DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 98–3866]

RIN 2127–AG96

Consumer Information Regulations: Uniform Tire Quality Grading Standards

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM) proposes to amend the treadwear testing procedures under the Uniform Tire Quality Grading Standards (UTQGS). To ensure the consistency of the treadwear grades from one year to the next, the agency must monitor the changing roughness of the test course, periodically calculate a base course wear rate (BCWR), and adjust measured tire wear rates accordingly. To monitor the test course, the agency uses special tires designated as course monitoring tires (CMTs).

The agency is proposing to change the computation of the BCWR used in calculating the treadwear grade of passenger car tires. Under the proposed amendments, there would be a direct comparison of the wear rates of course monitoring tires (CMT) used as the control standard and candidate tires, i.e, the tires being tested for the purposes of grading. This direct comparison would result in more consistent treadwear ratings by compensating for any changes or variations in CMT characteristics. NHTSA proposes to measure the wear rate of CMTs 4 times per year and using the average wear rate from the last 4 quarterly CMT tests as a basis for the BCWR. NHTSA further proposes to require, subject to the exception in the following sentence, that CMTs used to determine wear rate be no more than 6 months old at the commencement of the test and that the difference in the production dates of those tires be not greater than 3 months. If tires more than 6 months old are used in the wear rate test, their average wear rate must be reduced by 10 percent.

DATES: Comment closing date: Comments on this notice must be received on or before August 4, 1998.

Proposed effective date: If adopted, the amendments proposed in this notice would become effective 60 days after the date of publication of the final rule in the **Federal Register**.

ADDRESSES: Comments should refer to the docket and notice numbers noted above for this rule and be submitted to: Docket Management, Room PL–401, 400 Seventh Street SW, Washington, DC 20590. Docket room hours are from 10:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For technical issues: Mr. Orron Kee, Chief, Consumer Programs Division, Office of Planning and Consumer Programs, National Highway Traffic Safety Administration, 400 Seventh Street SW, Room 5320F, Washington, DC 20590; telephone (202) 366–0846; FAX (202) 493–2739.

For legal issues: Mr. Walter K. Myers, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW, Room 5219, Washington, DC 20590; telephone (202) 366–2992; FAX (202) 366–3820.

SUPPLEMENTARY INFORMATION:

a. Background

Current Provisions. Section 30123(e) of Title 49, United States Code requires the Secretary of Transportation to prescribe a uniform system for grading motor vehicle tires to assist consumers in making informed choices when purchasing tires. Pursuant to that congressional mandate, NHTSA promulgated the Uniform Tire Quality Grading Standards (UTQGS) in 49 CFR 575.104.

The UTQGS require tire manufacturers and tire brand name owners to test and grade their tires with respect to their relative treadwear, traction, and temperature resistance performance. Treadwear grades are shown by numbers, such as 100, 160, and 200, while the traction grade is indicated by AA, A, B, and C, with AA representing the highest performance characteristics and C the lowest. The temperature resistance grade is indicated by the letters A, B, and C, with A representing the best performance and C indicating the minimum level of performance necessary to comply with Federal motor vehicle safety standards.

Treadwear grades are developed first by running the tires being graded, called ''candidate tires,'' over a selected 400-mile segment of public highway near San Angelo, Texas. After an 800-mile ''break-in'' run, the candidate tires are driven over the test course for a total of 6,400 miles in test convoys composed of 4 passenger cars and/or light truck vehicles. Each driver remains in the same position within the convoy. The vehicles are rotated among the 4 positions in the convoy regularly as are the positions of the tires on the test vehicles so that the tires get equal time with each driver, each vehicle, and each wheel position.

Special tires known as ''course monitoring tires'' (CMT) are used as the control in grading candidate tires. CMTs are specially designed and built to American Society for Testing and Materials (ASTM) standard E1136 to have particularly narrow limits of variability. Until the amendments to the UTQGS published in a final rule on September 9, 1996 (61 FR 4737), whenever NHTSA procured a new batch, or lot, of CMTs, the agency established a new BCWR for that lot. The BCWR, measured in mils per thousand miles, was established by running tires from the new lot of CMTs over the 6,400-mile test course, in the same manner as candidate tires, with tires from the previous batch of CMTs. A course severity adjustment factor (CSAF) for the CMTs was determined by dividing the BCWR for the old CMTs by the average wear rate of the old CMTs in the test. The wear rate of the new CMTs was then multiplied by the CSAF to determine the adjusted wear rate (AWR) of the new CMTs. That value then became the BCWR for the new CMTs.

