

likely to be affected by this rule are final-stage LTV manufacturers and alterers. Many of the vehicles produced by final-stage manufacturers are over 6,000 pounds GVWR. Because the rule applies only to vehicles at or below 6,000 pounds GVWR, this significantly reduces the applicability of the rule in terms of both the number of small businesses affected by the rule, and the number of vehicles produced by an affected manufacturer. Some van converters (which are "alterers") could be affected by the rule. While there are a significant number of van converters, there are probably only a small number that convert mini-vans or other vans at or under 6,000 pounds GVWR, that produce vehicle types that are subject to this rule and that also change the side structure of the vehicle (e.g., by putting a larger window in the side of the vehicle). The van converter that does so would need to certify that the altered vehicle complies with Standard 214. Van converters would be able to make their certification using means at their disposal, such as engineering analyses or sponsored testing, similar to the methods they now use to certify to dynamic and quasi-static test requirements in the FMVSSs that apply to their vehicles. (A detailed discussion of the means available to final-stage manufacturers and alterers in certifying to the dynamic test requirements adopted today are discussed in the section, "Vehicles covered by this rule," *supra*.) In view of the limitations on the applicability of this rule, and in view of the means available to manufacturers to certify their vehicles, this rule will not result in a significant economic impact on a substantial number of small entities.

c. Executive Order 12612 (Federalism)

This rulemaking action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and the agency 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. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

e. Executive Order 12778 (Civil Justice Reform)

This rule does not have any retroactive effect. Under section 49

U.S.C. 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 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. 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 parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, NHTSA amends 49 CFR Part 571 as set forth below.

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 571.214 is amended by revising S1(b) and S2, adding S3(f), and revising S5.1, S6.1, S6.11 and S7, and by adding S6.11.1 and S6.11.2 to read as follows:

§ 571.214 Standard No. 214, Side Impact Protection.

* * * * *

S1. * * *

(b) *Purpose.* The purpose of this standard is to reduce the risk of serious and fatal injury to occupants of passenger cars, multipurpose passenger vehicles, trucks and buses in side impact crashes by specifying vehicle crashworthiness requirements in terms of accelerations measured on anthropomorphic dummies in test crashes, by specifying strength requirements for side doors, and by other means.

S2. This standard applies to—

(a) Passenger cars;

(b) Effective September 1, 1993, sections S3(a), S3(e), S3.1 through S3.2.3, and S4 of the standard apply to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less, except for walk-in vans; and

(c) effective September 1, 1998, sections S3(f) and S5 of the standard apply to multipurpose passenger vehicles, trucks and buses with a GVWR

of 6,000 pounds or less, except for walk-in vans, motor homes, tow trucks, dump trucks, ambulances and other emergency rescue/medical vehicles (including vehicles with fire-fighting equipment), vehicles equipped with wheelchair lifts, and vehicles which have no doors or exclusively have doors that are designed to be easily attached or removed so the vehicle can be operated without doors.

* * * * *

S3. * * *

(f) When tested according to the conditions of S6, each multipurpose passenger vehicle, truck and bus manufactured on or after September 1, 1998, shall meet the requirements of S5.1, S5.2, and S5.3 in a 33.5 miles per hour impact in which the vehicle is struck on either side by a moving deformable barrier. A part 572, subpart F test dummy is placed in the front outboard seating position on the struck side of the vehicle, and if the vehicle is equipped with rear seats, then another part 572, subpart F test dummy is placed on the outboard seating position of the second seat on the struck side of the vehicle. However, the second seat requirements do not apply to side-facing seats or to vehicles that have second seating areas that are so small that the part 572, Subpart F dummy can not be accommodated according to the positioning procedure specified in S7.

* * * * *

S5.1 *Thorax.* The Thoracic Trauma Index (TTI(d)) shall not exceed:

(a) 85 g for a passenger car with four side doors, and for any multipurpose passenger vehicle, truck, or bus; and,

(b) 90 g for a passenger car with two side doors, when calculated in accordance with the following formula: $TTI(d) = 1/2 (G_R + G_{LS})$

The term " G_R " is the greater of the peak accelerations of either the upper or lower rib, expressed in g's and the term " G_{LS} " is the lower spine (T12) peak acceleration, expressed in g's. The peak acceleration values are obtained in accordance with the procedure specified in S6.13.5.

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S6.1 *Test weight.* Each vehicle is loaded to its unloaded vehicle weight, plus 300 pounds or its rated cargo and luggage capacity (whichever is less), secured in the luggage or load-carrying area, plus the weight of the necessary anthropomorphic test dummies. Any added test equipment is located away from impact areas in secure places in the vehicle. The vehicle's fuel system is filled in accordance with the following procedure. With the test vehicle on a level surface, pump the fuel from the