

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>(5) <i>Data Submittals</i>: Records of operating conditions and analytical data from Condition (3) must be compiled, summarized, and maintained on site for a minimum of five years. These records and data must be furnished upon request by EPA, or the State of Oklahoma, or both, and made available for inspection. Failure to submit the required data within the specified time period or maintain the required records on site for the specified time will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA. All data must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted:</p> <p>Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. § 1001 and 42 U.S.C. § 6928), I certify that the information contained in or accompanying this document is true, accurate and complete.</p> <p>As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete.</p> <p>In the event that any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.</p> <p>(6) <i>Reopener Language</i></p> <p>(a) If McDonnell Douglas discovers that a condition at the facility or an assumption related to the disposal of the excluded waste that was modeled or predicted in the petition does not occur as modeled or predicted, then McDonnell Douglas must report any information relevant to that condition, in writing, to the Regional Administrator or his delegate within 10 days of discovering that condition.</p> <p>(b) Upon receiving information described in paragraph (a) from any source, the Regional Administrator or his delegate will determine whether the reported condition requires further action. Further action may include revoking the exclusion, modifying the exclusion, or other appropriate response necessary to protect human health and the environment.</p> <p>(7) <i>Notification Requirements</i>: McDonnell Douglas must provide a one-time written notification to any State Regulatory Agency to which or through which the delisted waste described above will be transported for disposal at least 60 days prior to the commencement of such activity. The one-time written notification must be updated if the delisted waste is shipped to a different disposal facility. Failure to provide such a notification will result in a violation of the delisting petition and a possible revocation of the decision.</p>
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 567

[Docket No. NHTSA-99-5074]

RIN 2127-AG65

Vehicle Certification; Contents of Certification Labels for Multipurpose Passenger Vehicles and Light Duty Trucks; Correction

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

ACTION: Correction to final rule.

SUMMARY: In a final rule published on February 11, 1999, at 64 FR 6815, NHTSA amended its regulations on vehicle certification to require the certification label for multipurpose passenger vehicles (MPVs) and trucks with a gross vehicle weight rating (GVWR) of 6,000 pounds or less to specify that the vehicle complies with all applicable Federal motor vehicle safety and theft prevention standards. This final rule was incorrectly identified as "Docket No. NHTSA-99-5047." The docket number should be corrected to read "Docket No. NHTSA-99-5074." Any petitions for reconsideration of this final rule should reference the docket number as corrected by this notice.

Issued on: February 23, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR 571

[Docket No. NHTSA-99-5123]

RIN 2127-AH55

Federal Motor Vehicle Safety Standards; Light Vehicle Brake Systems

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

ACTION: Interim final rule; request for comments.

SUMMARY: Lucas Varity Light Vehicle Braking Systems (LVBS), a subsidiary of Lucas Varity Automotive of Livonia, MI, submitted a petition for reconsideration and for certain other modifications to the hydraulic brake standard. The petitioner first asked NHTSA to delay the compliance date of the antilock brake system (ABS) malfunction indicator lamp (MIL) activation protocol of the standard until September 1, 2002. The protocol is currently scheduled to become mandatory on and after March 1, 1999. Second, the petitioner asked NHTSA to continue in effect the existing lamp activation protocol and extend that protocol to all hydraulically-braked vehicles.

LVBS argued that the new lamp activation protocol presents significant compliance problems both for manufacturers and original equipment (OEM) customers. LVBS was also concerned about what it perceived as lack of coordination between the hydraulic brake standard and the light vehicle braking systems standard.

In order to provide LVBS and other manufacturers similarly situated sufficient time to design and test systems that will comply with the MIL activation protocol set forth in the recent amendments to the hydraulic brake standard, NHTSA has decided to delay the mandatory compliance date of the new MIL activation requirements from March 1 until September 1, 1999. This amendment is being issued as an interim final action given the short time remaining before the current March 1, 1999 compliance date. NHTSA also solicits comments on this amendment.