Once the BCWR for the new CMTs was established, these CMTs were used to grade candidate tires. Upon completion of the 6,400-mile test, the BCWR was divided by the average wear rate of the CMTs to determine the CSAF for the candidate tires. That factor was then applied to the wear rates of the candidate tires to obtain the AWR of the candidate tires. That AWR was then extrapolated to the point of wearout (considered to be 1/16th inch of remaining tread depth). The resultant value was then converted to the treadwear rating of the tire.

The BCWR was originally intended to provide a common baseline by which to grade candidate tires by relating all new CMTs to the original lot of CMTs. However, NHTSA noted that the BCWRs of successive new lots of CMTs steadily declined over the years. The trend has been that every time that a fresh CMT of the next lot was tested in the same convoy with an example of the old CMT from storage, the fresh CMT consistently experienced a lower wear rate than the old CMT running in the same convoy. The first lot of CMTs procured by the agency in 1975 were commercially-available Goodyear Custom Steelguards which yielded a BCWR of 4.44. The lot procured by the agency in 1995 produced a BCWR of 1.34. Table I shows the consistent decline in each new lot of CMTs.

TABLE I.—CMT WEAR RATE AND BASE COURSE WEAR RATE ADJUSTMENT FACTORS

Year	Manufacturer	Series	Measured wear rate	CSAF	Adj. wear rate	BCWR
1975	Goodyear	(1)	4.44	1.0	4.44	4.44
1979	Goodyear	(1)	4.08	1.09	4.44	.....
1979	Goodyear	(2)	3.82	1.09	4.16	4.16
1980	Goodyear	(2)	5.29	0.79	4.16	.....
1980	Goodyear	(3)	4.76	0.79	3.74	3.74
1984	Goodyear	(3)	4.22	0.89	3.74	.....
1984	Uniroyal	4000	3.27	0.89	2.90	2.90
1987	Uniroyal	4000	5.96	0.49	2.90	.....
1987	Uniroyal	71000	4.56	0.49	2.22	2.22
1989	Uniroyal	71000	5.01	0.44	2.22	.....
1989	Uniroyal	91000	4.84	0.44	2.14	2.14
1991	Uniroyal	91000	6.24	0.34	2.14	.....
1991	ASTM E1136	010000	4.94	0.34	1.70	1.70
1991	ASTM E1136	010000	6.96	0.24	1.70	.....
1992	ASTM E1136	110000	6.65	0.24	1.62	1.62
1992	ASTM E1136	110000	5.83	0.28	1.62	.....
1992	ASTM E1136	210000	5.60	0.28	1.56	1.56
1993	ASTM E1136	210000	7.21	0.22	1.56	.....
1993	ASTM E1136	310000	68.0	0.22	1.47	1.47
1995	ASTM E1136	310000	6.47	0.23	1.47	.....
1995	ASTM E1136	410000	5.91	0.23	1.34	1.34

[1] Batch 1.
[2] Batch 2.
[3] Batch 3.

In replacing CMTs from the original lot of CMTs procured in 1975, it should be noted that the greatest difference in the AWR between nominally identical CMTs of different ages was about 30 percent occurring in 1987 when the old CMTs had been stored for about 3 years. On the other hand, the least difference in the AWR between nominally identical CMTs of different ages was about 4 percent occurring in the second 1992 replacement when the old CMT had been stored less than a year. Table I also shows that the treadwear rate disadvantage of the aged CMTs at replacement varied considerably from a linear relationship with age. Presumably, therefore, the rate may be exacerbated by actual batch differences of the commercial tires used as CMTs prior to 1991.

The significance of the decrease in the BCWR rate was that as the BCWR decreased, the treadwear grades of candidate tires increased. Consequently, the newer treadwear grades have increased to the point that they have become a misleading indicator of actual tread life when compared to tires tested with higher BCWRs.

