

Comments: All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW, Washington, DC 20590. [Docket hours, 9:30 a.m.–4:00 p.m., Monday through Friday.]

FOR FURTHER INFORMATION CONTACT: Charles J. Kahane, Chief, Evaluation Division, Plans and Policy, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW, Washington, DC 20590 (202–366–2560).

SUPPLEMENTARY INFORMATION: NHTSA performs statistical evaluations of the safety impacts of regulations and other factors that substantially influence vehicle design. In July 1991, NHTSA issued a study of the safety effects of passenger car downsizing during 1970–82 (*Effect of Car Size on Fatality and Injury Risk*). Since the mid-1980's, a major trend in the vehicle fleet has been the increase in the number as well as the weight of light trucks (pickup trucks, vans and sport utility vehicles). As of model year 1993, light trucks, on the average, weigh 900 pounds more than passenger cars. NHTSA records show that, each year since 1992, there have been more fatalities in car-light truck collisions than there have been in car-to-car collisions. In car-light truck collisions, 80 percent of the fatalities are occupants of the cars. The agency's *Evaluation Program Plan, 1994–98* (59 FR 30090) called for an updated evaluation of vehicle size and safety focusing, among other things, on the size-safety effects in light trucks and their interaction with passenger cars. In 1996, drafts of the summary report and the six technical reports constituting this evaluation were peer-reviewed by a panel of experts under the auspices of the Transportation Research Board of the National Academy of Sciences. The reports were then revised in response to the panel's recommendations.

The studies analyze the crash experience of model year 1985 through 1993 passenger cars and light trucks, and compare the rates at which lighter and heavier vehicles were involved in crashes involving fatalities ("fatal crash rate") and those resulting in moderate-to-critical injuries ("serious injury crash rate") or in police-reported "A" or "K" injuries ("less-serious injury crash rate"). After controlling for factors such as driver age, the studies found that the fatal crash rate for passenger cars increased by 1.1 percent for each 100 pound decrease in passenger car weight. The serious injury crash rate for these vehicles increased by 1.6 percent for each such reduction, and the less-serious injury crash rate by 3.2 percent.

These findings suggest that a future 100-pound reduction in passenger car weight, unless offset by safety improvements, could result in an estimated 302 additional fatalities, 1,823 moderate-to-critical injuries and 8,804 less-serious injuries per year.

The studies showed the relationship to be largely reversed in the case of light trucks. Reductions in the weight of light trucks reduce risks for car occupants, pedestrians, bicyclists and motorcyclists involved in collisions with the trucks. As a result, the fatal crash rate involving light trucks decreased by 0.3 percent for each 100-pound decrease in light truck weight and the serious injury crash rate decreased by 1.3 percent; however, the less-serious injury crash rate increased by 1.5 percent. As such, a future 100-pound reduction in the weight of light trucks would be expected to prevent 40 fatalities and 601 moderate-to-critical injuries per year, due to the decreased risk to occupants of other vehicles or pedestrians involved in crashes with light trucks. This more than compensates for the added risk of fatalities or serious injuries to the occupants of the trucks. Less-serious injuries would be expected to increase by 1,794. A future increase in the weight of light trucks would have the opposite effect.

The summary report, titled *Relationship of Vehicle Weight to Fatality and Injury Risk in Model Year 1985–93 Passenger Cars and Light Trucks*, is publication No. DOT HS 808 569.

The titles and publication numbers of the six technical reports are as follows:

Relationships between Vehicle Size and Fatality Risk in Model Year 1985–93 Passenger Cars and Light Trucks, Report No. DOT HS 808 570.

Effect of Vehicle Weight on Crash-Level Driver Injury Rates, Report No. DOT HS 808 571.

Passenger Vehicle Weight and Driver Injury Severity, Report No. DOT HS 808 572.

Patterns of Driver Age, Sex and Belt Use by Car Weight, Report No. DOT HS 808 573.

Impacts with Yielding Fixed Objects by Vehicle Weight, Report No. DOT HS 808 574.

The Effect of Decreases in Vehicle Weight on Injury Crash Rates, Report No. DOT HS 808 575.

