For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–27943 Filed 10–16–98; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 574

[Docket No. NHTSA–98–4550]

RIN 2127–AH10

Tire Identification and Recordkeeping

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

ACTION: Notice of proposed rulemaking.

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

In response to petitions for rulemaking submitted by the Rubber Manufacturers Association and the European Tyre and Rim Technical Organisation, the agency proposes to amend the regulation to require the date of manufacture to be shown in four digits instead of the currently-required three, and to reduce the minimum size of the digits from the current 6 millimeters (mm) (¼ inch) to 4 mm (5⁄32 inch). The agency believes that the four-symbol date code would, if adopted, permit better traceability of tires during recalls and would allow easier identification of older tires. NHTSA also believes that reducing the size of the date code from 6 mm to 4 mm would not affect the readability of the date code digits. In addition, adoption of these proposals would enhance international harmonization by bringing the U.S. tire date code requirements into harmony with the new United Nations' Economic Commission for Europe (ECE) regulation and the International Organization for Standardization (ISO) recommended practice.

DATES: Comment closing date: Comments on this notice must be received by NHTSA not later than December 18, 1998.

Proposed effective date: If adopted, the amendments proposed in this notice would become effective on or about January 1, 2000. Optional early compliance would be permitted on and after the date of publication of the final rule in the **Federal Register**.

ADDRESSES: Comments should refer to the docket number for this rule noted above and be submitted to: Docket Management Room, PL–401, 400 Seventh Street, SW, Washington, DC 20590. Docket room hours are from 10 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: *For technical issues:* Mr. Joseph Scott, Safety Standards Engineer, Office of Crash Avoidance Standards, Vehicle Dynamics Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; telephone (202) 366–8525, fax (202) 493–2739. *For legal issues:* Mr. Walter Myers, Attorney-Advisor, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; telephone (202) 366–2992, fax (202) 366–3820.

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 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 notification to purchasers of defective or nonconforming tires so that purchasers can take appropriate action in the interest of motor vehicle safety.

Specifically, § 574.5 requires each new tire manufacturer and each tire retreader to mold a tire identification number (TIN) into or onto the sidewall of each tire produced, in the manner and location specified in the section and as depicted in Figures 1 and 2. The TIN is composed of four groups:

a. The first group of two or three symbols, depending on whether the tire is new or retreaded, represents the manufacturer's identification mark assigned to such manufacturer by this agency in accordance with § 574.6;

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

c. 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 is produced for a brand name owner, the third grouping must identify such brand name owner; and

d. 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; the third symbol represents the year. For example, ''218'' represents the 21st week of 1998.

NHTSA originally proposed these requirements in response to the May 22, 1970 amendments to the National Traffic and Motor Vehicle Safety Act of 1966.[1] Those amendments, among other things, required manufacturers and brand name owners of new and retreaded motor vehicle tires to maintain records of the names and addresses of the first purchasers of tires (other than dealers or distributors) in order to facilitate notification to such purchasers in the event tires were found to be defective or not to comply with applicable Federal motor vehicle safety standards.

The agency believed that an essential element of an effective defect or noncompliance notification system to vehicle or tire purchasers was an effective method of tire identification. Accordingly, on July 23, 1970, NHTSA published a Notice of Proposed Rulemaking (NPRM) (35 FR 11800) proposing to establish a tire identification system to provide a means to identify the manufacturer of the tire, the date of manufacture, 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 agency proposed a TIN composed of four groups of symbols: the first group would contain the manufacturer's identification mark which would be assigned by NHTSA; the second group would identify the tire size by a two symbol code; the third group of four symbols would identify the date of manufacture of the tire, the first two

[1] 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.*

symbols of which would indicate the week, and the last two the year; and the fourth group would be the manufacturer's optional description of the tire. The symbols would be a minimum of 1/4 inch high and would 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. Specifically, NHTSA reversed the order of the manufacturer's optional information and the date of manufacture, so that the latter would appear in the fourth grouping and the manufacturer's optional information would appear in the third grouping. NHTSA also stated that the tire identification number 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. 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, NHTSA dropped one of the two digits representing the decade of manufacture, thereby reducing the date of manufacture group from four digits to three.