To correct this problem, the agency froze the BCWR at 1.34 mils in the final rule of September 9, 1996. The agency believed that freezing the BCWR at that figure would significantly reduce, if not eliminate, any variation in the grading between lots. Further, the agency believed that the use of ASTM E1136 tires that are produced with strict quality control would also contribute to reduction of any lot-to-lot variations. NHTSA stated, however, that it had requested the assistance of the ASTM F9 committee in devising a better treadwear test and that it would request data in a future rulemaking on the effects of tire aging on treadwear performance and storage procedures to reduce aging.

b. Discussion

The previous computations of the BCWR as described above were based on the unstated assumption that the tires in a lot of CMTs were not affected by aging. Thus, it was assumed that the last-remaining old CMTs in storage were identical in inherent treadwear performance to the first tires of the same lot whose treadwear rates were measured when they were fresh. NHTSA now has reason to believe that may not in fact be true.

Treadwear tests of convoys containing tires from the same lines of radial, bias and bias-belted tires differing in age by one year are discussed in NHTSA research. See Brenner, et al., *Establishment and Calibration of a Tread Wear Test Course*, Tire Science and Technology, Vol. 3, No. 3, August 1975, at page 174. The purpose of the tests, which included tires partially worn at the beginning of the tests, was to confirm that the treadwear characteristics of tires with different pre-test histories remained sufficiently linear to permit accurate tread life projections after 6,400 miles of testing by comparing their tread life after 8,000 miles of testing. The tests concluded that of the nominally identical tires, those that had been stored approximately one year in unspecified circumstances, presumably at the test course at San Angelo, had an 8 to 13 percent shorter tread life than their fresher counterparts.

The strength of an aging effect sufficient to account for all of the decline in the BCWR since 1975 may be estimated using the following equation in which it is assumed that all differences between CMTs are the result of aging:

(1) New BCWR = old BCWR × [(measured wear rate of new CMTs)/(measured wear rate of old CMTs in convoy)].

This produces a gross estimation that does not take into account the different storage lengths of the aged CMTs.

Equation (2) designates BCWRs of different generations of CMTs with subscripts m and n, with subscript of 1 referring to the original 1975 CMT and a subscript of 11 referring to the latest generation:

(2) $BCWR_m = BCWR_n \times [(\text{wear rate of fresh CMT})/(\text{wear rate of aged CMT})]^{m-n}$

Let m=11 and n=1 to account for all the observed change in BCWR. Therefore:

$1.34 = 4.44 \times [(\text{wear rate of fresh CMT})/(\text{wear rate of aged CMT})]^{(10)}$

Solving for the wear rate ratio yields:

[(wear rate of fresh CMT)/(wear rate of aged CMT)] = 0.887 or

[wear rate of aged CMT)/(wear rate of fresh CMT)] = 1.127

Thus, an average of 12.7 percent degradation of tread life during an average storage period of approximately 2 years would account for nearly all the change in BCWR during the existence of the UTQGS program. This would be consistent with the earlier agency observations of 8 to 13 percent degradation during about 1 year of storage. It should be noted, however, that year-to-year variations in BCWR could have been affected by actual batch differences and/or real changes in treadwear characteristics when the brand and line of tires used as CMTs were changed.

To confirm NHTSA's previous test data, the agency contracted with Texas Test Fleet, Inc. to conduct a 52,000 mile test in eight 6,400 mile cycles between November 7, 1996 and February 28, 1997 under guidelines set forth by the agency's Office of Vehicle Safety Compliance (see Texas Test Fleet, *Critical Evaluation of UTQG Treadwear Testing & Methodology*, DOT HS 808–701, March 10, 1997). The test was conducted on the UTQGS test course near San Angelo, Texas. The objective of the test was to determine the real wear rate of CMTs by running a tightly-controlled UTQGS specification test to wearout or near wearout. The break-in phase sought to include all the rapid changing, fast wearing, early wear of the tire and prepare it for a constant wear period in which a straight-line wear rate could be established from which the mileage could be projected, the effects of aging could be measured, and the treadwear grade established. In making the treadwear projection, the agency assumed that CMT wear rates during the test period may not be truly linear because modern radial tires have such a long tread life that the 6,400 mile UTQGS treadwear test may involve only 10 percent or less of the tire's tread life.

