amendments to the Income Tax Regulations under sections 1291, 1293, 1295 and 1297 of the Internal Revenue Code. A notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing appearing in the **Federal Register** on Friday, anuary 2, 1998, (63 FR 39), announced that a public hearing would be held on Thursday, April 16, 1998, beginning at 10 a.m., in room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC 20224.

The public hearing scheduled for Thursday, April 16, 1998, is cancelled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 98–9569 Filed 4–10–98; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 98–36; FCC 98–40]

Assessment and Collection of Regulatory Fees For Fiscal Year 1998

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; correction.

SUMMARY: This document corrects the numbering of numerous footnotes in a proposed rule published in the **Federal Register** of April 2, 1998, regarding assessment and collection of regulatory fees for fiscal year 1998.

FOR FURTHER INFORMATION CONTACT: Terry Johnson, Office of Managing Director at (202) 418–0445.

Correction

In FR Doc. 98–8459, 63 FR 16188, April 2, 1998, beginning on page 16198 renumber footnotes 51A through 122 to read 52 through 134.

Dated: April 7, 1998.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–9579 Filed 4–10–98; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. NHTSA–98–3381, Notice 1]

RIN 2127–AG53

Consumer Information Regulations; Utility Vehicle Label

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify the existing warning label required in multipurpose passenger vehicles (other than those which are passenger car derivatives) with a wheelbase of 110 inches or less advising drivers that the handling and maneuvering characteristics of these vehicles require special driving practices. The proposed replacement label uses bright colors, graphics, and short bulleted text messages, rather than the current text-only format. NHTSA believes these amendments make the information more understandable to consumers and increase the chance that the labels can affect driver behavior to reduce rollovers. The notice also requests comment on changes to the location requirements for the label and the corresponding owner's manual requirement.

DATES: *Comment Date:* Comments must be received by June 12, 1998.

Proposed Effective Date: If adopted, the proposed amendments would become effective 180 days following publication of the final rule.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. (Docket Room hours are 10 a.m.–5 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For labeling issues: Mary Versailles, Office of Planning and Consumer Programs, NPS–31, telephone (202) 366–2057, facsimile (202) 366–4329.

For general rollover issues: Gayle Dalrymple, Office of Crash Avoidance Standards, NPS–20, telephone (202) 366–5559, facsimile (202) 366–4329.

For legal issues: Steve Wood, Office of Chief Counsel, NCC–20, telephone (202) 366–2992, facsimile (202) 366–3820.

SUPPLEMENTARY INFORMATION:

I. The Rollover Crash Problem [1]

Rollover crashes are a serious motor vehicle safety problem, accounting for 29 percent of all light duty vehicle fatalities.[2] From 1991 through 1994, an average of 8,857 occupants of light duty vehicles died in rollover crashes annually.[3] These fatal rollover crashes occurred with all types of vehicles; the greatest number occurred in small passenger cars, followed by small pickup trucks.

The focus of public attention, however, has been on sport utility vehicles because this type of vehicle is involved in rollover-related occupant deaths more often (on a per-vehicle basis) than other vehicle types. Sport utility vehicles experience 98 rollover fatalities for every million vehicles registered,[4] more than twice the rate of all vehicle types combined—47 deaths per million registered vehicles (although small pickup trucks have a similar fatal rollover rate—93 deaths per million registered vehicles).

This does not mean, however, that sport utility vehicles are unsafe. The overall fatality rate (considering front, rear, side and rollover crashes) for sport utility vehicles is 163 fatalities per million registered vehicles, compared to 169 for all light duty vehicles combined. Small pickup trucks have the highest overall fatality rate, at 217 fatalities per million registered vehicles, followed by small cars, at 200.