B. The Petitions

(1) *Rubber Manufacturers Association*. The Rubber Manufacturers Association (RMA) is the primary national trade association for the finished rubber products industry in the U.S. 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 1/4 inch to 5/32 inch.

RMA explained that at a recent meeting, the ISO Technical Committee 31 on tires recommended approval of a 4-digit date of manufacture code beginning in January 2000. RMA stated that ECE has also authorized the use of a 4-digit date code commencing in January 2000. RMA suggested that with a 4-digit date code, the first two would represent the week and the last two the year. For example, 0100 would mean the first week of January of the year 2000. RMA suggested that an appropriate phase-in period be allowed during which use of either the 3 or 4 digit 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 allowing the minimum size of the digits in the date code to be reduced to 4 millimeters (mm) (5/32 inch), regardless of tire size. Finally, RMA stated that such modification would bring these U.S. requirements into harmony with the ECE regulation and the ISO recommendation, 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. ETRTO submitted a petition for rulemaking which cited the ECE regulations and the ISO agreements and suggested amending § 574.5 to permit a 4-digit date code effective in January 2000. The first two digits would represent the week and the latter two 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 (1/4 inch) to 4 mm (5/32 inch), regardless of tire size. ETRTO also sought to justify the requested amendments by stating that such 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. Discussion

As stated in the Background discussion above, the TIN originated with the May 22, 1970 amendments to the National Traffic and Motor Vehicle Safety Act of 1966. Prior to that time, there were no tire labeling requirements in effect, other than standard industry practices. When considering the TIN in its current form, the agency was persuaded by the commenters to the NPRM that economizing on limited space on tire sidewalls justified reducing the decade symbol in the date code from two digits to one. This presented no problem during the 1970s since the TIN was new, the lifecycle of tires from manufacture to disposal or recycling was shorter then, and the issue of tires manufactured in different decades seemed minor at most. The single-digit year code likewise presented no problem in the 1980s because the industry was making the transition from bias-ply to radial tires, and the public could easily distinguish between the bias-ply tires of the 1970s and the new radial tires of the 1980s. No problems appeared in this respect until the 1990s. At that time, the single-digit year code became inadequate because longer-lived radial tires became widely used and there was now no way for the agency or the public to determine for certain when the tire was manufactured. When the date code requirement was developed in 1970, it was not envisioned that tires manufactured in one decade would be taken out of storage and sold ten or more years later. That, however, has occurred in some cases.

Tire manufacturers recognized this as a concern and, in order to alleviate that concern without petitioning the government for additional rulemaking, the industry's voluntary standards organization issued a new recommended practice that provided that tires built in the 1990s display the symbol ''Δ'' after the TIN to indicate that the year of manufacture was in the decade of the 1990s. Not all tire manufacturers followed this recommended procedure, however, thereby diminishing its meaning and effectiveness. For tires without the mark, the public was still left with no way of knowing for certain whether the tire(s) they purchased were manufactured in the 1970s, 1980s, or 1990s.

The agency does not consider the industry voluntary practice to be a satisfactory solution to this problem. Presumably, different symbols would be needed to represent different decades. Ultimately, therefore, a proliferation of such symbols, and the interpretation problems they would present, would further confuse an already confusing situation. Rather, NHTSA tentatively concludes that the addition of a fourth digit to the date code to specifically identify the decade, as requested by the petitioners, would be a simpler and more practical solution.

NHTSA believes that as run-flat tires and high performance low-profile tires are developed and become more common, tire diameters will increase with consequent decrease in sidewall heights. That means that conservation of ever-more limited space on tire sidewalls will become even more important than before. The agency's proposal to add a digit to the date code that would still fit within the current size of the date code, while more clearly identifying the date of manufacture, would ensure that the TIN would not take any more space on the tire sidewall than before.