NHTSA welcomes public review of the reports and invites the reviewers to submit comments about the data and the statistical methods used in the reports. The agency is interested in learning of any additional data that could be used to expand or improve the analyses, including information on the curb

weights, track widths or other parameters for specific passenger cars or light trucks.

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 7 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 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. 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 people continue to examine the docket for new material.

People 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.

Authority: 49 U.S.C. 30111, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

William H. Walsh,
Associate Administrator for Plans and Policy.
[FR Doc. 97–16721 Filed 6–25–97; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 96–119; Notice 2]

Accuride Corporation; Grant of Application for Decision of Inconsequential Noncompliance

This notice grants the application by Accuride Corporation (Accuride) to be exempted from the notification and remedy requirements of 49 U.S.C. 30118 and 30120 for a noncompliance with 49 CFR 571.120, Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars." The basis

of the grant is that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published on March 7, 1997, and an opportunity afforded for comment (62 FR 10617).

Paragraph S5.2(a) of FMVSS No. 120 requires rims to be marked with a designation which indicates the source of the rim's published nominal dimension. Paragraph S5.2(c) requires the rim to be marked with the symbol DOT, constituting a certification by the manufacturer of the rim that the rim complies with all applicable motor vehicle safety standards.

Accuride's description of the noncompliance follows:

The motor vehicle equipment in issue are certain 22.5 & 24.5x8.25 inch, 15° drop center, one-piece, tubeless dual wheels produced by Kaiser Aluminum and Chemical Corporation at its Erie, Pennsylvania, forging plant and machined at Ultra Forge, Inc. at Cuyahoga Falls, Ohio. These wheels are designed and marketed by Accuride Corporation, a division of Phelps Dodge Corporation, under the brand name Accu-Forge. These wheels were sent to original equipment manufacturers and would be normal equipment on Class 8 conventional, over the highway trucks and their trailers. A total of 1,256 wheels were produced on line 4 between January 6, 1997, and January 10, 1997. 682 of these wheels were set aside to go through the polishing line and were then stamped later before shipment. The total number of suspect wheels is 574, date stamped December 23, 1996, January 6, 7, 8, or 9, 1997. Six wheels manufactured December 23, 1996 were also stamped during this time frame. 96 of these wheels were located in the plant and corrected, 478 were shipped. 100% of the 476 wheels shipped contain this condition described below.

These wheels are the subject of a noncompliance because of a[n] incorrect stamping of the rim marking. These wheels are 22.5 & 24.5x8.25 inch, 15° tubeless wheels made from a single-piece aluminum forging. They are manufactured correctly in accordance with the Accuride specification. However, the symbol "DOT" and the designation which indicates the source of the rim's published nominal dimensions, in this case "T", were not included. All other stampings specified by Federal Motor Vehicle Safety 120 and by Accuride, including the part number and the load rating, were correctly stamped on the product. On January 6, 1997 the rim stamping equipment on line 4 was replaced. The new equipment was set up without the complete stamping as stated above. On January 13, this condition was noted and corrected.

On January 13, Kaiser notified Accuride that a quantity of wheels had been shipped to customers without the symbols "DOT-T". On January 15, Accuride was notified that 478 wheels had been shipped to three separate customers. On January 17, Ms. Patricia Wallace at NHTSA was notified.

Accuride supported its application for an inconsequential noncompliance with the following:

1. Accuride Corporation is a Delaware corporation and is a subsidiary of Phelps Dodge Corporation. Accuride is headquartered in Henderson, Kentucky and is a major manufacturer of truck rims and wheels.

2. The motor vehicle equipment in question are a small number of Accu-Forge 22.5 & 24.5x8.25 inch, 15° drop center, one-piece tubeless dual wheels produced by Kaiser Aluminum and Chemical Corporation at its Erie, Pennsylvania, forging plant and machined at Ultra Forge, Inc. in Cuyahoga Falls, Ohio. In issue are an estimated 478 of the total 1,256 wheels of this size produced between January 6, 1997 and January 10, 1997. Six wheels manufactured December 23, 1996 were also stamped during this time frame. The non-compliance relates to the mis-stamping of the marking of the rim. The symbol "DOT" and the designation which indicates the source of the rim's published nominal dimensions, in this case "T", were not included. All other stampings and markings required by FMVSS 120 and Accuride, including the part number and load rating, are correctly identified on each of the components in questions.

