

## IOWA.—JOHNSON COUNTY, IOWA AND INCORPORATED AREAS—Continued

Flooding source(s)	Location of referenced elevation	Elevation feet *(NGVD)	Modified	Communities affected
		Effective		
South Branch Ralston Creek ...	Just upstream of Scott Boulevard .....	None	*723	City of Iowa City and Johnson County.
North Branch Snyder Creek ....	Approximately 3,700 feet upstream of Scott Boulevard Approximately 4,550 feet downstream of U.S. Route 6	None None	*727 *650	
Clear Creek .....	Approximately 2,050 feet upstream of Chicago Rock Island and Pacific Railroad.	None	*668	Johnson County, City of Iowa City and City of Tiffin.
	At confluence with Iowa River .....	*653	*654	
	Approximately 4,100 feet upstream of Camp Cardinal Road.	*667	*668	
Willow Creek .....	Approximately 5,300 feet downstream of Interstate 80	*671	*672	City of Iowa City and Johnson County.
	At confluence with Iowa River .....	*641	*642	
West Branch Snyder Creek ....	Approximately 650 feet upstream of U.S. Route 218 ...	None	*721	Johnson County and City of Iowa City.
	At confluence with North Branch Snyder Creek .....	None	*662	
	Approximately 900 feet upstream of The West Spur Railroad.	None	*673	
Middle Branch Willow Creek ...	At confluence with Willow Creek .....	None	*677	City of Iowa City.
	Approximately 300 feet upstream of Mormon Trek Boulevard.	None	*690	

#Depth in feet above ground.

**ADDRESSES:***Johnson County, Iowa and Incorporated Areas:*

Maps are available for inspection at Johnson County and Planning and Zone, 913 South Dubuque Street, Iowa City, Iowa

Send comments to Ms. Sally Stutsman, Chairperson, Johnson County, Board of Supervisors, Iowa City, Iowa 52240

*City of Iowa City, Iowa:*

Maps are available for inspection at the County Courthouse, P.O. Box 325, Allison, Iowa

Send comments to The Honorable Ernest W. Lehman, Mayor, 410 East Washington Street, Iowa City, Iowa 52240

*City of Tiffin, Iowa:*

Maps are available for inspection at Tiffin City Hall, 211 Main Street, Tiffin, Iowa

Send comments to the Honorable Glenn Potter, Mayor, P.O. Box 196, Tiffin, Iowa 52430

*City of Coralville:*

Maps are available for inspection at the Coralville City Hall, 1512 17th Street, Coralville, Iowa

Send comments to the Honorable Jim Fausett, Mayor, City of Coralville, 1512 7th Street, P.O. Box 5127 Coralville, City of Iowa 52241

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: December 19, 2001.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 02-320 Filed 1-4-02; 8:45 am]

**BILLING CODE 6718-04-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

**49 CFR Parts 529, 531, 533, 535, 537, 538, 541, 542, 543, 544, 551, 552, 553, 554, 555, 556, 557, 564, 565, 566, 567, 568, 569, 570, 572, 573, 574, 575, 576, 577, 578, 579**

**[Docket No. NHTSA-01-11227]**

**Federal Motor Vehicle Safety Standards (FMVSS); Small Business Impacts of Motor Vehicle Safety**

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

**ACTION:** Notice of regulatory review; Request for comments.

**SUMMARY:** The National Highway Traffic Safety Administration (NHTSA) seeks comments on the economic impact of its regulations on small entities. As required by Section 610 of the Regulatory Flexibility Act, we are

attempting to identify rules that may have a significant economic impact on a substantial number of small entities. We also request comments on ways to make these regulations easier to read and understand. The focus of this notice is rules that specifically relate to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, incomplete vehicles, motorcycles, and motor vehicle equipment.