There was some concern within the agency that reducing the digits in the date code from 6 mm (1/4 inch) to 4 mm (5/32 inch) might make the numbers too small to be seen easily. To determine whether this would be the case, NHTSA

requested and received from RMA a sample piece of a tire sidewall with the numbers 4 mm in height. This sample was examined by various agency personnel who indicated that the 4 mm digits were clearly readable. The reduction of the size of the digits is so slight as to be barely perceptible. Moreover, 4 mm digits are currently permitted with no reported difficulties for tires with less than 6 inches cross section or with less than a 13-inch bead diameter. Further, NHTSA permits all the tire grading information required by the Uniform Tire Quality Grading Standards, 49 CFR 575.104, to be expressed in 4 mm letters and numbers, again without reported problems with readability. Accordingly, NHTSA believes that the tire date code could be reduced from 6 mm to 4 mm with no effect on the readability of the digits.

The tire industry's interest in reducing the size of the digits in a 4 mm date code is a matter of cost. Based on current requirements, the industry has developed date ''plugs'' of a standard size and width and that are changed weekly in the tire molds. To avoid the cost of modifying current tire molds or constructing new ones to accommodate an extra digit the same size as now required, the industry requests that it be permitted to reduce the size of the digits. NHTSA tentatively concludes that reducing the date code digit size to 4 mm would ensure that this rulemaking not result in any cost impacts to tire manufacturers, yet a 4-digit date code symbol would be more effective in fulfilling the purpose of part 574.

The agency emphasizes that 4 mm is the minimum size for the date code symbols. No maximum size is specified. Tire manufacturers would be free to make the digits larger, so long as other required labeling of the required size continues to appear on the tire sidewall. Where not otherwise specified, tire manufacturers typically adjust the size of tire labeling in accordance with trends in the consumer market. NHTSA has no reason to believe that manufacturers would do otherwise with the size of the date code symbols.

NHTSA tentatively agrees with the petitioners that the proposed 4-digit date code would result in better traceability of tires for defect and compliance purposes and for more accurate identification of older tires for consumers. NHTSA believes that traceability would be improved if the year were identified in 2 digits so that the tires produced in that week in that year can be more quickly and easily traced to a specific production lot. Moreover, requiring the specific year to appear in the date code can discourage the unscrupulous practice of selling old tires to unsuspecting consumers who think that they are buying recently-produced tires. NHTSA has tentatively concluded that aging diminishes the wear rates of tires by significant amounts, depending on the conditions and length of storage of the tires concerned. See Notice of Proposed Rulemaking, Uniform Tire Quality Grading Standards, 63 FR 30695, June 5, 1998. Since old tires will not provide the wear rates of newer tires, the 4-digit date code will make it simpler for prospective tire purchasers to know in advance the status of the tires they are purchasing.

NHTSA is a strong supporter of international harmonization in all cases where such harmonization is consistent with its statutory mandate to ensure motor vehicle safety. The adoption of the 4-digit date code in the TIN is consistent with the agency's harmonization efforts and would benefit U. S. tire manufacturers and exporters. The international tire industry has become truly global in manufacturing, marketing, and sales. In 1995, domestic tire manufacturers exported 22.3 million passenger car tires and 3.8 million light truck tires to foreign markets. In the same year, the U. S. imported 45 million passenger car tires and 5.4 million light truck tires from foreign sources. It is apparent, therefore, that maximum harmonization of tire requirements would benefit both U. S. and foreign vehicle and tire manufacturers.

Finally, NHTSA agrees with the petitioners that it would be advantageous to permit tire manufacturers to phase in the new requirements between the date of publication of the final rule, assuming the proposals herein are finally adopted, and the beginning of the year 2000. In that interim period, tire manufacturers would be permitted to continue to use the currently-required 3-digit date code or the new 4-digit date code, at their option. This should give manufacturers ample time to make the conversion to the new requirements, yet permit them to utilize the new date code as soon as they are ready to do so.