A set of 4 ASTM E1136 CMTs manufactured during the 26th week of 1996 (26–6) was used to run the entire 52,000 miles of the test and were designated the control standard for the other tires that started at the beginning of the test. Two sets of tires on 2 cars started the test and ran half way (26,000 miles). Different tires were installed on those 2 cars at the halfway point for the second half of the test, and a fifth car was started at the same time with 26–6 controls for the remainder of the test. The 26–6 and the 45–5 (45th week, 1995) tires were not stored in the San Angelo warehouse as were the 30–5 (30th week, 1995) and 09–4 (9th week, 1994) tires, but in a cave in Missouri that has a constant temperature. The 26–6 tires used in the second half of the test wore more rapidly (7.060 MPTM) than the 26–6 tires used in the first half of the test, which wore at 6.364 mils. 09–4 CMTs also exhibited a relatively high wear rate of 7.773. The wear rates at 6,400 miles for the tires used in the test are shown in Table II.

TABLE II

Manufacture date	Test start date	Wear rate @ 6,400 miles
26th Week of 1996 (26–6) (Cave)	11/11/96	6.364
45th Week of 1995 (45–5) (Cave)	11/11/96	6.547
30th Week of 1995 (30–5) (San Angelo)	11/11/96	6.968
09th Week of 1994 (09–4) (San Angelo)	1/25/97	7.733
26th Week of 1996 (26–6) (Cave)	1/25/97	7.060

The effect on aging on 45–5 (cave), 30–5 (San Angelo), and 09–4 (San Angelo) CMT tires compared to the 26–6 (cave) control standard are shown in Table III.

TABLE III

Tires	Ave. WR/confidence interval 0–6,400 miles	Ave. WR/confidence interval 6,400–12,800 miles	Cumul. W.R./confidence interval to 12,800 miles	Ave. WR/confidence interval 12,800–19,200 miles	Ave. WR/confidence interval 19,200–25,600 miles
45–5 Cave	3% Higher/0.871	6% Higher/0.999	5% Higher/0.996	1.2% Higher/0.714	1.5% Higher/0.531.
30–5 SA	10% Higher/0.997	10% Higher/0.999	10% Higher/0.999	5% Higher/0.993	3.8% Higher/0.927.
09–4 SA	9% Higher/0.998	8.5% Higher/0.999	8.8% Higher/0.999	4% Higher/0.93	10% Higher/0.999.

The agency found from this series of tests that compared with the 26–6 CMTs (19 weeks old), the 45–5 cave-stored tires (34 weeks older than the 26–6) displayed about 3 percent higher wear rate at 6,400 miles with marginal statistical significance because of scatter of the 26–6 group. However, those 45–5 tires displayed over 6 percent higher wear in the 6,400–12,800 mile interval with high statistical significance and 5 percent higher cumulative wear to 12,800 with high statistical significance, but the effect diminished for intervals after 12,800 miles. The 30–5 San Angelo-stored tires (about 1 year older) displayed about 10 percent higher wear at 0–6,400 and 6,400–12,800 mile intervals with high statistical significance, but the effect reduced to about 5 percent at the 12,800–19,200 mile interval. Finally, the 09–4 San Angelo-stored tires, over 2 years older than 26–6, displayed about 10 percent higher wear to 25,600 miles with no sign of diminishing.

The agency concluded from the tests that tires typical of the remaining CMTs at batch changeover exhibited about 10 percent greater wear rates than reasonably fresh ASTM tires. Thus, the 11 batch changeovers with this systemic error could explain most of the BCWR variations to date, although some real changes in test pavement and control tire properties have undoubtedly occurred. The test also revealed that every comparison between a newer tire and an older tire favored the newer tire, usually with high statistical significance. Further, cave storage appears to have a big advantage over open storage considering the 0–6,400 mile interval.

Previous tire manufacturer suggestions to change the treadwear test were based at least in part on the belief that, for modern tires, the San Angelo test course is too mild, making the tread wear during the 6,400 mile test insufficient to make reliable projections to wearout. The Texas Test Fleet test established, however, that tread life projections for the commercial tires

based on the usual UTQGS procedure at 6,400 test miles fell within about 10 percent of projections made at mileages of up to 25,600 test miles and even 52,100 test miles for two of the tested tire lines. Therefore, increasing the UTQGS procedure from 6,400 to 26,400 miles would not appreciably change any projections. To demonstrate this conclusively, the agency would need additional extended testing with a variety of commercial tires to make a statistically valid decision on whether the 6,400 mile test is adequate. The results of the Texas Test Fleet tests, however, would not justify more testing since the projections for the four commercial tire lines at higher mileages are within 10 percent of the 6,400 mile projections and vary somewhat randomly around those projections. The tread life projections at different mileages are shown in Table IV.

