

determined that it does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The rule has no substantial effects on the States, or on the current Federalism-State relationship, or on the current distribution of power and responsibilities among the various local officials.

#### *E. Unfunded Mandate Reform Act*

The Unfunded Mandate 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 for inflation with base year of 1995). This rule will not result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually.

#### *F. Executive Order 12778 (Civil Justice Reform)*

This rule will not have any preemptive or retroactive effect. This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The rule does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

#### *G. Paperwork Reduction Act*

The existing requirements of part 512 are considered to be information collection requirements as that term is defined by the Office of Budget and Management (OMB) in 5 CFR part 1320. Accordingly, the existing part 512 regulation was submitted to and approved by OMB pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements were approved in February, 2002 through February 28, 2005. This final rule does not revise the existing currently approved information collection under Part 512.

Commenters to the Notice of Proposed Rulemaking objected to the submission of a "third version" of information for review, a request for submitters to redact personal identifiers and certain other features of the form with which the agency had proposed the submission of information claimed to be confidential. This agency has considered and addressed these

concerns, including the number of copies to be submitted. These proposals, whether intended or otherwise interpreted, were not adopted.

#### *H. Executive Order 13045*

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. This regulatory action does not meet either of these criteria.

#### *I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) requires NHTSA to evaluate and use existing voluntary consensus standards<sup>25</sup> in its regulatory activities unless doing so would be inconsistent with applicable law (*e.g.*, the statutory provisions regarding NHTSA's vehicle safety authority) or otherwise impractical. This requirement is not relevant to this rulemaking action.

#### *J. Data Quality Act*

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (the "Data Quality Act") requires agencies to take certain affirmative steps to maximize the utility, objectivity, and integrity of data agencies disseminate to the public. This final rule establishes a series of class determinations applicable to those portions of the early warning reporting information determined likely, if released, to cause substantial competitive harm and to impair the government's ability to obtain data necessary to the operation of the agency's defect detection and remediation program. Such submissions are entitled to confidential treatment under Exemption 4 of the Freedom of Information Act.

The early warning reporting information determined not to be entitled to confidential treatment—reports of claims and notices of deaths, personal injury and property damage and some production numbers— involves factual matter and does not constitute data relied on or developed as part of a determination by the agency.

<sup>25</sup> Voluntary consensus standards are technical standards developed or adopted by voluntary consensus standards bodies. Technical standards are defined by the NTTAA as "performance-based or design-specific technical specifications and related management systems practices." They pertain to "products and processes, such as size strength, or technical performance of a product, process or material."

The remainder of the early warning information is similarly factual, but will not be disclosed to the public. This rule does not implicate Data Quality Act concerns.

#### *K. Regulation Identifier Number (RIN)*

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

#### **List of Subjects in 49 CFR Part 512**

Administrative procedure and practice, Confidential Business Information, Freedom of Information, Motor Vehicle Safety, Reporting and Record Keeping Requirements.

■ In consideration of the foregoing, the National Highway Traffic Safety Administration amends title 49, Code of Federal Regulations, by revising Part 512 as set forth below.

#### **Subpart A—General Provisions**

Sec.

- 512.1 Purpose and scope.
- 512.2 Applicability.
- 512.3 Definitions.

#### **Subpart B—Submission Requirements**

- 512.4 When requesting confidentiality, what should I submit?
- 512.5 How many copies should I submit?
- 512.6 How should I prepare documents when submitting a claim for confidentiality?
- 512.7 Where should I send the information for which I am requesting confidentiality?
- 512.8 What supporting information should I submit with my request?

#### **Subpart C—Additional Requirements**

- 512.9 What are the requirements if the information comes from a third party?
- 512.10 Duty to amend.
- 512.11 What if I need an extension of time?
- 512.12 What if I am submitting multiple items of information?
- 512.13 What are the consequences for noncompliance with this part?

#### **Subpart D—Agency Determination**

- 512.14 Who makes the confidentiality determination?
- 512.15 How will confidentiality determinations be made?
- 512.16 Class determinations.
- 512.17 How long should it take to determine whether information is entitled to confidential treatment?
- 512.18 How will I be notified of the confidentiality determination?
- 512.19 What can I do if I disagree with the determination?