Agency Proposal

Based on the considerations discussed above, NHTSA proposes to amend 49 CFR 574.5 as follows:

a. Change the fourth grouping of the tire identification number, which shows the date of manufacture of the tire, from 3 to 4 digits. The first two digits would indicate the week of the year, starting with the numbers ''01'' to designate the first full week of the year, and the last two digits would indicate the year. Thus, the date code symbol ''2198'' would indicate the 21st week of 1998;

b. Reduce the minimum size requirement for the digits in the 4-digit date code, but not the size of the other symbols in the tire identification number, from 6 mm (¼ inch) to 4 mm (5⁄32 inch).

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 proposes to amend the tire identification number currently required by 49 CFR 574.5 to be marked on all tires sold in the United States. Specifically, this proposal would increase the number of digits in the date of manufacture group of the tire identification number from 3 to 4, and would permit a reduction in the size of those digits so that the 4 digits would fit within the same ''plug'' in the tire molds in which the currently-required 3 digits fit. That would permit tire manufacturers to use the same molds that they do now, without having to absorb the costs of constructing new molds. Date codes are changed weekly by manufacturers and with a sufficient phase-in period, manufacturers would have ample opportunity to phase into the new 4-digit date code without having to redesign their tire molds. For these reasons, the agency estimates that implementation of the proposals herein would 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 notice of proposed rulemaking would 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 proposed herein would primarily affect manufacturers 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 proposed in this rulemaking action would 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 4mm (5⁄32 inch). The purpose of these changes is to harmonize U.S. requirements with those of the European community, to make tires more easily traceable in the event of a defect or noncompliance, and to allow easier identification of old tires. These proposed 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 size of the digits so that tire manufacturers would be spared the expense of designing and making new tire molds. The proposed amendments, if adopted, would 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. Neither would the proposed amendments result in any increase in costs for small businesses or consumers. Accordingly, there would 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 preliminary 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 would not have any significant impact on the quality of the human environment.

e. Paperwork Reduction Act

The provisions of the proposed amendments herein 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 are considered to be third-party information collection requirements as defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. The proposed amendments create no additional information collection requirements since the proposals, if adopted, would 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

The amendments proposed herein would not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state or political subdivision thereof may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle only if the standard is identical to the Federal standard.

However, the United States government, a state or political subdivision of a state may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the Federal standard. Section 30161 of Title 49, U.S. Code sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. A petition for reconsideration or other administrative proceedings is not required before parties may file suit in court.

Comments

Interested persons are invited to submit comments on the amendments proposed herein. It is requested but not required that any such comments be submitted in duplicate (original and 1 copy).

Comments must not exceed 15 pages in length (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in concise fashion. Necessary attachments, however, may be appended to those comments without regard to the 15-page limit.

If a commenter wishes to submit certain information under a claim of confidentiality, 3 copies of the complete submission, including the purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address noted above, and 1 copy from which the purportedly confidential information has been deleted should be submitted to Docket Management. A request for confidentiality should be accompanied by a cover letter setting forth the information called for in 49 CFR part 512, *Confidential Business Information.*

All comments received on or before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available to the public for examination in the docket at the above address both before and after the closing date. To the extent possible, comments received after the closing date will 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 today's proposal will be available for public inspection in the docket. NHTSA will continue to file relevant information in the docket after the comment closing date, and it is recommended that interested persons continue to monitor the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rule 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 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 would be amended as follows:

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

1. The authority citation for part 574 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 574.5 would be amended by revising paragraph (d) and Figures 1 and 2 to read as follows:

§ 574.5 Tire identification requirements.

* * * * *

(d) *Fourth Grouping.* The fourth group, consisting of four numerical symbols, shall identify the week and year of manufacture. The first two symbols shall 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 shall 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 shall 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 shall be placed in the area shown in Figures 1 and 2 for the optional descriptive code.