TABLE IV.—TREAD LIFE PROJECTIONS

[% of 6,400 Mile Projections]

Phase I					Phase II			
26–6 CMT (Cave)	45–5 (Cave)	30–5 (SA)	Brand A	Brand B	26–6 CMT (Cave)	09–4 (SA)	Brand C	Brand D
Projected From Linear Regression at 6,400 Miles								
47,100	45,532	42,693	55,900	72,800	46,650	42,825	32,500	32,500
Projected From Linear Regression at 12,800 Miles								
47,026 (99.8%)	44,420 (97.5%)	42,009 (98.3%)	51,824 (92.7%)	72,127 (99.0%)	46,239 (99.0%)	42,207 (98.5%)	32,510 (100%)	32,653 (100%)
Projected From Linear Regression at 19,200 Miles								
47,982 (101%)	46,071 (101%)	43,847 (102%)	52,701 (94.2%)	68,818 (94.5%)	47,833 (102%)	44,481 (103%)	33,851 (104%)	33,747 (102%)
Projected From Linear Regression at 25,600 Miles								
50,300 (106%)	48,419 (106%)	46,012 (107%)	54,000 (96.6%)	67,200 (92.3%)	49,964 (107%)	46,439 (108%)	35,169 (108%)	34,907 (107%)
Projected From Linear Regression at 32,000 Miles								
52,880 (112%)			55,902 (100%)	64,995 (89.2%)				
Projected From Linear Regression at 38,400 Miles								
54,690 (116%)			58,219 (104%)	68,513 (94.1%)				
Projected From Linear Regression at 44,800 Miles								
56,598 (120%)			60,018 (107%)	69,766 (95.8%)				
Projected From Linear Regression at 51,200 Miles								
58,190 (123%)			61,190 (109%)	70,562 (96.9%)				

Agency Proposal

As previously stated, in the final rule of September 9, 1996, NHTSA froze the BCWR at 1.34 mils for ASTM E1136 tires used as CMTs. The need to consider batch-to-batch variations in CMT properties is greatly reduced, if not eliminated, by use of the ASTM E1136 tires which are specifically constructed to avoid variations between batches.[1] The agency believes that any errors introduced by ASTM tires would remain randomly distributed and smaller than that for commercial tires because of the rigidly-controlled manufacturing process. Thus, the use of fresh ASTM tires constructed under a controlled procedure effectively eliminates systematic differences between lots. They are subject only to random differences which, if any, should average to zero over repeated tests.

NHTSA believes that the use of a BCWR determined by using fresh ASTM tires with aged ASTM tires is inappropriate. Rather, the BCWR should reflect the yearly mean wear rate imposed on fresh CMTs by the test course pavement and driving conditions. The conclusion that aging increases the wear rate of tires implies that comparing the wear rate of fresh candidate tires to the wear rate of aged control tires inflates the treadwear rating because, as discussed above, CMTs one year old have experienced significant degradation in treadwear properties. Thus, the use of CMTs no more than 6 months old in test convoys should limit systematic effects. The agency believes that fresh ASTM tires should be run seasonally, that is, 6,400 miles 4 times per year, then define the

[1] The designation E1136 refers to the standard specification of materials and construction practices codified by ASTM as suitable for control tires for scientific experimentation.

BCWR as the average treadwear rate of the last 4 tests of the E1136 tires. Thus, the aging effect would be eliminated by using only fresh CMTs.

Finally, NHTSA wants to develop a valid CMT replacement procedure in case ASTM tires become subject to changes in ASTM design specifications or become unavailable. Such a procedure would also enable the agency to test the assumption of batch uniformity of ASTM-specification tires.

