

Transportation's regulatory policies and procedures apply. Under Executive Order 12866, the proposal would not establish a "rule," which is defined in the Executive Order as "an agency statement of general applicability and future effect." The proposed exemption is not generally applicable, since it would apply only to Lamborghini Automobili and Vector Aeromotive as discussed in this notice. Under DOT regulatory policies and procedures, the proposed exemption would not be a "significant regulation." If the Executive Order and the Departmental policies and procedures were applicable, the agency would have determined that this proposed action is neither major nor significant. The principal impact of this proposal is that the exempted company would not be required to pay civil penalties if its maximum feasible average fuel economy were achieved, and purchasers of those vehicles would not have to bear the burden of those civil penalties in the form of higher prices. Since this proposal sets an alternative standard at the level determined to be the maximum feasible levels for Lamborghini/Vector for MYs 1995 through 1997, no fuel would be saved by establishing a higher alternative standard. NHTSA finds in the Section on "The Need of the Nation to Conserve Energy" that because of the small size of the Lamborghini/Vector fleet, the incremental usage of gasoline by Lamborghini/Vector's customers would not affect the nation's need to conserve gasoline. There would not be any impacts for the public at large.

The agency has also considered the environmental implications of this proposed exemption in accordance with the National Environmental Policy Act and determined that this proposed exemption, if adopted, would not significantly affect the human environment. Regardless of the fuel economy of the exempted vehicles, they must pass the emissions standards which measure the amount of emissions per mile traveled. Thus, the quality of the air is not affected by the proposed exemptions and alternative standards. Further, since the exempted passenger automobiles cannot achieve better fuel economy than is proposed herein, granting these proposed exemptions would not affect the amount of fuel used.

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

All comments must not exceed 15 pages in length (49 CFR 553.21). 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 certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential business information has been deleted, should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing indicated above for the proposal 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. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. NHTSA will continue to file relevant information 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 a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR part 531 would be amended to read as follows:

PART 531—[AMENDED]

1. The authority citation for part 531 would be revised to read as follows:

Authority: 49 U.S.C. 32902, delegation of authority at 49 CFR 1.50.

2. In § 531.5, the introductory text of paragraph (b) is republished for the convenience of the reader and paragraph (b)(13) would be added to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(13) Automobili Lamborghini S.p.A./Vector Aeromotive Corporation.

Model year	Average fuel economy standard (miles per gallon)
1995	12.8
1996	12.6
1997	12.5

Issued on: July 22, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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49 CFR Part 571

[Docket No. 74-14; Notice 99]

RIN 2127-AG24

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition from the Ford Motor Company, this document proposes a limited extension of the compliance date of a recent rule improving safety belt fit by requiring that Type 2 safety belts installed for adjustable seats in vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less either be integrated with the vehicle seat or be equipped with a means of adjustability to improve the fit and increase the comfort of the belt for a variety of different sized occupants. The extension would apply only to trucks with a GVWR of more than 8,500 pounds.

DATES: *Comment Date:* Comments must be received by September 12, 1996.

Proposed Effective Date: If adopted, the proposed amendments would become effective September 1, 1997.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (Docket Room hours are 9:30 a.m.-4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For non-legal issues: Clarke Harper, Office of Crashworthiness Standards, NPS-11, telephone (202) 366-2264, facsimile (202) 366-4329, electronic mail "charper@nhtsa.dot.gov".

For legal issues: Edward Glancy, Office of the Chief Counsel, NCC-20, telephone (202) 366-2992, facsimile (202) 366-3820, electronic mail "eglancy@nhtsa.dot.gov".

SUPPLEMENTARY INFORMATION: On August 3, 1994, NHTSA published a final rule amending Standard No. 208, *Occupant Crash Protection*, to improve safety belt fit and thus the rate of belt use by requiring that Type 2 safety belts installed for adjustable seats in vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less either be integrated with the vehicle seat or be equipped with a means of adjustability to improve the fit and increase the comfort of the belt for a variety of different sized occupants (59 FR 39472). The final rule specified that this amendment become effective September 1, 1997.

On December 22, 1995, the Ford Motor Company (Ford) petitioned the agency to extend the effective date of this new requirement for vehicles with a GVWR between 8,500 and 10,000 pounds. Ford requested that the effective date be extended to January 1, 1998.

In its petition, Ford stated that, due to unexpected developmental problems with a new truck platform, it will be unable to begin production by September 1, 1997 as expected. Therefore, it will be necessary to continue to produce the current truck platform it will replace for four months beyond the effective date of the new belt fit requirement. Ford requested the leadtime extension to avoid having to redesign the existing platform for only a four-month production.

In its petition, Ford stated that the extension would affect 45,000 F-series pickup trucks. The GVWRs of these vehicles are between 8,500 and 10,000 pounds. Because Ford comprises approximately 45 percent of the light truck market, NHTSA estimates that the requested leadtime extension would affect a total of 100,000 vehicles. These trucks include cargo vans, pick-ups and incomplete vehicles. Ford stated that redesign of this limited number of vehicles to meet the September 1, 1997 effective date would cost \$4.5 million, resulting in a per vehicle cost of \$100.

In the final rule, NHTSA estimated that the belt fit requirement would cost \$5.51 per light truck. For NHTSA cost estimates, the development and certification costs are amortized over the lifetime of the redesigned model, which usually results in a low per vehicle cost.