* * * * *

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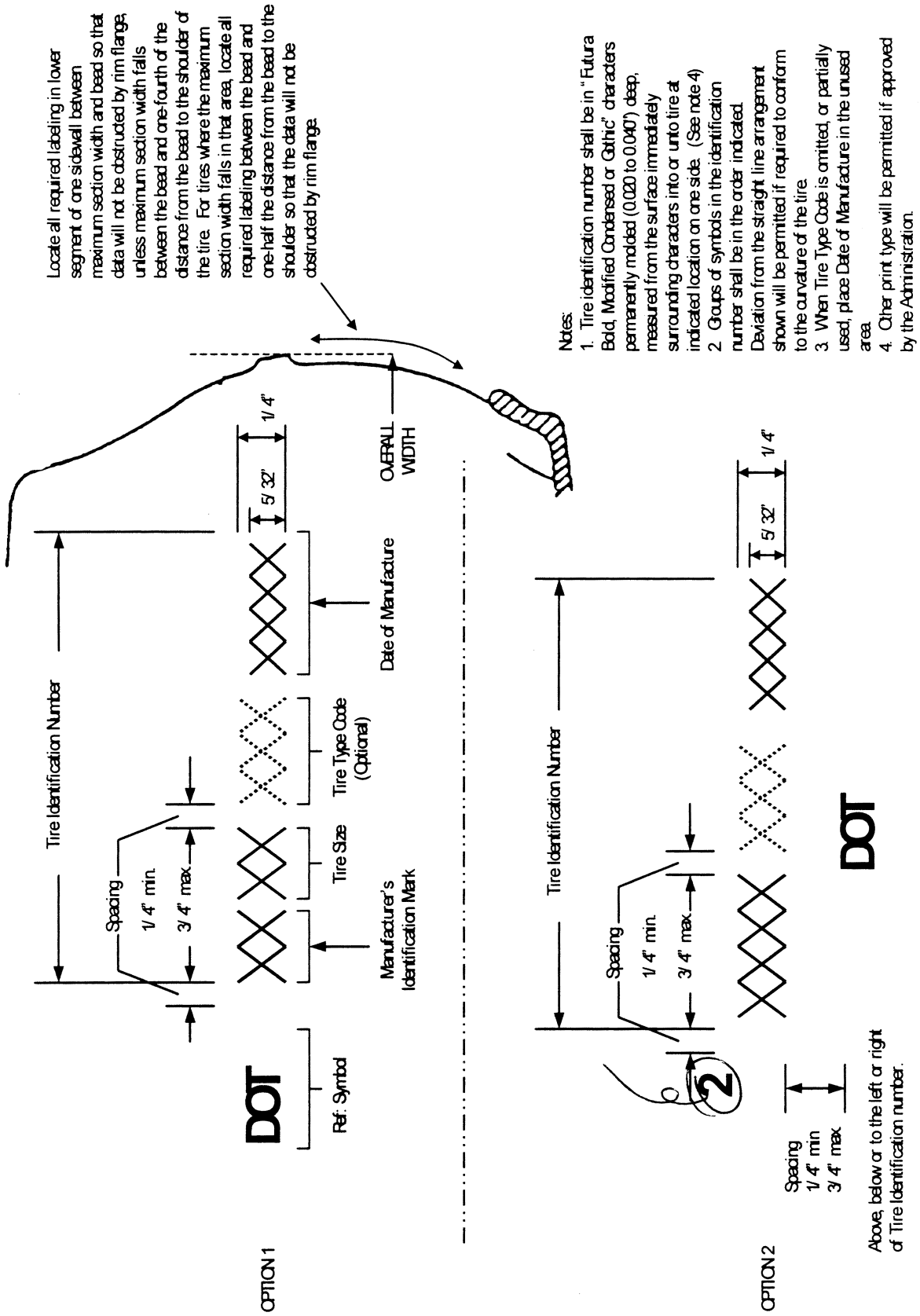