II. Existing Utility Vehicle Rollover Warning Label

NHTSA currently requires multipurpose passenger vehicles (MPVs) (other than those which are passenger car derivatives) with a wheelbase of 110 inches or less (utility vehicles) to have a label advising drivers that the handling and maneuvering characteristics of these vehicles require special driving practices (49 CFR 575.105). The label must be permanently affixed in a location in the vehicle which is ''prominent and visible

[1] A complete summary of the statistics used in this section can be found in the document titled ''Status Report for Rollover Prevention and Injury Mitigation, May 1996,'' in Docket 91–68–N05.

[2] Light duty vehicles are passenger cars, pickup trucks, vans, and sport utility vehicles with a gross vehicle weight rating of 10,000 pounds or less. Vans and sport utility vehicles are both considered multipurpose passenger vehicles for purposes of NHTSA regulations.

[3] 1991–1994 average from Fatality Analysis Reporting System (FARS).

[4] Fatality rates given are averages of 1991–1994 rates, using fatality data from FARS and vehicle registration data from R.L. Polk and Company, which was limited to the 14 most recent model years at the time of the Status Report.

to the driver.'' A common location used by manufacturers is the sun visor. No minimum size requirements are specified. The label must be ''printed in a typeface and color which are clear and conspicuous.'' The label must include the following or similar language:

This is a multipurpose passenger vehicle which will handle and maneuver differently from an ordinary passenger car, in driving conditions which may occur on streets and highways and off road. As with other vehicles of this type, if you make sharp turns or abrupt maneuvers, the vehicle may roll over or may go out of control and crash. You should read driving guidelines and instructions in the Owner's Manual, and WEAR YOUR SEAT BELTS AT ALL TIMES.

Utility vehicles are also required to have information in the owner's manual accompanying the vehicle.

III. Related Rulemakings/Actions

A. Proposed Rollover Comparative Information Label

On June 28, 1994, NHTSA published a notice of proposed rulemaking (NPRM) to require vehicle manufacturers to provide consumers with information on the vehicle's resistance to rollover, in the form of a label that would be affixed to new vehicles and information in the owner's manual (59 FR 33254). The label would be required on all passenger cars, trucks and MPVs with a gross vehicle weight rating of 10,000 pounds or less. The comment period closed August 29, 1994.

The NPRM noted that the agency was considering two vehicle measurements; tilt table angle and critical sliding velocity. Tilt table angle is the angle at which the last uphill tire of the vehicle lifts off a platform as the platform is increasingly tilted. Critical sliding velocity is a measure of the minimum lateral (sideways) vehicle velocity required to initiate rollover when the vehicle is tripped by something in the roadway environment, e.g., a curb. The NPRM stated that the agency might select one of the two measurements to appear on the label, or might require the label to contain a nonquantitative statement concerning the vehicle's resistance to rollover based on one or both of the measurements. An example of the later proposal would be the star rating system used in NHTSA's New Car Assessment Program.

During the comment period, Congress enacted the Department of Transportation and Related Agencies Appropriations Act, 1995 (Pub. L. 103–331; September 30, 1994). In that Act, Congress gave NHTSA funds ''for a study to be conducted by the National Academy of Sciences (NAS) of motor vehicle safety consumer information needs and the most cost effective methods of communicating this information.'' The Act directed NAS to complete its study by March 31, 1996. The Act also included the following language: ''In order to ensure that the results of the study are considered in the rulemaking process, the conferees agree that NHTSA shall not issue a final regulation concerning motor vehicle safety labeling requirements until after the NAS study is completed.'' As a result of this language, NHTSA deferred action on the proposed expanded vehicle rollover stability labeling until the NAS study was done. The NAS Study was completed and released to the public on March 26, 1996. It is titled Shopping for Safety—Providing Consumer Automotive Safety Information, TRB Special Report 248. (This report is discussed further in section III–C below.)

On June 5, 1996, NHTSA reopened the comment period on the 1994 NPRM to allow interested parties to comment on the NAS study and how that study should be reflected in NHTSA's decisions on the rollover comparative information proposal. (61 FR 28560). The agency also asked for comments on the possibility of a new rulemaking action to improve the existing utility vehicle rollover warning label.