NHTSA proposes, therefore, that treadwear ratings should be determined by using ASTM E1136 CMTs produced not more than 6 months prior to the beginning of the test. Further, there should be no more than 3 months difference in production dates between those CMTs. If CMTs older than 6 months are used, their average wear rate must be reduced by 10 percent, based on test experience. This latter option permits older tires to be used for the convenience of the tester, but not as a means of achieving higher treadwear ratings for candidate tires. Finally, the agency further proposes to test fresh CMTs 4 times per year over the standard 6,400 mile test course and define the BCWR as the average treadwear rate of the last 4 tests of the E1136 tire. The BCWR will be updated quarterly.

To implement the proposals discussed above, the formula for determining the UTQGS grade would be changed and the grade (P) of the NHTSA nominal treadwear value for each candidate tire computed using the following formula:

$$P = \text{projected mileage} \times 100 \times BCWR_n / 30{,}000 \times 1.34$$

Where $BCWR_n$ = New BCWR, i.e. average treadwear of last 4 quarterly CMT tests done by NHTSA

or

$$P = \text{projected mileage} \times BCWR_n / 402$$

This simplified equation eliminates the ''30,000'' figure that is no longer accurate as a treadwear mileage estimate after the years of BCWR drift. This new grade calculation also preserves the current grade numbers to avoid any discontinuity.

In view of NHTSA's proposals discussed above, it would appear unnecessary to restrict manufacturers to NHTSA's storage facility for the procurement of CMTs. It would be faster, easier, more efficient, and possibly more economical for testers to procure ASTM tires directly from the manufacturer. It would benefit NHTSA also by permitting the agency to discontinue the practice of warehousing and distributing CMTs. To ensure that testers are using CMTs that are less than 6 months old, NHTSA personnel at the San Angelo test site will review the production dates of CMTs used by testers to verify that test fleets are using fresh tires.

Rulemaking Analyses and Notices

a. Executive Order 12866 and DOT Regulatory Policies and Procedures

This document was not reviewed under Executive Order 12866, *Regulatory Planning and Review*.

NHTSA has analyzed the impact of this rulemaking action and has determined that it is not ''significant'' under the DOT's regulatory policies and procedures. This proposed action would change the equation for determining the base course wear rate for course monitoring tires used in the testing of tires for compliance with the Uniform Tire Quality Grading Standards. This proposed action, if finalized, would not impose any additional costs on tire manufacturers, distributors, or dealers. Rather, it would permit tire manufacturers greater flexibility in their testing programs and could result in slightly lower costs by permitting them to procure course monitoring tires directly from the manufacturer rather than from NHTSA. Further, it could save NHTSA the time, trouble, and expense of warehousing such tires and selling them to manufacturers for use by the latter in their testing programs. Nevertheless, the agency believes that any net cost savings would be minimal, therefore not warranting preparation of a full regulatory evaluation.

b. Regulatory Flexibility Act

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act, 5 U.S.C. § 601, *et seq.* I hereby certify that this notice of proposed rulemaking would not have a significant impact on a substantial number of small entities.

The following is the agency's statement providing the factual basis for the certification (5 U.S.C. § 605(b)). The amendments proposed herein would primarily affect manufacturers of passenger car tires. The Small Business Administration (SBA) regulation at 13 CFR part 121 defines a small business in part as a business entity ''which operates primarily within the United States'' (13 CFR 121.105(a)).

SBA's size standards are organized according to Standard Industrial Classification (SIC) codes. SIC code No. 3711, *Motor Vehicles and Passenger Car Bodies*, has a small business size standard of 1,000 or fewer employees. SIC code No. 3714, *Motor Vehicle Parts and Accessories*, has a small business size standard of 750 or fewer employees.

The amendments proposed in this rulemaking action merely change the testing procedure for and calculation of the treadwear grade under the Uniform Tire Quality Grading Standards. The purpose of this new procedure is to arrest the treadwear grade inflation that has been experienced over the past several years. The amendments, if adopted, would possibly require NHTSA to conduct additional testing to determine the base course wear rate from which treadwear grades are calculated by tire manufacturers. The amendments, however, would not impose any additional requirements or burdens on tire manufacturers, the great majority of which would not qualify as small businesses under SBA guidelines. Thus, the proposed new procedures, if adopted, would not result in any increase in costs for tire manufacturers, small businesses, or consumers. Accordingly, there will be no significant impact on small businesses, small organizations, or small governmental units by the amendments proposed herein. Thus, the agency has not prepared a preliminary regulatory flexibility analysis.

c. Executive Order No. 12612, Federalism

NHTSA has analyzed this rulemaking action in accordance with the principles and criteria of E.O. 12612 and 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 and has determined that implementation of this rulemaking action would not have any significant impact on the quality of the human environment.

e. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, Pub.L. 96–511, NHTSA states that there are no information collection requirements associated with this rulemaking action.

f. Civil Justice Reform.

