

since the tires they purchase should be tested and certified by the tire manufacturer and the potential cost impacts associated with this action should only slightly affect the price of new motor vehicles and replacement tires.

Additional information concerning the potential impacts of the requirements on small entities is presented in the FRE.

#### C. National Environmental Policy Act

NHTSA has analyzed this final rule for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

#### D. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federal implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule will not have any substantial impact on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials.

#### E. Unfunded Mandates Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or Tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted annually for inflation with base year of 1995). Adjusting this amount by the implicit gross domestic product price deflator for the year 2000 results in \$109 million ( $106.99/98.11 = 1.09$ ). The assessment may be included in conjunction with other assessments, as it is here.

This rule is not estimated to result in expenditures by State, local or tribal governments of more than \$109 million annually. However, it is likely to result in the expenditure by automobile manufacturers and/or their tire manufacturers of more than \$109 million annually. The average costs estimate in this analysis is \$3 per tire. Estimating that 32.8 percent of 287 million light vehicle tires sold annually (including new vehicle tire sales and aftermarket tires sales but excluding

temporary spare tires) results in \$3.6 to \$31.6 million in annual costs. These effects have been discussed in the FRE.

#### F. Civil Justice Reform

This final rule will not have any retroactive effect. Under 49 U.S.C. 21403, 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. 21461 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.

#### G. National Technology Transfer and Advancement Act

Under the National Technology and Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104-113), "all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments." Certain technical standards developed by the Society of Automotive Engineers (SAE) and other bodies have been considered in the formulation of these requirements, but the overall need for safety improvements precludes, in NHTSA's view, the adoption of such voluntary standards as a substitute for this rule. Voluntary consensus standards do not exist for several of the test procedures and requirements in the agency's rule. The voluntary consensus standards suggested by some commenters, such as the CRE, only address the high speed and road hazard impact aspects of tire performance. While these testing conditions and procedures in pertinent voluntary standards were considered for the agency's final rule, the specified performance requirements of the voluntary standards are either different than those specified in our final rule or are non-existent. Consideration and analysis of these standards are discussed in greater detail in section VI.C. of this document. Further, a more in-depth discussion of the agency's consideration of voluntary consensus standards or other foreign standards is

contained in section VI.F.5. of this document.

#### H. Paperwork Reduction Act

This final rule contains the following "collections of information," as that term is defined in 5 CFR part 1320 *Controlling Paperwork Burdens on the Public*:

*Rim Labeling Requirements*—The Department of Transportation is submitting the following information collection request to OMB for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35).

*Agency*: National Highway Traffic Safety Administration (NHTSA).

*Title*: Tires and Rims Labeling, and Vehicle Placard Requirements.

*Type of Request*: Modification of an existing collection, for rim markings.

*OMB Clearance Number*: 2127-0503.

*Affected Public*: The rim-labeling respondents are manufacturers of rims.

*Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information*: No change from current OMB clearance obtained by NHTSA in the year 2000, and has a current expiration date of December 31, 2003.

*Estimated Costs*: No change from current OMB clearance obtained by NHTSA in the year 2000, and has a current expiration date of December 31, 2003.

*Summary of the Collection of Information*: Each rim manufacturer must label their rim with the applicable safety information. These labeling requirements ensure that tires are mounted on the appropriate rims; and that the rims and tires are mounted on the vehicles for which they are intended. This requirement received its latest OMB clearance in the year 2000, and has a current expiration date of December 31, 2003.

The Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act of 2000 mandates a rulemaking proceeding to revise and update the safety performance requirements for tires. In response, NHTSA proposed a new Federal Motor Vehicle Safety Standard requiring all new tires for use on vehicles with a gross vehicle weight rating of 10,000 pounds or less to meet new and more stringent performance requirements. The new Federal Motor Vehicle Safety Standard (FMVSS) No. 139 is titled "New pneumatic radial tires for light vehicles." Most SUVs, vans, trailers, and pickup trucks will be required to comply with the same tire selection and rim requirements as passenger cars. FMVSS No. 120