Few comments to the June 5, 1996 notice reopening the comment period on the 1994 NPRM directly address the issue of upgrading the current utility vehicle rollover warning label.

One manufacturer, Volkswagen (VW) stated that extending the requirement to other vehicles was not justified. The National Automobile Dealers Association (NADA) stated that appropriate revisions to the utility vehicle label may be justified, but extension to other vehicles was not. The Center for Auto Safety, an organization that believes only a minimum performance standard could address the rollover problem, does not believe that improving the existing label would help reduce rollover fatalities and injuries.

NHTSA wishes to note that this proposal to improve the existing utility vehicle rollover warning label is an additional activity and does not affect the status of either the 1994 proposal for a comparative information label or an August, 1996 petition for rulemaking from the Consumers Union to establish a standard to reduce the risk of steering-induced or maneuver-induced rollovers.

B. Air Bag Labels

On November 27, 1996, NHTSA published a final rule amending the requirements for air bag warning labels in vehicles and on child seats (61 FR 60206).[5] As part of the process leading to this amendment, the agency conducted focus groups to test public reaction to possible changes to the labels. NHTSA believes that the use of focus groups in this rulemaking helped to ensure that the information on the labels was understandable to consumers and increased the chance that the labels would affect consumer behavior. Based on its experience in upgrading the air bag warning labels, the agency decided to explore the possibility of upgrading the utility vehicle label using focus groups also.

C. Shopping for Safety

On May 20, 1997, NHTSA published a request for comments on its response to the National Academy of Sciences' study Shopping for Safety (62 FR 27648). The notice also requests comments on programs NHTSA has begun or is considering to address the recommendations of the study. The NAS study focused primarily on providing comparative information regarding vehicles, and makes only small reference to warning labels. However, the NAS study does generally address the issue of rollover and the need to improve existing consumer information. The comment closing date for the NAS notice was August 18, 1997. To the extent that proposals in this notice respond to recommendations of the NAS study, it will be noted.

D. Suzuki Petition

On May 15, 1997, American Suzuki Motor Corporation (Suzuki) petitioned NHTSA to modify the existing utility vehicle label to include the following language:

If, for any reason, your vehicle slides sideways or spins out of control at highway speeds, the risk of rollover is greatly increased. This condition can be created when two or more wheels drop off onto the shoulder and the driver steers sharply in an attempt to reenter the roadway. To reduce the risk of rollover in these circumstances, if conditions permit, hold the steering wheel firmly and slow down before pulling back into the travel lanes with controlled steering movements.

Suzuki also asked the agency to amend the requirement to require the label in all light trucks, not just utility vehicles. NHTSA considers the Suzuki petition moot, as the requested actions are already under consideration by NHTSA in several open rulemakings, including this rulemaking, regarding consumer information on rollover

[5] Corrected December 4, 1996 (61 FR 64297), December 11, 1996 (61 FR 65187), and January 2, 1997 (62 FR 31).

prevention, and in other agency consumer information activities. The Suzuki petition was placed in Docket 91–68 Notice 6, and its requests pertinent to this rulemaking action will be addressed in this notice.

IV. Focus Groups

In June 1996, NHTSA conducted a series of six focus groups to examine ways of improving the utility vehicle label. The Final Report, dated August 1996, has been placed in the docket for this rulemaking. Two focus groups were conducted in the Washington, DC area; two in Amarillo, Texas; and two in Denver, Colorado. Three focus groups were composed of persons 17 to 25 years old (two all male and one all female), and three were a mix of ages and gender. Three of the groups were composed of persons who owned, or drove at least once a week, a utility vehicle or pickup truck. One group was composed of persons interested in purchasing or leasing a utility vehicle. Two groups were composed of a mixture of persons who owned a utility vehicle or a pickup truck and persons who were interested in purchasing or leasing such vehicles.

