

probative data upon which comparisons may be made.

NHTSA notes that if Mercedes wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device upon which that line exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions “[t]o modify an

exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.”

The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a petition for every change to the components or design of an antitheft device. The significance of many such changes could be de minimis. Therefore,

NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as de minimis, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

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Howard M. Smolkin,

Executive Director.

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