3. The rim marking is for information only and there is no safety-related issue potentially arising from the exclusion of these symbols on the wheels.

No comments were received on the application.

The agency has reviewed the Accuride application and agrees that the noncompliance is inconsequential to motor vehicle safety. Between January 6, 1997, and January 10, 1997, Accuride manufactured an estimated 478 Accu-Forge 22.5 & 24.5x8.25 inch, 15 degree drop center, one-piece tubeless dual wheel rims that were not stamped with two of the markings required in FMVSS No. 120. Six wheels manufactured December 23, 1996, were also stamped during this time frame. All of the other applicable markings are on the rim.

Accuride stated the noncompliance is inconsequential to safety because "the omitted stamping of "DOT-T" is only for information and there is no safety-related issue potentially arising from the deletion of this symbol." The agency disagrees in part with Accuride's argument, although it believes the noncompliance is inconsequential to motor vehicle safety. The labeling requirement is not "only for information." Since August 1976, FMVSS No. 120 has required rims to be marked with five items of information: the size designation (and, in the case of multipiece rims, the type designation), an indication of the source of the rim's nominal dimensions, and the DOT symbol which must appear on the weather side, while identification of the

manufacturer and date of manufacture may appear at any place on the rim's surface. FMVSS No. 120 established a set of code letters to indicate the required five items of information to reduce the possibility of confusion and to minimize the number of characters stamped on the rim. The symbol "DOT" constitutes certification by the manufacturer of the rim that the rim complies with applicable motor vehicle safety standards. The symbol "T" indicates that the rim's nominal dimensions are in accordance with the U. S.-based "The Tire and Rim Association." Thus, the exclusion of information on the tire rim can be significant. The labeling of motor vehicle tires and rims with the information required by regulations and the Federal Motor Vehicle Safety Standards benefits motor vehicle manufacturers and consumers. Primarily, these labeling requirements help ensure that the tires are mounted on appropriate rims and that the rims and tires are mounted on vehicles for which they were intended. If tires and rims were not labeled, mismatching of tire and rim sizes would likely occur. This occurrence could often result in poor tire performance, and may cause tire and rim separation or tire blowouts from an overload. However, the rims identified in this application are designated for use on Class 8 vehicles; thereby, eliminating the likelihood that an unskilled consumer would misapply the rims.

NHTSA's decision to grant Accuride's application is also based on the fact that all other informational tire markings required by FMVSS No. 120, particularly the rim type designation, are on the rims, and correctly marked. Although NHTSA traditionally considers failure to mark "DOT" as a failure to certify under 49 Part 567—*Certification* rather than a failure to comply with a FMVSS, the absence of the "DOT" symbol will not compromise motor vehicle safety.

Accordingly, for the reasons expressed above, the applicant has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and the agency grants Accuride's application for exemption from notification of the noncompliance as required by 49 U.S.C. 30118 and from remedy as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: June 20, 1997.

L. Robert Shelton,

*Associate Administrator for Safety
Performance Standards.*

[FR Doc. 97-16751 Filed 6-25-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 97-042; Notice 1]

RIN 2127-AF55

Auto Theft and Recovery; Preliminary Report on the Effects of the Anti Car Theft Act of 1992 and the Motor Vehicle Theft Law Enforcement Act of 1984

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

ACTION: Request for comments.

SUMMARY: This notice announces the publication by NHTSA of a preliminary report for public comment pursuant to the Anti Car Theft Act of 1992 (codified in Chapter 331 of Title 49 of the United States Code), which directs the Secretary of Transportation to submit a report to Congress five years after the enactment of the statute (49 U.S.C. 3311(b)). The statute requires the Department to report on the effects of federal regulations on auto theft and comprehensive insurance premiums and what changes, if any, to these regulations are appropriate.

As required by the Chapter 331, the agency seeks public review and comment on this report prior to its submission to Congress. The report does not contain recommendations at this time. The Department will develop recommendations after a review of public comments.

DATES: Comments must be received no later than August 11, 1997.