The two groups in the DC area were shown Labels 1 through 4 in the Focus Group Report. Based on comments and suggestions from those groups, the Amarillo and Denver groups were also shown Labels 5 through 7 in the Focus Group Report. Conclusions were:

- Generally, graphics and bright colors were preferred over text. Any text should be short and to the point.
- Placement of the label would depend on whether the label was temporary or permanent. Bright colors were less preferred for permanent labels. Some said a temporary label would be removed immediately.
- A number of additional ways of disseminating information were recommended.

With regard to the actual content of the label, virtually all participants felt it must be attention getting. The following recommendations were made:

- Use two visuals rather than three
  - use (1) seat belt and (2) vehicle rolling over with arrow
  - make vehicle look more like a truck or SUV
  - no consensus on including a person
- Use minimal wording
  - ''Danger'' instead of ''Warning''
  - ''Higher risk''
  - ''Always wear your seat belt''
- Use bright, eye-catching colors
  - yellow letters on black background
  - white ''Danger'' on red background

Based on these recommendations, the contractor developed three recommended labels, Labels 8 through 10 in the Focus Group Report.

V. Proposed Utility Vehicle Label

Based on its experience in the rulemaking to improve the air bag warning labels and the results of the focus groups, NHTSA is proposing changes to the existing utility vehicle label. Proposed Labels 1 through 3 in this document were developed by NHTSA using the three labels recommended in the Focus Group Report. As explained below, NHTSA modified those labels to replace the word ''danger'' with the word ''warning'' on all proposed labels, to change the color of proposed Label 1 to reflect an ANSI standard, and to change the color of proposed Label 2 to reflect the colors used for the new air bag warning labels. The colors used in proposed Label 3 reflect the colors used in all of the recommended labels in the Focus Group Report. Color copies of the three proposed labels can be obtained by contacting Ms. Versailles as indicated in the section titled **FOR FURTHER INFORMATION CONTACT**.

Except for the signal word as discussed below, the new label may be based on an adaptation of the three proposed labels in this notice. NHTSA asks for comments on preferences in graphics and wording shown on these labels. NHTSA may choose to combine elements of these labels in a new label, rather than choosing one as currently illustrated. All of the recommendations in the focus group report are being considered.

The results of the rollover focus groups and other focus groups the agency has conducted consistently have found that labels like the existing utility vehicle label and the label suggested by Suzuki (long text, no graphics) are less likely to be read than labels with minimal wording and graphics. Accordingly, the three labels proposed for consideration in this notice all have graphics and short text.

NHTSA notes that the signal word and colors used for the recommended labels in the Focus Group Report are based on the reactions and comments of the focus group participants to the sample labels they were shown. Neither the signal word ''danger'' nor the colors harmonize with the ANSI standard for product safety signs and labels (ANSI Z535.4).

The ANSI standard specifies the use of different signal words, i.e., ''danger,'' ''warning,'' and ''caution,'' to communicate information about different levels of hazard. ''Danger'' is for the highest level of hazard; ''caution'' for the lowest level of hazard. The word ''danger'' is used to indicate an imminently hazardous situation which will result in death or serious injury if not avoided. The word ''warning'' is used to indicate a potentially hazardous situation which could result in death or serious injury. The word ''caution'' is used to indicate a potentially hazardous situation which could result in minor or moderate injury. Given that the air bag warning label uses the word ''warning,'' the agency would prefer to use that word for this label also, despite the focus group preference. For this reason, the sample labels have been changed to use the word ''warning.''

The ANSI standard also color codes messages for the different levels of hazard. For the header, it specifies a red background with white text for ''danger,'' an orange background with black text for ''warning,'' and a yellow background with black text for ''caution.'' Pictograms should be black on white, with occasional uses of color for emphasis. Message text should be black on white. If the agency were to follow the ANSI standard, it would propose the color appropriate for ''a potentially hazardous situation which could result in death or serious injury.'' In other words, it would propose the color orange instead of the color yellow for the header.

