

the manufacture of products, and could ultimately result in products sold at lower prices. NHTSA tentatively determined that the petitioner's requested metric unit on tires would not confuse consumers or obscure the meaning of the inflation pressure information labeled on tires. Thus, NHTSA tentatively concluded there was no safety reason to preclude permitting JATMA's requested metric labeling.

In the NPRM, NHTSA also proposed to correct a typographical error in S4.3 of Std. No. 109. The first sentence of S4.3 provides that each tire shall have the information "shown in paragraphs (a) and (g)" of S4.3. The word "and" in that phrase should read "through," and NHTSA proposed to make the correction in the regulatory text.

Final Rule

In response to the NPRM, NHTSA received one comment. That comment came from the Rubber Manufacturers Association (RMA), on behalf of domestic tire manufacturers. The RMA stated that it favored adoption of the proposed changes to Std. No. 109. Since NHTSA received only one comment on the NPRM, and that comment favored adoption of the proposal, NHTSA adopts as final the regulatory text proposed in the NPRM.

Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule was not reviewed under E.O. 12866, "Regulatory Planning and Review." NHTSA has considered the impact of this rulemaking action and has concluded that it is not significant under the DOT's regulatory policies and procedures. This action would not change any of the substantive requirements of Std. No. 109. The effect on labeling costs might be to decrease such costs slightly for tire manufacturers that now convert metric units on their tires to English units, or that now convert English units on tires to metric units for sale overseas. However, NHTSA believes the costs savings, if any, would be minimal. NHTSA has concluded, therefore, that since the costs of complying with the changes in this final rule are minimal, preparation of a full regulatory evaluation is not warranted.

B. Regulatory Flexibility Act

NHTSA has considered the impacts of this rulemaking action under the Regulatory Flexibility Act. I hereby certify that this final rule would not have a significant economic impact on a substantial number of small entities.

Accordingly, the agency has not prepared a final regulatory flexibility analysis. The rationale for this certification is that the agency believes that few, if any, of the tire manufacturers which would be affected by this final rule qualify as small businesses. Small businesses, small organizations and small governmental units could be affected by the final rule to the extent that they may purchase new tires subject to the new requirements. However, NHTSA does not believe the costs of tires would be affected by this rule. Thus, these entities would not be significantly affected.

C. National Environmental Policy Act

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

D. E.O. 12612 (Federalism)

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

E. Paperwork Reduction Act

Certain provisions in this final rule that permit manufacturers to mark metric measurements on tires, are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB), in 5 CFR part 1320. The information collection requirements have been submitted to and approved by OMB. This collection of information has been assigned OMB Control Number 2127-0503 (Consolidated labeling requirements for tires and rims) and has been approved for use through November 30, 1995.

F. Civil Justice Reform

This final rule would not have any retroactive effect. Under 49 U.S.C. section 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 that is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance applicable only to vehicles procured for the state's own use. 49 U.S.C. section 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 other parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, and Tires.

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 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 571.109 is amended by revising the introductory paragraph of S4.3 and the entire paragraph of S4.3.5 to read as follows:

§ 571.109 Standard No. 109, New Pneumatic Tires.

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S4.3 *Labeling Requirements.* Except as provided in S4.3.1 and S4.3.2, each tire shall have permanently molded into or onto both sidewalls, in letters and numerals not less than 0.078 inches high, the information shown in paragraphs S4.3 (a) through (g). On at least one sidewall, the information shall be positioned in an area between the maximum section width and bead of the tire, unless the maximum section width of the tire falls between the bead and one-fourth of the distance from the bead to the shoulder of the tire. For tires where the maximum section width falls in that area, locate all required labeling between the bead and a point one-half the distance from the bead to the shoulder of the tire. However, in no case shall the information be positioned on the tire so that it is obstructed by the flange or any rim designated for use with that tire in Standards Nos. 109 and 110 (§ 571.109 and § 571.110 of this part).

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S4.3.5 If the maximum inflation pressure of a tire is 420 kPa (60 psi), the tire shall have permanently molded into or onto both sidewalls, in letters and numerals not less than 1/2 inch high, the words "Inflate to 60 psi" or "Inflate to 420 kPa (60 psi)." On both sidewalls, the words shall be positioned in an area between the tire shoulder and the bead of the tire. However, in no case shall the words be positioned on the tire so that they are obstructed by the flange of any rim designated for use with that tire in