

disclosed as provided in the Commission's rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

G. Comment Dates

106. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before June 18, 1997, and reply comments on or before July 7, 1997. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center of the Federal Communications Commission, Room 239, 1919 M Street, NW, Washington, DC 20554.

H. Ordering Clauses

107. Authority for issuance of this *FNPRM* is contained in sections 4(i), 303(r) and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r) and 309(j).

List of Subjects in 47 CFR Part 24

Communications common carriers, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Chapter V

Consumer Information; Motor Vehicle Safety; Rollover Prevention

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

ACTION: Grant of petition for rulemaking.

SUMMARY: The agency grants an August 20, 1996 petition for rulemaking from Consumers Union of United States, Inc., requesting NHTSA to commence a rulemaking proceeding to consider establishing "an emergency handling test [for sport-utility vehicles] and to require that information derived from

that test be included in the consumer warnings required by the agency." The agency seeks to evaluate the issues raised in the petition in view of the agency's continuing interest in rollover safety, as evidenced by its 1994 rulemaking proposal to amend its consumer information regulations to require passenger vehicles to be labeled with information about their resistance to rollover, and other related rulemaking activities.

The agency will respond in a separate notice to a request from the petitioner that NHTSA should commence a proceeding to decide whether to issue an order concerning an alleged defect in model year (MY) 1995-96 Isuzu Trooper and Acura SLX sport-utility vehicles.

FOR FURTHER INFORMATION CONTACT: For nonlegal issues: Michael Pyne or Gayle Dalrymple, Office of Crash Avoidance Standards, NPS-20, telephone (202) 366-4931, National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

For legal issues: Deirdre Fujita, Office of the Chief Counsel, NCC-20, telephone (202) 366-2992, address same as above.

SUPPLEMENTARY INFORMATION: This document announces that NHTSA is granting a petition for rulemaking from Consumers Union of United States, Inc. (CU), requesting NHTSA to establish a standard and/or a rating system "that will help consumers to compare emergency handling performance of sport-utility vehicles." CU asks the agency to "augment its consumer information disclosure requirement by (1) establishing a testing system that rates comparatively the ability of sport-utility vehicles to perform emergency maneuvers acceptably, (2) [requiring] that each such vehicle include its rating in the required warning, and (3) [requiring] vehicles that exhibit a high rollover propensity during emergency handling testing to achieve a minimum acceptable rating through vehicle modifications."

The agency issued a rulemaking proposal (NPRM) in 1994 to amend its consumer information regulations (49 CFR Part 575) to require passenger vehicles to be labeled with information about their resistance to rollover. That proposal, which is still pending, would require vehicles to be labeled by make/model with a "stability metric," which is a measured vehicle characteristic that relates to some degree to a vehicle's likelihood of rollover involvement. The agency issued the proposal in the belief that the information would enable prospective purchasers to make informed choices about new vehicles

based on differences in rollover risk, and motivate manufacturers to give more priority to rollover stability in designing their vehicles.

NHTSA has also undertaken a variety of other activities intended to mitigate the adverse effects of rollovers, including a final rule requiring upgraded padding on the upper interior of light vehicles, a final rule extending the side door latch requirements to rear doors, and research evaluating improved roof crush resistance, enhanced side window glazing, improved door latches, and advanced occupant restraint systems. These activities are explained in detail in the May 1996 "Status Report for Rollover Prevention and Injury Mitigation," available in NHTSA Docket No. 91-68, Notice 5.

CU's petition is related to the 1994 NPRM: both pertain to the rollover resistance of vehicles and envision a rating system by which prospective purchasers may compare vehicle performance. However, the petition differs from the NPRM in several key respects. The CU petition focuses on on-road, untripped rollover crashes, while the NPRM encompasses both on- and off-road single vehicle rollovers. Also, the CU petition envisions a dynamic test for evaluating vehicle performance, while the NPRM proposed a static test which isolates and measures a vehicle attribute.

NHTSA will initially focus on exploring whether it can develop a practicable, repeatable and appropriate dynamic emergency handling test that assesses, among other issues, a vehicle's propensity for involvement in an on-road, untripped rollover crash. The agency will expand this exploration beyond CU's suggestion that any such emergency handling test be limited to sport utility vehicles. Assuming the agency can develop a technically sound test protocol, it should be equally useful for all light vehicles, including cars, trucks, and vans.

The granting of CU's rulemaking petition should not be misinterpreted as an endorsement of the CU test procedure. In its petition, CU described a particular dynamic test procedure that it has been using since 1988 to rate the rollover propensity of vehicles. Based on preliminary testing conducted by the agency's Office of Defects Investigation, it does not currently appear that the CU "short course" test by itself is an appropriate assessment of rollover propensity or will be the primary focus of NHTSA's exploration of a dynamic handling test. Indeed, CU's rulemaking petition shows that CU did not anticipate that the agency would focus

on the CU test protocol—instead, CU urged that “the agency should determine the exact parameters of the test course and test requirements based on its own investigation.” NHTSA will explore a variety of vehicle maneuvers, including a double lane change, as part of its efforts to develop an appropriate dynamic emergency handling test.

Similarly, the granting of the rulemaking petition does not necessarily

mean that a rule will be issued. The determination of whether to issue a rule will be made in the course of a rulemaking proceeding, in accordance with statutory criteria.

CU also petitioned NHTSA to commence a proceeding to decide whether to issue an order concerning an alleged defect in MY 1995–96 Isuzu Trooper and Acura SLX sport-utility vehicles. The agency will respond to

this request for a defect proceeding in a separate document.

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

Issued on May 14, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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