The discrepancy between the preferences of the focus groups regarding utility vehicle labeling and the ANSI standard raises the more general issue of the circumstances in which it is appropriate in its rulemaking not to follow standards established by voluntary consensus standards organizations. Under the National Technology Transfer and Advancement Act of 1995 (NTTAA), Federal agencies must consider and adopt the use of ''voluntary consensus standards'' to implement their ''policy objectives or activities,'' unless doing so would be ''inconsistent with applicable law or otherwise impractical.'' A ''voluntary consensus standard'' is defined as a technical standard developed or adopted by a legitimate standards-developing organization (''voluntary consensus standards body''). According to NTTAA's legislative history, a ''technical standard'' pertains to ''products and processes, such as the size, strength, or technical performance of a product, process or material''. Further, a voluntary consensus standards organization under the NTTAA is one that produces standards by consensus and observes the principles of due process, openness, and balance of interests.

Consistent with the NTTAA, NHTSA requests comments on the extent that any final choice regarding colors and signal words should be guided by the focus group preferences rather than the ANSI standard. NHTSA requests comments also on the broader issue of the circumstances in which it would be appropriate for agency rulemaking decisions to be guided by focus group results or other information when such information is contrary to a voluntary consensus standard such as the ANSI standard. NHTSA notes that, for the air bag warning labels, NHTSA followed the ANSI standard, except with respect to the use of the color orange for the background of the heading when the word ''warning'' was used. This was because of an overwhelming focus group preference for the color yellow as opposed to the color orange. The choice by that focus group was not an isolated event. In a number of recent rulemakings, participants in focus groups have chosen a word or color based on how eye-catching it is without regard to the degree of danger or risk being addressed.

To assist the reader in commenting on the use of color, two of the labels recommended in the focus group report have been modified; the first to use the colors specified by the ANSI standard for ''warning,'' and the second to use the colors used by the agency for air bag warning labels. The third label illustrates the color combination used in all the focus group labels.

NHTSA has received a petition for reconsideration of the final rule requiring new air bag warning labels from the American Automobile Manufacturer's Association (AAMA). The petition asks the agency to allow both the air bag warning label and the utility vehicle label to be on the front of the driver's sun visor. The petition argues that the existing utility vehicle label does not include requirements for color and graphics, and therefore, is unlikely to attract attention from the air bag warning label. If this proposal to upgrade the utility vehicle label is adopted, this will no longer be the case. NHTSA is requesting comment on possible changes to the location of either the air bag label or the utility vehicle label. In particular, NHTSA requests comment on whether placement of the labels on the same side of the visor would enhance or diminish the impact of either message.

Currently, NHTSA specifies that the utility vehicle label be ''permanently affixed to the instrument panel, windshield frame, driver's side sun visor, or in some other location in each vehicle prominent and visible to the driver.'' (49 CFR 575.105(c)(1)) One option NHTSA is considering is retaining this requirement, with the existing prohibition against the utility vehicle label and the air bag warning label being on the same side of the sun visor. If a manufacturer chose to continue placing the utility vehicle label on the sun visor, the manufacturer would have to place the air bag warning label on the back of the sun visor, and place the air bag alert label on the front of the sun visor with the utility vehicle label. Another option would be to keep the existing utility vehicle location requirements, and to remove the prohibition against placing the utility vehicle label on the same side of the sun visor as the air bag warning label.

The final option NHTSA is considering is amending the utility vehicle location requirement to prohibit the utility vehicle label from being on the sun visor. In its petition regarding the air bag warning label, AAMA said that other locations on the interior of the vehicle did not have sufficient space for the utility vehicle label. NHTSA asks for comments on whether locations would be available if NHTSA amends the current location requirement only to prohibit the label from being affixed to a sun visor. NHTSA also asks for comments on whether the utility vehicle label would attract attention from the air bag warning label at any location in the vehicle interior, including a location on the same side of the sun visor as the air bag warning label. If a commenter believes that any location currently specified would be distracting, NHTSA asks for comments on other locations which would be easily seen by the driver. One location raised by comments on the air bag label rulemaking and being considered by NHTSA is the lower, rear corner of the driver's side door window, legible from the vehicle exterior. This location would be unobtrusive once the driver was in the vehicle, but would be easily and regularly seen when entering the vehicle.

