

First, the total number of rollovers is, to a large degree, related directly to the number of vehicles on the road. Thus, everything else being equal, two make/models with equivalent rollover propensity could have vastly different numbers of rollovers based solely on variations in the on-road fleet of each make/model. Therefore, the total number of rollovers is insufficient on its own to assess risk. Risk assessment is based on normalized populations and expected outcomes, and can be best accomplished using the agency's long-accepted metric, "first-event single-vehicle rollovers per single-vehicle crash."

Secondly, the agency used first-event single-vehicle rollovers as its measure because these crashes focus more on the handling and stability aspects of vehicle performance than do all rollovers combined. Subsequent event rollovers, which were included in the petitioner's extrapolation, generally result from multiple-vehicle collisions and collisions with objects such as utility poles, guardrails, etc., where the inherent handling and stability of each vehicle plays a lesser role due to the presence of forces exerted upon the vehicle by its collision partner.

The use of first-event single-vehicle rollovers per single-vehicle crash has been the focus of most serious efforts to relate vehicle roll stability measures to real-world vehicle rollover propensity. The agency subscribes to this approach, and believes that this measure is an effective way to focus on the contribution of vehicle stability to rollover propensity, while the total number of rollovers experienced by a particular make/model is not.

#### 9.0 Findings

1. An analysis of rollover complaints in the ODI consumer database reveals a sharp decrease in Bronco II rollover complaints since EA89-013 was closed. Additionally, an analysis of ODI rollover complaints received since 1994 on peer vehicles does not suggest that the subject vehicles have an abnormally high rollover propensity compared to other sport utility vehicles.

2. Earlier analyses of rollover propensity demonstrated that the Bronco II first-event single-vehicle rollover rate was consistent with that of its peers, and the recently updated analyses, using both state and NASS data, confirm this finding.

3. FARS data indicate that the subject vehicles have a percentage of first-event single-vehicle rollover fatal crashes (out of all fatal single vehicle crashes) and a percentage of first-event single vehicle rollover fatalities (out of all fatalities in single vehicle crashes) that are substantially higher than that of five peer vehicles, although the results for the Bronco II are somewhat similar to those for the Toyota 4Runner.

4. The Bronco II had a similar number of fatalities per involved occupant in first-event single-vehicle rollover crashes when compared to the Jeep Cherokee and possibly to the Toyota 4Runner, and had more fatalities per involved occupant in first-event single-vehicle rollover crashes when compared to three other peer vehicles. This suggests that if a first-event single-vehicle

rollover occurs, there is more likely to be a fatality in a Bronco II than in some, but not all, of its peers.

5. A review of FARS data between 1991 and 1996 describing occupant ejection path did not indicate a difference between the Bronco II and its peers, in part because most ejection paths were coded "unknown" in FARS.

6. A detailed review of the 47 NASS cases in which there was a Bronco II first-event single-vehicle rollover did not permit an identification of a "most probable" occupant ejection path.

7. In analyses conducted by Ford, the Bronco II's first-event single-vehicle rollover rate, measured as a proportion of the number of registered vehicles, is similar to that of several of its sport utility vehicle peers, pickups and a passenger car. In a logistic regression analysis which controlled for driver and roadway variables, a duplication of NHTSA's EA89-013 analysis using newer data, the Bronco II rollover rate was relatively high, but was not statistically significantly different from that of most of its peers.

8. Suzuki's FARS analysis indicates that the Bronco II and one of its peers have a similar rate of "on-road" first-event single-vehicle rollovers as a percentage of all single vehicle fatal crashes.

9. The petitioner's estimate of the number of rollover crashes involving the Bronco II appears to overestimate the number. In any event, the total number of rollover occurrences involving a particular vehicle is not an appropriate analytical tool to assess rollover risk.

#### 10.0 Conclusion

The focus of this defect petition was on the allegedly high rollover propensity of the Bronco II. Consistent with its findings several years ago at the time it closed EA89-013, ODI's analysis of more recent data indicates that the rollover propensity of the Bronco II does not stand out from that of other peer SUVs. Although it was not directly raised by the petitioner, ODI conducted an extensive analysis of the crashworthiness of the Bronco II in rollover crashes. These analyses indicated a cause for concern, since the Bronco II vehicles have a percentage of first-event single vehicle rollover fatal crashes and a percentage of first-event single vehicle rollover fatalities that are substantially higher than that of most of the peer vehicles. However, ODI was unable to identify a most probable ejection path or to identify a specific aspect of the vehicle that appeared to adversely affect the vehicle's rollover crashworthiness.

Based on the information presented above, as well as the age of the subject vehicles, it is unlikely that NHTSA would issue an order for the notification and remedy of a safety-related defect in the subject vehicles at the conclusion of the investigation requested in the petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

[FR Doc. 99-12579 Filed 5-14-99; 3:29 pm]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-99-5683; Notice 1]

#### Dan Hill & Associates, Inc.; Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

We are asking for comments on the application by Dan Hill & Associates, Inc. ("Dan Hill"), of Norman, Oklahoma, for a renewal of its existing temporary exemption from Motor Vehicle Safety Standard No. 224 *Rear Impact Protection*. As before, Dan Hill asserts that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

We are publishing this notice of receipt of the application in accordance with our regulations on the subject. This action does not mean that we have made a judgment yet about the merits of the application.

We granted Dan Hill a 1-year temporary exemption from Standard No. 224 on January 26, 1998 (63 FR 3784). The exemption was to expire on February 1, 1999, but Dan Hill filed a timely application for renewal, and, as provided by 49 CFR 555.8(e), the exemption will continue in effect until we make a decision on its application. The company has requested an extension of this exemption until February 1, 2001.

The information below is based on material from Dan Hill's original and renewal applications.