ADDRESSES:

Report: Interested people may obtain a copy of the report free of charge by sending a self-addressed mailing label to Walter Culbreath, Publications Ordering and Distribution Services (NAD-51), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

Comments: All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours, 9:30 a.m.-4:00 p.m., Monday through Friday.]

FOR FURTHER INFORMATION CONTACT:

Charles J. Kahane, Chief, Evaluation Division, Plans and Policy, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW., Washington, DC 20590 (202-366-2560).

SUPPLEMENTARY INFORMATION:

History

As a result of the Department's recommendations in the 1991 report to Congress on the Motor Vehicle Theft Law Enforcement Act of 1984 and other information received by the Congress, the Anti Car Theft Act of 1992 was enacted. This Act built on the 1984 Act in several ways: Federal penalties for auto theft were enhanced. A grant program was authorized to help state and local law enforcement agencies concerned with auto theft. Experts were called on to look into and report on motor vehicle titling, registration, and salvage (the report was published in February 1994). The National Motor Vehicle Title Information System was to be established and the states were required to participate in the system; the Theft Prevention Standard was expanded, rules were established to check if salvage or junk vehicles are stolen; and the Attorney General is to maintain a National Stolen Auto Part Information System. Selling or distributing marked parts that are stolen became a Federal crime. Random customs inspection to detect stolen vehicles being exported were allowed. A pilot study on a nondestructive inspection system was authorized. As in the 1984 Act, the Anti Car Theft Act of 1992 calls for a report to the Congress on the effects of the Act on trends in motor vehicle thefts and recovery. The report is due five years after the legislation was enacted. The Anti Car Theft Act requires that the five year report to Congress address: motor vehicle theft and recovery statistics as well as their collection and reliability; the extent to which motor vehicles are dismantled and exported; the market for stolen parts; the cost and benefit of marking parts; arrest and prosecution of auto theft offenders; the Act's effect on the cost of comprehensive insurance premiums; the adequacy of Federal and state theft laws; and an assessment of parts marking benefits for other than passenger cars. As in the 1984 Act, a preliminary report is to be published and announced in the **Federal Register** for comment. This 1997 report addresses that requirement.

The 1992 Act's amendments on theft prevention include: expanding coverage to selected lines that were below the 1990/1991 median theft rate, and

including high theft multipurpose passenger vehicles and light trucks that are rated at not more than 6,000 pounds gross vehicle weight under the provisions of the theft standard. These changes had to be made two years (1994) after the enactment of the Act. Three years later (1997), based on the Attorney General's findings, the Secretary of Transportation shall designate all remaining such lines of passenger motor vehicles (other than light-duty trucks), unless the Attorney General determines such additional parts marking would not substantially inhibit chop shop operations and vehicle thefts. By the end of 1999, the Attorney General shall determine if the rules have been effective in inhibiting chop shops and vehicle theft and send these findings to the Secretary. These findings are to include an analysis of the effectiveness of factory-installed anti-theft devices as a substitute for parts marking.

The rulemaking process and manufacturer comments regarding lead time to implement parts marking resulted in expansion of the Theft Prevention Standard to a selected group of low theft line vehicle lines and other passenger vehicles beginning with the 1997 model year.

Summary of Preliminary Report

To compile this report, the Department obtained data from sources specified in the Act and available elsewhere, including the FBI's National Crime Information Center, the Justice Department's National Institute of Justice; the Bureau of Customs; the Highway Loss Data Institute, the National Information Crime Bureau; insurance companies; surveys of and interviews with state, county and city enforcement, motor vehicle administration and court officials; and autobody repair shops. The most recent theft data available for this report from the National Crime Information Center is the 1995.

Motor vehicle theft was a growing problem in the early and mid 1980's. In 1984, Congress enacted the Motor Vehicle Theft Law Enforcement Act (Public Law No. 98-547 (October 25, 1984)) in order to reduce the incidence of motor vehicle thefts and facilitate the tracing and recovery of stolen motor vehicles and parts from stolen vehicles. The Department of Transportation implemented the 1984 Act by issuing the Federal Motor Vehicle Theft Prevention Standard, which requires manufacturers of designated high theft passenger car lines to inscribe or affix the Vehicle Identification Number (VIN) onto the engine, the transmission, and