NHTSA also asks for comments on whether a size should be specified for the label. In its petition on the air bag warning label final rule, AAMA stated that utility vehicle labels are 117 x 50 mm. Since the regulation does not specify a size for the label, NHTSA assumes that this is typical of the size label used by AAMA's member companies. NHTSA asks for comment on whether this size is typical of the industry as a whole.

Next, NHTSA asks for comments on possible changes to the owner's manual information requirement. The current requirement specifies the following or similar language:

> Utility vehicles have higher ground clearance and a narrower track to make them capable of performing in a wide variety of off-road applications. Specific design characteristics give them a higher center of gravity than ordinary cars. An advantage of the higher ground clearance is a better view of the road allowing you to anticipate problems. They are not designed for cornering at the same speeds as conventional 2-wheel drive vehicles any more than low-slung sports cars are designed to perform satisfactorily under off-road conditions. If at all possible, avoid sharp turns or abrupt maneuvers. As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or vehicle rollover.

Shopping for Safety recommends that communication of vehicle safety measures be accomplished through a hierarchically organized approach. Using the NAS recommended crashworthiness rating as an example, this would involve a vehicle label with highly summarized information, an accompanying brochure with more detailed explanation of the summary measure and how it was arrived at, and a handbook with complete comparisons. This recommendation is based on the fact that consumers differ in the amount of information they want and can manage. Based on this recommendation, NHTSA believes consideration should be given to including additional information in the owner's manual on rollover to supplement the label.

Such information could include: statistical information comparing the rollover risk of utility vehicles with other light passenger vehicles, statistical information demonstrating the lower risk of fatality or injury if seat belts are worn, information on the types of situations that can result in a rollover, and information on how to properly recover from a driving scenario that could result in rollover.

Alternatively, NHTSA believes that manufacturers may voluntarily want to supplement the strong language on the proposed labels with explanatory material in the owner's manual. Given that, NHTSA is concerned that any requirement specifying the information that must be included, including the current requirement, may be unnecessarily restrictive. In part, this is because NHTSA is concerned that vehicle differences may make some advice inappropriate for all vehicles.

NHTSA requests comments on three possible approaches to an owner's manual information requirement: (1) Retain the current owner's manual information requirement, (2) specify that information on design features

which may make a vehicle more likely to rollover (e.g., higher center of gravity) and driving practices which can reduce the risk that a rollover will occur (e.g., avoiding sharp turns) or which can reduce the likelihood of death or serious injury if a rollover occurs (e.g., wearing seat belts) be included in the owner's manual without specifying the exact content of such information, or (3) specify the inclusion of information beyond what is now specified. If a commenter believes this requirement should be more specific, NHTSA requests that the comment include a list of the specific information that should be required.

Finally, NHTSA asks for comments on the issue of extending the utility vehicle label requirement to all light trucks (trucks, buses, and MPVs) or to any subset of this category (for example, all utility vehicles). While VW and NADA believe an extension to other vehicles is not justified, Suzuki believes the requirement should be extended to all light trucks. NHTSA recognizes that pickup trucks also have a higher rollover fatality rate than passenger cars, however, vans (classified as either MPVs or buses under NHTSA regulations) have a lower rollover fatality rate than small passenger cars. In addition, given that there is an outstanding rulemaking on a comparative information label for rollover, should NHTSA consider extending the requirement to other vehicles before that rulemaking is concluded?