**DATES:** Comments must be received on or before January 25, 2002.

**ADDRESSES:** You should mention the docket number of this document in your comments and submit your comments in writing to: Docket Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW, Washington, DC, 20590. You may call Docket Management at: (202) 366-9324. You may visit the Docket from 10:00 am to 5:00 pm Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Nita Kavalauskas, Office of Regulatory Analysis and Evaluation, Office of Plans and Policy, National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC, 20590. Telephone: (202) 366-2584. Facsimile (fax): (202) 366-2559.

**SUPPLEMENTARY INFORMATION:**

## I. Section 610 of the Regulatory Flexibility Act

### A. Background and Purpose

Section 610 of the Regulatory Flexibility Act of 1980 (Public Law 96–354), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), requires agencies to conduct periodic reviews of final rules that have a significant economic impact on a substantial number of small business entities. The purpose of the reviews is to determine whether such rules should be continued without change, amended, or rescinded, consistent with the objectives of applicable statutes, to minimize any significant economic impact of the rules on a substantial number of such small entities.

### B. Review Schedule

The Department of Transportation (DOT) published its Semiannual Regulatory Agenda on November 22, 1999, listing in Appendix D (64 FR 64684) those regulations that each operating administration will review under section 610 during the next 12 months. Appendix D also contains

DOT's 10-year review plan for all of its existing regulations.

The National Highway Traffic Safety Administration (NHTSA, "we") has divided its rules into 10 groups by subject area. Each group will be reviewed once every 10 years, undergoing a two-stage process—an Analysis Year and a Review Year. For purposes of these reviews, a year will coincide with the fall-to-fall publication schedule of the Semiannual Regulatory Agenda. Thus, Year 1 (1998) began in the fall of 1998 and ended in the fall of 1999; Year 2 (1999) began in the fall of 1999 and ended in the fall of 2000; and so on.

During the Analysis Year, we will request public comment on and analyze each of the rules in a given year's group to determine whether any rule has a significant impact on a substantial number of small entities and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. In each fall's Regulatory Agenda, we will publish the results of the analyses we completed during the previous year. For rules that have subparts, or other discrete sections of rules that do have a significant impact on a substantial number of small

entities, we will announce that we will be conducting a formal section 610 review during the following 12 months.

The section 610 review will determine whether a specific rule should be revised or revoked to lessen its impact on small entities. We will consider: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other federal rules or with state or local government rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. At the end of the Review Year, we will publish the results of our review.

The schedule has been revised from its listing in the Semiannual Regulatory Agenda on November 22, 1999. A major revision to parts 591 through 594 has been proposed. Thus, we deemed it appropriate to delay our small business impact review of these parts from year 3 to year 8, and move the other regulations forward one year.

The following table shows the 10-year analysis and review schedule:

NHTSA SECTION 610 REVIEW PLAN<sup>1</sup>

Year	Regulations to be reviewed	Analysis year	Review year
1 .....	49 CFR parts 501 through 526 and 571.213 .....	1998	1999
2 .....	49 CFR 571.131, 571.217, 571.220, 571.221, and 571.222 .....	1999	2000
3 .....	49 CFR 571.101 through 571.110 and 571.135 .....	2000	2001
4 .....	49 CFR parts 529 through 579, except part 571 .....	2001	2002
5 .....	49 CFR 571.111 through 571.129 and parts 580 through 590 .....	2002	2003
6 .....	49 CFR 571.201 through 571.212 .....	2003	2004
7 .....	49 CFR 571.214 through 571.219, except 571.217 .....	2004	2005
8 .....	49 CFR parts 591 through 594 .....	2005	2006
9 .....	49 CFR 571.223 through 571.304, part 500 and new parts and subparts under 49 CFR ....	2006	2007
10 .....	23 CFR parts 1200 and 1300 and new parts and subparts under 23 CFR .....	2007	2008

<sup>1</sup> Revised schedule.