#### Why Dan Hill Needs to Renew Its Exemption.

Dan Hill manufactures and sells a horizontal discharge trailer ("Flow Boy") that is used in the road construction industry to deliver asphalt and other road building materials to the construction site. The Flow Boy is designed to connect with and latch onto various paving machines ("pavers"). The Flow Boy, with its hydraulically controlled horizontal discharge system, discharges hot mix asphalt at a controlled rate into a paver which overlays the road surface with asphalt material.

Standard No. 224 required, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more, including Flow Boy trailers, be fitted with a rear impact guard that conforms to Standard No. 223 *Rear impact guards*. Installation of the rear impact guard will prevent the Flow Boy from connecting to the paver.

Thus, Flow Boy trailers will no longer be functional and contractors will be forced to use standard dump body trucks or trailers with their inherent limitations and safety risks.

**Dan Hill's Reasons Why Compliance Would Cause Substantial Economic Hardship to a Manufacturer That Has Tried in Good Faith To Comply With Standard No. 224.**

At the time of its initial application, Dan Hill told us that it had manufactured 81 Flow Boy trailers in 1996 (plus 21 other trailers). Its production in the 12-month period preceding its application for renewal was "130 units for the domestic market and 35 units for the international market."

Dan Hill originally asked for a year's exemption in order to explore the feasibility of a rear impact guard that would allow the Flow Boy trailer to connect to a conventional paver. It has concentrated its efforts this past year in investigating the feasibility of a retractable rear impact guard, which will enable Flow Boys to continue to connect to pavers.

In the absence of an exemption, Dan Hill originally asserted that approximately 60 percent of its work force would have to be laid off; it now argues that failure to extend its exemption would ultimately cause a lay off of "approximately 70 percent" of its work force. If the exemption were not renewed, Dan Hill's gross sales would decrease by \$8,273,117. Its cumulative net income after taxes for the fiscal years 1995, 1996, and 1997 was \$303,303. It projected a net income of \$356,358 for fiscal year 1998.

At the time of its original application, its studies show that the placement of the retractable rear impact guard would likely catch excess asphalt as it was discharged into the pavement hopper. Further, the increased cost of the Flow Boy would likely cause contractors to choose the cheaper alternative of dump trucks. Finally, the increased weight of the retractable rear impact guard would significantly decrease the payload of the Flow Boy.

Dan Hill sent its Product Specialist to Germany in 1994 to view underdrive protection guards installed by a German customer on Flow Boy trailers but the technology proved inapplicable because of differences between German and American pavers. Manufacturers of paving machines are not interested in redesigning their equipment to accommodate a Flow Boy with a rear impact guard. Dan Hill contacted a British manufacturer of a retractable rear

impact guard but the information received by the time of its initial application did not look encouraging.

During the time that the exemption has been in effect, Dan Hill has continued its efforts to locate a source for a retractable rear impact guard, locating one in Europe which "was in the process of designing a retractable guard that would meet Standard No. 223 specifications and attach to the Flow Boy trailer while allowing the Flow Boy to attach to a paver." However, the European retractable rear impact guard, which was of a "swing out" design, raised problems of worker safety, reduced payload because of the guard's weight, accumulation of asphalt paving material on the guard, and prohibitive costs. Dan Hill is now examining the feasibility of a "swing in" guard. It is working with an English source to develop a guard that will comply with Standard No. 223. Dan Hill will then install the guard on several Flow Boy trailers to determine whether further design modifications are required. It anticipates full compliance at the end of a further exemption of 2 years.

**Dan Hill's Reasons Why a Temporary Exemption Would be in the Public Interest and Consistent With Objectives of Motor Vehicle Safety**

Dan Hill believes that an exemption would be in the public interest and consistent with traffic safety objectives because the Flow Boy aids in the construction of the national road system. Flow Boy spends very little of its operating life on the highway and the likelihood of its being involved in a rear-end collision is minimal. In addition, the design of the Flow Boy is such that the rear tires act as a buffer and reduce the likelihood of impact with the trailer.

**How You May Comment on Dan Hill's Application**

If you would like to comment on Dan Hill's application, please do so in writing, in duplicate, referring to the docket and notice number, and mail to: Docket Management, National Highway Traffic Safety Administration, room PL-401, 400 Seventh Street, SW, Washington, DC 20590.

We shall consider all comments received before the close of business on the date indicated below. Comments are available for examination in the docket in room PL-401 both before and after that date, between the hours of 10 a.m. and 5 p.m. To the extent possible, we also consider comments filed after the closing date. We will publish our

decision on the application, pursuant to the authority indicated below.

Comment closing date: June 18, 1999.

**Authority:** 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.4.

Issued on: May 14, 1999.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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**DEPARTMENT OF THE TREASURY**

**Office of Thrift Supervision**

[AC-5: OTS No. 4202]

**Alaska Federal Savings Bank, Juneau, Alaska; Approval of Conversion Application**

Notice is hereby given that on May 12, 1999, the Director, Office of Examination & Supervision, Office of Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of Alaska Federal Savings Bank, Juneau, Alaska, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552, and the West Regional Office, Office of Thrift Supervision, 1 Montgomery Street, Suite 400, San Francisco, California 94104-4533.

Dated: May 14, 1999.

By the Office of Thrift Supervision.

**Nadine Y. Washington,**

*Corporate Secretary.*

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**DEPARTMENT OF THE TREASURY**

**Office of Thrift Supervision**

[AC-6: OTS No. 2286]

**Indian Village Community Bank, Gnadenhutten, OH; Approval of Conversion Application**

Notice is hereby given that on May 12, 1999, the Director, Office of Examination & Supervision, Office of Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of Indian Village Community Bank, Gnadenhutten, Ohio, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of