Ford argued that the driver population of the affected vehicles is predominantly male and is less in need of belt fit adjustability than the driver population of the average vehicle. In support of this argument, Ford said that two-thirds of the affected vehicles are commercial vehicles (a large percentage of which are driven by males) and that 92 percent of the remaining one-third are driven also by males. Ford also noted that males tend to be taller than females, and improved belt fit is primarily intended to benefit shorter occupants.

After reviewing the petition, NHTSA has decided to propose to extend the effective date of the belt fit requirement until January 1, 1998 for trucks with a GVWR of more than 8,500 pounds. The reasons for this proposal are explained below.

NHTSA has examined the demographics of the occupants of the affected trucks, and agrees that the occupants of the affected trucks are more likely to be male and thus larger than those of the lower GVWR vehicles, and therefore their rate of belt use would be less likely to be affected by improvements in belt fit. Accordingly, the benefits from applying the belt fit requirement to those trucks would be less than the benefits of applying it to lower GVWR vehicles. An examination of 1993 through 1994 National Accident Sampling System (NASS) files shows that the mean value of occupant size was two inches taller for trucks affected by the Ford petition. In addition, for trucks below an unloaded weight of 5,500 pounds (approximately equal to 8,500 pounds GVWR), 12 percent of front seat occupants are under 5 feet 2 inches, while for trucks over 5,500 pounds unloaded weight, only six percent of front seat occupants are below this height.

In the final rule, NHTSA characterized the anticipated benefits of the belt fit requirement as follows:

NHTSA believes that some occupants who find their safety belts to be uncomfortable react to their discomfort either by wearing their safety belts incorrectly or by not wearing them at all. NHTSA believes that improving safety belt fit will encourage the correct use of safety belts and could increase the overall safety belt usage rate. (59 FR 39472, at 39473)

As noted in the notice of proposed rulemaking preceding the final rule,

complaints concerning belt fit received by the agency are often from shorter adults. (59 FR 21740, 21741; April 26, 1994) If the majority of the occupants of the trucks affected by the Ford petition are not in the group of people who most often report complaints with belt fit, there would be less opportunity to increase belt usage through improved belt fit.

Based on the Final Regulatory Evaluation of the safety belt fit rule (Docket 74-14, Notice 91), the potential maximum benefits for light trucks was 9 fatalities and 102 injuries per year, based on an annual production of 3.4 million vehicles. The estimated affected population for this proposal is 100,000 vehicles, therefore, the potential reduction in benefits would be 0.3 fatalities and 3 injuries per year. In addition, if Ford's argument that the affected vehicles are not widely used by persons who benefit from the belt fit rule is accurate, the potential reduction in benefits would be even less.

Finally, as noted in the Ford petition, the economic impact of requiring Ford to go ahead and comply would be much greater than the costs anticipated by the agency for compliance with the belt fit requirement. Using NHTSA's estimated per vehicle costs, the cost savings resulting from not requiring the 100,000 light trucks to comply would be \$551,000 to \$745,000, not counting redesign costs for the Ford vehicles that would shortly be taken off the market. If one were to accept Ford's estimation of \$100 per vehicle cost savings for its 45,000 vehicles plus NHTSA's estimation of \$5.51 to \$7.45 per vehicle cost savings for the remaining 55,000 vehicles, the total estimated cost reduction would be \$4.8 to \$4.9 million.

Because the safety benefits for the affected trucks are likely to be very small, and the costs accentuated, a four-month extension of leadtime would be reasonable.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures: NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." This action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures. As explained earlier, the agency estimates a cost savings of \$4.8 to \$4.9 million.

Regulatory Flexibility Act: NHTSA has also considered the impacts of this

notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. As explained above, NHTSA does not anticipate a significant economic impact on any manufacturer from this proposal. For consumers, granting this extension would slightly reduce the cost of these trucks, especially the Ford trucks, compared to their cost if the extension is not granted.

Paperwork Reduction Act: In accordance with the Paperwork Reduction Act of 1980 (P.L. 96-511), there are no requirements for information collection associated with this proposed rule.

National Environmental Policy Act: NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have a significant impact on the human environment.

Executive Order 12612 (Federalism): NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposed rule would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform: This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is

requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). 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 certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal 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. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information 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.

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List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, it is proposed that 49 CFR part 571 be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 of title 49 would continue 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 571.208 would be amended by revising S7.1.2 and adding a new S7.1.2.3 to read as follows:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

7.1.2 Except as provided in S7.1.2.1, S7.1.2.2, and S7.1.2.3, for each Type 2 seat belt assembly which is required by Standard No. 208 (49 CFR 571.208), the upper anchorage, or the lower anchorage nearest the intersection of the torso belt and the lap belt, shall include a movable component which has a minimum of two adjustment positions. The distance between the geometric center of the movable component at the two extreme adjustment positions shall be not less than five centimeters, measured linearly. If the component required by this paragraph must be manually moved between adjustment positions, information shall be provided in the owner's manual to explain how to adjust the seat belt and warn that misadjustment could reduce the effectiveness of the safety belt in a crash.

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S7.1.2.3 The requirements of S7.1.2 do not apply to any truck with a gross vehicle weight rating of more than 8,500 pounds manufactured before January 1, 1998.

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Issued on July 22, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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