The amendments proposed herein would not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state or political subdivision thereof may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle only if the standard is identical to the Federal standard. However, the United States government, a state or political

subdivision of a state may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the Federal standard. Section 30161 of Title 49, U.S. Code sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. A petition for reconsideration or other administrative proceedings is not required before parties may file suit in court.

Comments

Interested persons are invited to submit comments on the amendments proposed herein. It is requested but not required that any such comments be submitted in duplicate (original and 1 copy).

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

If a commenter wishes to submit certain information under a claim of confidentiality, 3 copies of the complete submission, including the purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address noted above, and 1 copy from which the purportedly confidential information has been deleted should be submitted to Docket Management. A request for confidentiality should be accompanied by a cover letter setting forth the information called for in 49 CFR Part 512, *Confidential Business Information.*

All comments received on or before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available to the public for examination in the docket at the above address both before and after the closing date. To the extent possible, comments received after the closing date will 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 today's proposal will be available for public inspection in the docket. NHTSA will continue to file relevant information in the docket after the comment closing date, and it is recommended that interested persons continue to monitor the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rule 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 information, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 575 would 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, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 575.104 would be amended by revising paragraph (e)(2)(ix)(C) and by revising paragraph (e)(2)(ix)(F) to read as follows:

§ 575.104 Uniform tire quality grading standards.

* * * * *

(e) * * *

(2) * * *

(ix) * * *

(C) Determine the course severity adjustment factor by assigning a base course wear rate to the course monitoring tires (see note to this paragraph) and dividing the rate by the average wear rate for the four course monitoring tires.

Note to paragraph (e)(2)(ix): The base wear rate for the course monitoring tires will be obtained by the government by running fresh ASTM E1136 course monitoring tires for 6,400 miles over the San Angelo, Texas, UTQGS test route 4 times per year, then using the average wear rate from the last 4 quarterly tests for the base course wear rate calculation. Each new base course wear rate will be filed in the DOT Docket Management section. This value will be furnished to the tester by the government at the time of the test. The course monitoring tires used in a test convoy must be no more than 6 months old at the commencement of the test and no more than 3 months different from each other in production dates at the commencement of the test. If course monitoring tires more than 6 months old are used in the test, their calculated average wear rate must be reduced by 10 percent.

* * * * *

(F) Compute the grade (P) of the NHTSA nominal treadwear value for each candidate tire by using the following formula:

P = Projected mileage $\times$ base wear rate$_n$/ 402

Where base wear rate$_n$ = new base wear rate, i.e., average treadwear of the last 4 quarterly course monitoring tire tests conducted by NHTSA.

Round off the percentage to the nearest lower 20-point increment.

* * * * *

Issued on May 21, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–14109 Filed 6–4–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 594

RIN 2127–AH26

[Docket No. NHTSA 98–3781; Notice 1]

Schedule of Fees Authorized by 49 U.S.C. 30141

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes fees for Fiscal Year 1999 and until further notice, as authorized by 49 U.S.C. 30141, relating to the registration of importers and the importation of motor vehicles not certified as conforming to the Federal motor vehicle safety standards (FMVSS).

NHTSA proposes that the fee for the registration of a new importer be reduced from $501 to $491, and the fee for annual renewal of registration be increased from $332 to $350. These fees include the costs of maintaining the registered importer program. The fee required to reimburse the U.S. Customs Service for bond processing costs would increase by $0.25, from $5.15 to $5.40 per bond.

The fee payable for a petition seeking a determination that a nonconforming vehicle is capable of conversion to meet the FMVSS would remain at $199 if the petition claims that the nonconforming vehicle is substantially similar to conforming vehicles. With respect to vehicles that have no substantially similar counterpart, the petition fee would remain at $721. In addition, the fee payable by the importer of each vehicle that benefits from an eligibility determination would be reduced from $134 to $125, regardless of whether the determination is made pursuant to a petition or by NHTSA on its own