### C. Regulations Under Analysis

During Year 4 (2001), the Analysis Year, we will conduct a preliminary

assessment of the following sections of 49 CFR Parts 529 through 579, except Part 571:

Section	Title
529 .....	Manufacturers of multistage automobiles
531 .....	Passenger automobile average fuel economy standards
533 .....	Light truck fuel economy standards
535 .....	3-year carryforward and carryback of credits for light trucks
537 .....	Automotive fuel economy reports
538 .....	Manufacturing incentives for alternative fuel vehicles
541 .....	Federal motor vehicle theft prevention standard
542 .....	Procedures for selecting lines to be covered by the theft prevention standard
543 .....	Exemption from vehicle theft prevention standard
544 .....	Insurer reporting requirements
551 .....	Procedural rules
552 .....	Petitions for rulemaking, defect, and noncompliance orders
553 .....	Rulemaking procedures
554 .....	Standards enforcement and defects investigation

Section	Title
555 .....	Temporary exemption from motor vehicle safety and bumper standards.
556 .....	Exemption for inconsequential defect or non-compliance.
557 .....	Petitions for hearings on notification and remedy of defects.
564 .....	Replaceable light source information.
565 .....	Vehicle identification number requirements.
566 .....	Manufacturer identification.
567 .....	Certification.
568 .....	Vehicles manufactured in two or more stages.
569 .....	Regrooved tires.
570 .....	Vehicle in use inspection standards.
572 .....	Anthropomorphic test devices.
573 .....	Defect and noncompliance reports.
574 .....	Tire identification and recordkeeping.
575 .....	Consumer information regulations.
576 .....	Record retention.
577 .....	Defect and noncompliance notification.
578 .....	Civil penalties.
579 .....	Defect and noncompliance responsibility.

We are seeking comments on whether any requirements in parts 529 through 579, except part 571 have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. Business entities are generally defined as small businesses by Standard Industrial Classification (SIC) code, for the purposes of receiving Small Business Administration (SBA) assistance. Size standards established by SBA in 13 CFR 121.201 are expressed either in number of employees or annual receipts in millions of dollars, unless otherwise specified. The number of employees or annual receipts indicates the maximum allowed for a concern and its affiliates to be considered small. If your business or organization is a small entity and if any of the requirements in parts 529 through 579, except part 571 have a significant economic impact on your business or organization, please submit a comment to explain how and to what degree these rules affect you, the extent of the economic impact on your business or organization, and why you believe the economic impact is significant.

If the agency determines that there is a significant economic impact on a substantial number of small entities, it will ask for comment in a subsequent notice during the Review Year on how these impacts could be reduced without reducing safety.

## II. Plain Language

### A. Background and Purpose

Executive Order 12866 and the President's memorandum of June 1,

1998, require each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please include them in your comments on this document.

### B. Review Schedule

In conjunction with our section 610 reviews, we will be performing plain language reviews over a ten-year period on a schedule consistent with the section 610 review schedule. We will review parts 529 through 579, except part 571 to determine if these regulations can be reorganized and/or rewritten to make them easier to read, understand, and use. We encourage interested persons to submit draft regulatory language that clearly and simply communicates regulatory requirements, and other recommendations, such as for putting information in tables that may make the regulations easier to use.

## Comments

### *How Do I Prepare and Submit Comments?*

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21.) We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**. Comments may also be submitted to the docket electronically by logging onto the Docket Management System website at <http://dms.dot.gov>. Click on "Help & Information" or "Help/Info" to obtain instructions for filing your comments electronically.

### *How Can I be Sure That my Comments Were Received?*

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

### *How Do I Submit Confidential Business Information?*

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential

business information, to the Chief Counsel, NHTSA, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512.)

*Will the Agency Consider Late Comments?*

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

*How Can I Read the Comments Submitted by Other People?*

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

- (1) Go to the Docket Management System (DMS) Web page of the Department of Transportation (<http://dms.dot.gov/>).
- (2) On that page, click on "search."
- (3) On the next page (<http://dms.dot.gov/search/>), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were "NHTSA-1998-1234," you would type "1234." After typing the docket number, click on "search."
- (4) On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the "pdf" versions of the documents are word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you

periodically check the Docket for new material.