DATES: *Effective date:* The amendment made by this interim final rule is effective February 26, 1999.

Comments: Submit your comments on this interim final rule early enough so that they will be received in Docket Management on or before April 27, 1999.

ADDRESSES: Refer in your comments to the docket number noted in the heading and submit your comments to: Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. The docket room is open from 10:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

For technical issues: Mr. Jeffrey Woods, 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) 366-6206; 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:

Background

On March 10, 1995 NHTSA published a final rule amending Federal Motor Vehicle Safety Standard (Standard) Nos. 105, *Hydraulic and electric brake systems* and 121, *Air brake systems* (60 FR 13216) (hereinafter referred to as the "ABS final rule").¹ The ABS final rule requires medium and heavy hydraulic and air-braked vehicles to be equipped with an ABS that directly controls the wheels of at least one front axle and the wheels of at least one rear axle.

The ABS final rule amended Standard No. 105 to require, among other things, that each vehicle with a gross vehicle weight (GVWR) of over 10,000 pounds (lbs) (4,536 kilograms (kg)) be equipped with an ABS MIL. Paragraph S5.3.3(a) of Standard No. 105, as amended, requires the MIL to activate when a condition specified in S5.3.1 exists and remain activated as long as the condition exists, whenever the ignition switch is in the "on" position, whether or not the engine is running. The lamp must not activate, however, when the system is

functioning properly, except as a check of lamp function whenever the ignition is first turned to the "on" position.

Paragraph S5.3.3(b) of Standard No. 105, as amended, requires that each message of a malfunction in the ABS be stored after the ignition switch is turned to the "off" position and automatically reactivated when the ignition switch is again turned to the "on" position. That activation is in addition to the required check of lamp function whenever the ignition is turned to the "on" position.

The American Automobile Manufacturers Association (AAMA), the Truck Trailer Manufacturers Association (TTMA), the American Trucking Association (ATA), and brake manufacturers Rockwell WABCO and Midland-Grau, among others, submitted petitions for reconsideration of the ABS final rule. They requested in pertinent part that the agency define a pre-existing malfunction as a malfunction that existed when the ignition was last turned to the "off" position. The agency granted that request and amended paragraph S5.3.3(b) accordingly (60 FR 63965, December 13, 1995).

NHTSA received 13 petitions for reconsideration of the December 13, 1995 final rule, including those from Ford Motor Company, General Motors, Kelsey-Hayes (now LVBS), and the Recreational Vehicle Industry Association addressing the MIL activation protocol. In its January 1996 petition for reconsideration, Kelsey-Hayes requested that NHTSA reconsider the MIL activation protocol. Kelsey-Hayes requested that the MIL be allowed to remain activated until a low-speed drive away allows the system to verify that the vehicle's wheel speed sensors were functioning properly. NHTSA responded to those petitions for reconsideration by final rule of March 16, 1998 (63 FR 12660) declining to amend the activation lamp protocol. The agency stated that the standardized protocol would enable Federal and state safety inspectors to determine the operational status of a vehicle's ABS without the vehicle moving; would preclude confusion among drivers as to how the MIL functions; and would be consistent with Economic Commission for Europe (ECE) requirements, thereby promoting international harmonization.

The Petition

On October 16, 1998, LVBS, formerly Kelsey-Hayes, submitted a petition for reconsideration,² asking NHTSA to

¹ NHTSA published 3 final rules on that date that amended the brake standards for medium and heavy vehicles. In addition to the ABS final rule, one reinstates stopping distance requirements for air-braked heavy vehicles and the other establishes stopping distance requirements for hydraulic-braked heavy vehicles (60 FR 13286 and 13297 respectively).

² Although LVBS styled its petition as a petition for reconsideration, in the text of the petition LVBS stated that it petitions the Administrator of NHTSA "pursuant to the provisions of 49 CFR, Part 552."