NHTSA believes that this proposal would result in minimal cost for manufacturers and consumers. A label and owner's manual information is already required for utility vehicles. Therefore, the cost of printing the label, the owner's manual pages, and installation of the label should be the same, even if the information is changed. The only cost would be a one-time cost to change production to the new label or new owner's manual pages. NHTSA also believes that 180 days leadtime would be sufficient for these changes. NHTSA required a shorter leadtime for the changes to the air bag warning labels and manufacturers were able to install new labels by the deadline.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' This action has been determined to be not ''significant'' under the Department of Transportation's regulatory policies and procedures. As explained above, NHTSA believes that this proposal would result in minimal cost for manufacturers and consumers. As this is a proposal to change an existing requirement, the only cost would be a one-time cost to change production to the new label or new owner's manual pages.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. As explained above, NHTSA believes this proposal would have minimal economic impact.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96–511), there are no requirements for information collection associated with this proposed rule.

National Environmental Policy Act

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposed rule would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This proposed rule would not have any retroactive effect. Under 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.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 2 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, it is proposed that 49 CFR part 575 be amended as follows:

PART 575—CONSUMER INFORMATION REGULATIONS

1. The authority citation for part 575 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, and 30123; delegation of authority at 49 CFR 1.50.

§ 575.105 [Amended]

2. Section 575.105 would be revised to read as follows:

§ 575.105 Vehicle rollover.

(a) *Purpose and scope.* This section requires manufacturers of utility vehicles to alert drivers that such vehicles have a higher possibility of rollover than other vehicle types and that driving practices can be used to reduce the possibility of rollover and/or to reduce the likelihood of injury in a rollover.

(b) *Application.* This section applies to multipurpose passenger vehicles (other than those which are passenger car derivatives) which have a wheelbase of 110 inches or less and special features for occasional off-road operation (''utility vehicles'').

(c) *Required Information.* (1) *Vehicle Label.* Each manufacturer shall permanently affix a vehicle label in a location specified in paragraph (c)(1)(i) or (ii) of this section. The label shall conform in size, content, color, and format to the label shown in Figure 1.

[For the convenience of the reader, this notice includes Figures 1–3, which duplicate Figures 8–10 from the focus group report except as noted in the preamble. If this proposal is adopted, the final rule will contain a single Figure 1. In addition, as discussed in the preamble, the agency's preference for a signal word is ''warning,'' rather than ''danger'' as illustrated.]

(i) The instrument panel, windshield frame, driver's side sun visor, or in some other location in each vehicle prominent and visible to the driver; or,

(ii) The lower rear corner of the forwardmost window on the driver side of the vehicle, legible from the vehicle exterior.

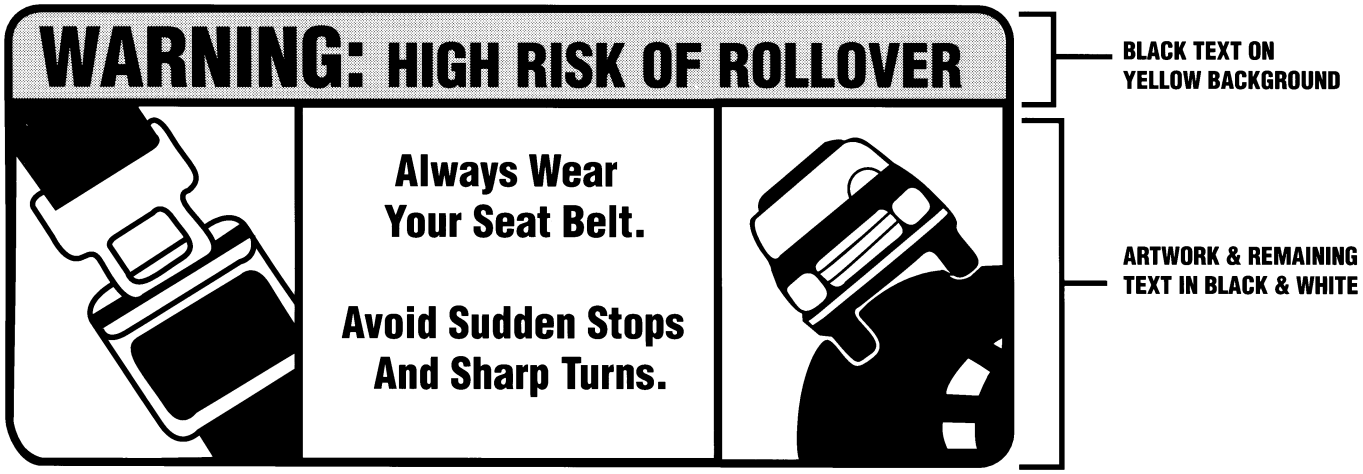
(2) *Owner's Manual.* The vehicle owner's manual shall include:

