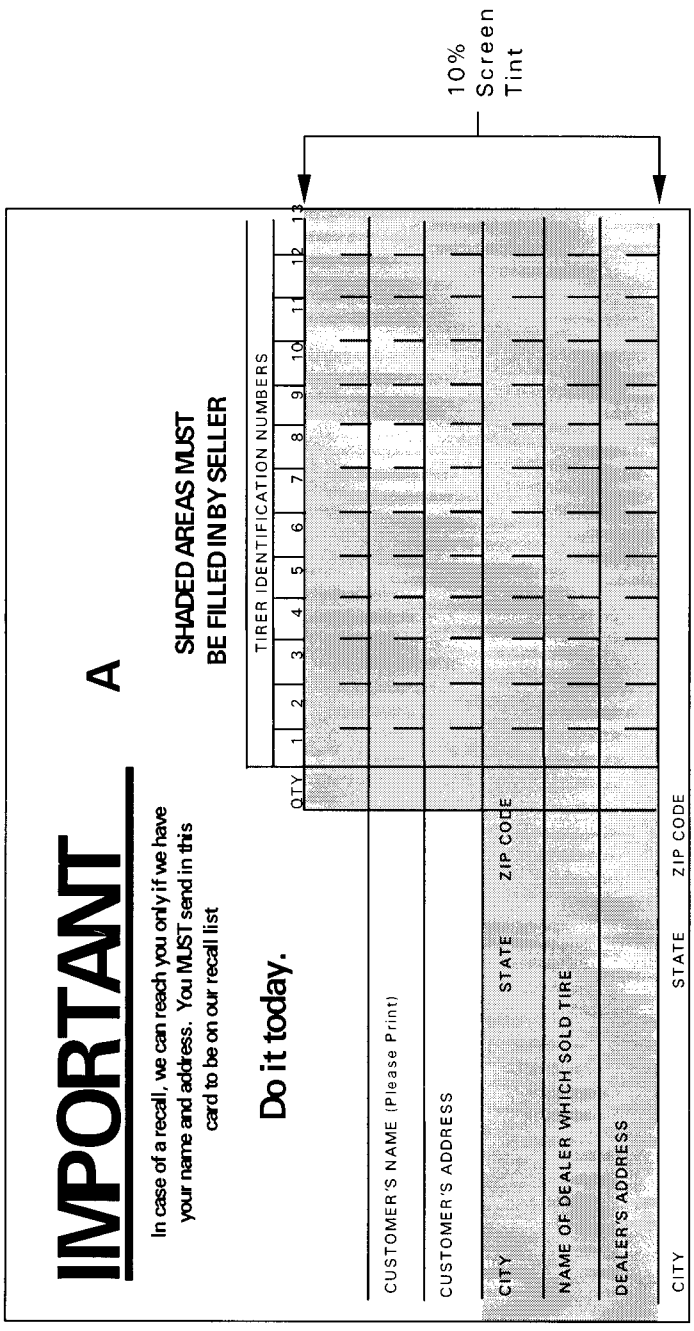


FIGURE 2. IDENTIFICATION NUMBER FOR RETREADED TIRES

3. Section 574.7 is amended by revising Figures 3a and 4, to read as follows:

§ 574.7 Information requirements—new tire manufacturers, new tire brand name owners.

* * * * * * *



λ- Preprinted tire manufacturer's name - unless the manufacturer's name appears on the reverse side of the form

Figure 3a - Registration form for independent distributors and dealers - tire identification number side

* * * * * * *

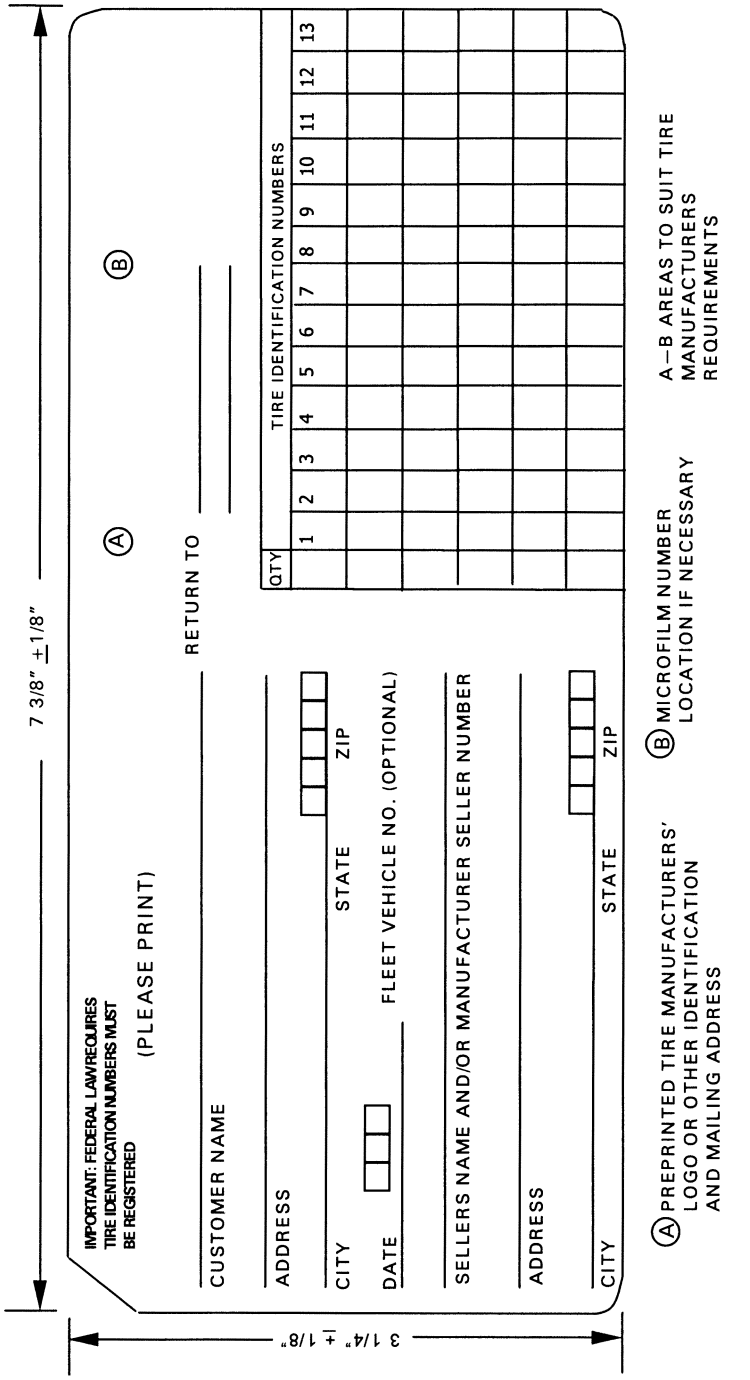


FIG 4 - UNIVERSAL FORMAT

Issued on: July 2, 1999.

Ricardo Martinez,

Administrator.

[FR Doc. 99–17402 Filed 7–7–99; 8:45 am]

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