**William H. Walsh,**  
*Associate Administrator for Plans and Policy.*  
[FR Doc. 02-154 Filed 1-4-02; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 538

[Docket No. NHTSA-2001-10774]

RIN 2127-AI41

#### Automotive Fuel Economy Manufacturing Incentives for Alternative Fuel Vehicles

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).  
**ACTION:** Notice of intent to issue a notice of proposed rulemaking (NPRM).

**SUMMARY:** To provide an incentive for the production of vehicles that can operate on certain alternative fuels as well as on regular petroleum fuels, Congress established a special procedure for calculating the fuel economy of those vehicles for the purpose of determining compliance with the Corporate Average Fuel Economy standards. This procedure increases the fuel economy attributed to such "dual-fueled" vehicles. By statute, the incentive is available through the 2004 model year and may be extended by up to four additional model years through rulemaking.

The purpose of this document is to announce the intention to issue a proposal to extend the availability of the incentive for one or more additional model years.

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

For non-legal issues: Mr. Kenneth Katz, Consumer Programs Division, Office of Planning and Consumer Programs, NPS-32, Room 5320, telephone (202) 366-4936, facsimile (202) 493-2290.

For legal issues: Otto Matheke, Office of the Chief Counsel, NCC-20, Room 5219, telephone (202) 366-5263, facsimile (202) 366-3820.

#### SUPPLEMENTARY INFORMATION:

##### Background

Congress created the Corporate Average Fuel Economy (CAFE) program

when it enacted the Energy Policy and Conservation Act of 1975 (Public Law 94-163; Dec. 22, 1975). The CAFE statutory provisions, now codified in chapter 329 of Title 49 of the United States Code (49 U.S.C. 32901 *et seq.*), mandate fuel economy standards that must be met by vehicle manufacturers. These standards apply separately to each manufacturer's annual fleet of passenger cars and to its annual fleet of light trucks under 8,500 lbs. gross vehicle weight rating, instead of applying to individual vehicles. Each manufacturer's average fuel economy is determined by the Environmental Protection Agency in accordance with procedures set forth in 49 U.S.C. 32904. Those procedures provide for determining the fuel economy of a manufacturer's model types produced in a particular model year and calculating a weighted fuel economy average for the manufacturer.

Congress amended the CAFE provisions when it enacted the Alternative Motor Fuels Act of 1988 ("AMFA") (Public Law 100-94; October 14, 1988). The purposes of AMFA were to encourage the development and use of methanol, ethanol and natural gas as transportation fuels and to promote the production of alternative fuel vehicles (AFVs). For the latter purpose, AMFA provides special procedures for calculating the fuel economy of "dedicated" alternative fuel vehicles and "dual-fueled" vehicles that meet specified eligibility criteria. "Dedicated vehicles" are cars or light trucks designed to operate exclusively either on natural gas or on a methanol or ethanol fuel mixture composed of at least 85 percent of either substance. "Dual-fueled vehicles" have the capability to operate on conventional petroleum and the capability to operate on an alternative fuel. Most dual-fueled vehicles produced to date are capable of operating on E85 (a blend of 85% ethanol and 15% gasoline) and either gasoline or diesel. The special calculation procedures used in determining the fuel economy of alternative fuel vehicles substantially increase the fuel economy ratings of these vehicles.

In creating the incentive program for dual-fueled vehicles, Congress expressly limited both the extent to which a manufacturer can avail itself of the incentive in any model year as well as the duration of the incentives.<sup>1</sup> For the 1993-2004 model years, the maximum increase in CAFE available to a

<sup>1</sup> Congress did not apply either of these limitations to the incentive program for dedicated vehicles.