(i) Information identifying those design features which may cause utility vehicles to roll over or go out of control in certain driving conditions and explaining why those features may have that effect; and,

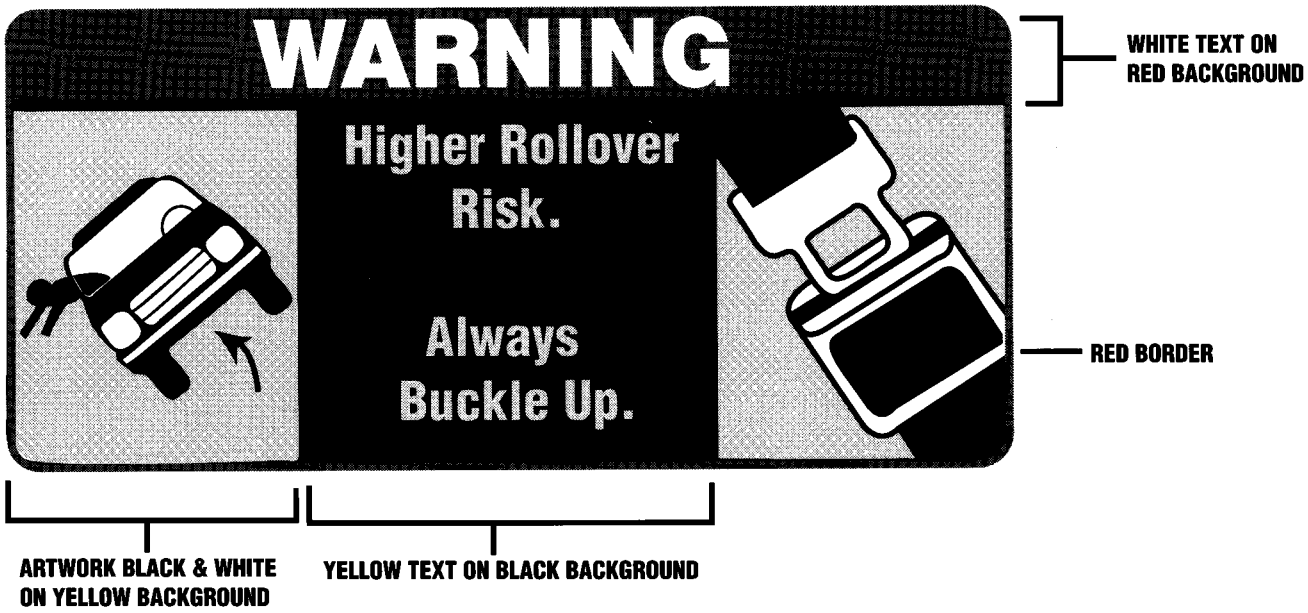
(ii) Driving guidelines which can help prevent vehicle roll over or loss of control and which can help reduce the likelihood of death or serious injury if the vehicle rolls over or goes out of control.

BILLING CODE 4910–59–P

LABEL 1



LABEL 2



LABEL 3

Issued on April 7, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–9574 Filed 4–9–98; 8:45 am]

BILLING CODE 4910–59–C