FIGURE 1: IDENTIFICATION NUMBER FOR NEW TIRES

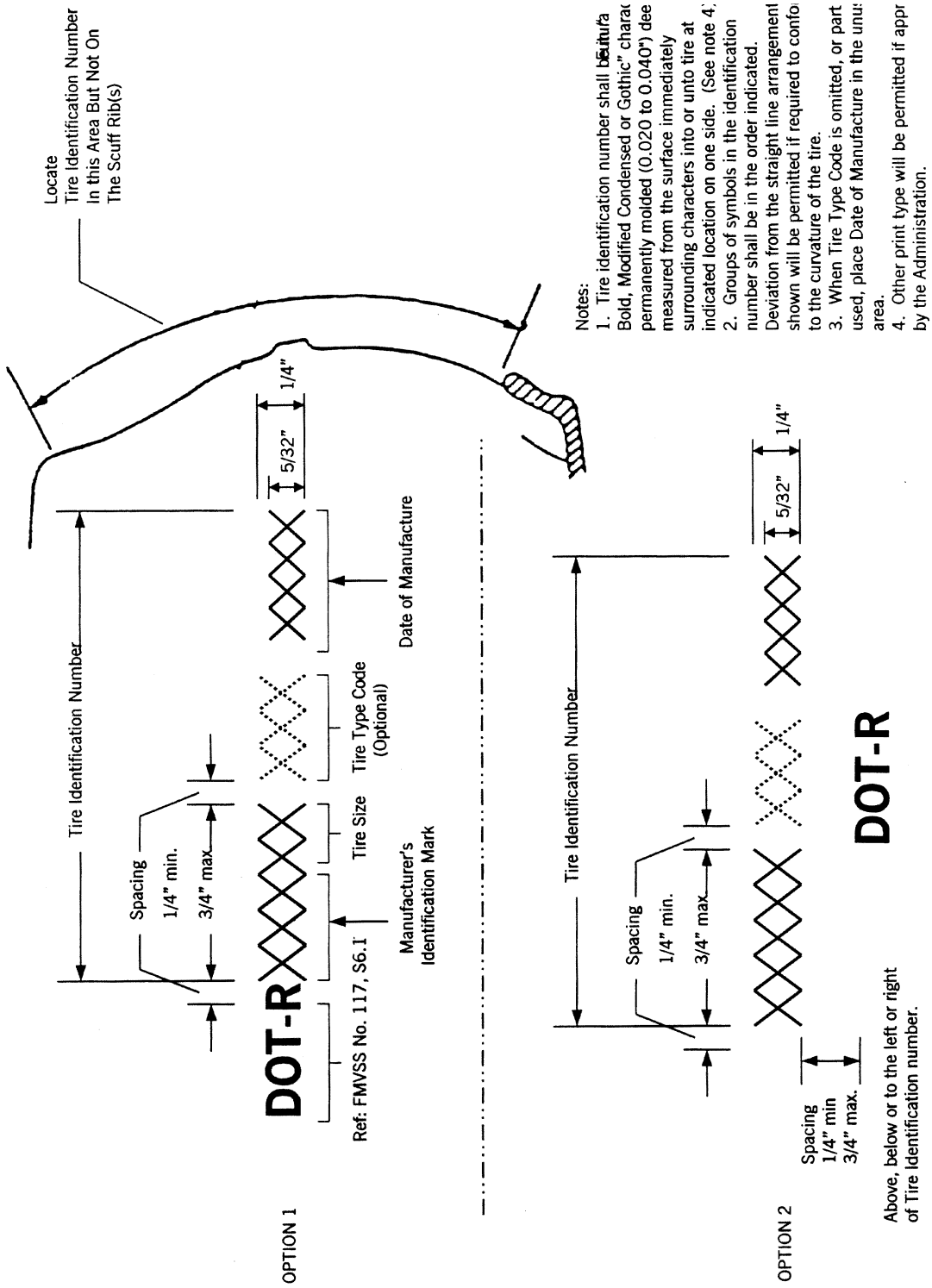

FIGURE 2. IDENTIFICATION NUMBER FOR RETREADED TIRES

Issued on October 13, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–27917 Filed 10–16–98; 8:45 am]

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