

This Final Rule does not contain any information collection requirements subject to Office Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water Pollution Control.

Dated: November 2, 1995.

Patrick M. Tobin,
Acting Regional Administrator.

In consideration of the foregoing, 40 CFR Chap. I, Subchapter H is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. Sections 1412 and 1418.

2. Section 228.14 is amended by removing paragraph (h)(6).

3. Section 228.15 is amended by adding paragraph (h)(19) to read as follows:

§ 228.15 Dumping sites designated on a final basis

* * * * *

(h) * * *

(19) Miami, Florida; Ocean Dredged Material Disposal Site.

(i) Location:

25°45'30" N	80°03'54" W;
25°45'30" N	80°02'50" W;
25°44'30" N	80°03'54" W;
25°44'30" N	80°02'50" W.

Center coordinates are 25°45'00" N and 80°03'22" W.

(ii) Size: Approximately 1 square nautical mile.

(iii) Depth: Ranges from 130 to 240 meters.

(iv) Primary use: Dredged material.

(v) Period of use: Continuing use.

(vi) Restriction: Disposal shall be limited to suitable dredged material from the greater Miami, Florida vicinity. Disposal shall comply with conditions set forth in the most recent approved Site Management and Monitoring Plan.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 92-65; Notice 3]

RIN 2127-AE61

Consumer Information Regulations; Vehicle Stopping Distance

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

ACTION: Response to petition for reconsideration.

SUMMARY: In response to a petition for reconsideration submitted by Advocates for Highway and Auto Safety, this document reaffirms NHTSA's decision to rescind the requirement that motor vehicle manufacturers provide consumers with information about vehicle stopping distance. The agency is taking this action because the information provided pursuant to that requirement did not permit consumers to distinguish between many of the new vehicles and was not used by consumers in their vehicle purchasing decisions. Further, upgrading the requirement would be unduly burdensome on manufacturers and could actually be counterproductive since it might mislead consumers about the ability of their vehicles to stop under varied circumstances.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Ms. Henrietta Spinner, NPS-21, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202-366-4802).

For legal issues: Mr. Marvin L. Shaw, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202-366-2992).

SUPPLEMENTARY INFORMATION:

I. June 1995 Final Rule

On June 26, 1995, the National Highway Traffic Safety Administration (NHTSA) published a final rule that rescinded the stopping distance information requirements in § 575.101 of Title 49 of the Code of Federal Regulations (60 FR 32918). The agency explained that it reached this decision after concluding that the stopping distance requirement was not resulting in the provision of meaningful information to consumers about the

differences between vehicle models in stopping distance and that an upgraded requirement to mandate model specific stopping distance information would have been costly and might not have provided significant safety benefits. The agency stated that mandating model specific stopping distance information might not reveal sufficiently large differences between vehicles in stopping distance to affect vehicle purchasing decisions. Further, such information might mislead some vehicle owners about their vehicle's braking ability under varied circumstances. The stopping distance measurements reflect the ability of a vehicle to stop only under optimum conditions of vehicle loading, tire-to-road peak friction coefficient, environment, and driver braking skills.

In considering whether to rescind § 575.101, NHTSA analyzed several alternatives to rescission, including the alternative of requiring manufacturers to provide model-specific stopping information. NHTSA concluded that generating such stopping distance information would be unduly burdensome for manufacturers to obtain, based on its assessment of the costs of such a program and the small safety benefits, if any, that might result.

NHTSA also explained its decision not to adopt more stringent requirements for stopping distance information because it did not appear that consumers would use the information in making their vehicle purchasing decisions. The agency stated that consumers typically consider and value such attributes as reliability, styling, price, reputation, roominess, and safety. While stopping distance relates to safety, NHTSA believed that the upgraded information would not impact purchasing decisions because precise stopping distance information would not yield differences sufficiently large to make stopping distance a factor in consumers' selections among similar vehicle models.

NHTSA stated that it remained committed to ensuring that consumers received appropriate safety information and noted that the agency is working with the National Academy of Sciences (NAS) to review and possibly expand the agency's consumer information efforts. According to the House Appropriations Committee report addressing the NAS study:

The study should focus on the validity of current programs, public and private, in providing accurate information to consumers on the real-world safety of vehicles, the possibility of improving the system in a cost effective and realistic manner, and the best

methods of providing useful information to consumers.

This study is expected to be completed by the statutory due date of March 31, 1996, for the submission of a final report on the NAS findings to the House and Senate Appropriations Committees. NHTSA stated that it will review the NAS study for insights into whether there is an effective means to provide consumers with information about vehicle stopping ability. NHTSA nevertheless concluded that since commenters agreed that the previously required information is not meaningful or helpful to consumers, no purpose is served by retaining section 575.101.

II. Petition for Reconsideration

On July 25, 1995, Advocates for Highway and Auto Safety (Advocates) petitioned NHTSA to reconsider its decision to rescind the vehicle stopping distance consumer information regulation. Advocates stated that NHTSA's decision to rescind this regulation is "ill-timed and inappropriate." That organization requested the agency to reconsider its decision to rescind the regulation, given the previously mentioned NAS study of consumer information programs. It

stated that the agency should not have rescinded this regulation until after the NAS study is completed.

III. NHTSA's Decision

After reviewing Advocates' petition, NHTSA continues to believe that its decision to rescind the vehicle stopping distance consumer information requirement was appropriate. The information provided pursuant to that requirement did not permit consumers to distinguish among many of the new vehicles and was not used by consumers in their vehicle purchasing decisions.

The agency disagrees with the petitioner that it should have waited to rescind the stopping distance requirements until completion of the NAS study on consumer information. That study will not address the rescinded requirements and thus will not yield any information or conclusions bearing on the merits of the agency's rescission decision. Further, the agency believes that no useful purpose would be served by reinstating the requirement until the NAS study is completed and the agency has a chance to analyze the findings and recommendations.

If the NAS study suggests an approach that would make the stopping distance

information meaningful and helpful to consumers at reasonable cost, the agency would propose adopting such an approach. However, NHTSA notes that it is unlikely that the NAS study will emphasize vehicle stopping distance as a significant consumer information concern. Standard Numbers 105 and 135 regulate the stopping performance of light vehicles, thereby ensuring that these vehicles have safe braking performance. Further, NHTSA continues to believe that, in making their purchasing decisions, consumers will typically not be concerned with stopping performance.

Based on the above considerations, NHTSA again concludes that the previously required stopping distance information is not useful. The agency therefore has decided to reaffirm its decision to rescind its requirement for that information.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on: January 24, 1996.

Ricardo Martinez,
Administrator.

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