have a yearly cost impact that exceeds \$2,500,000 in the aggregate. Although these cost impacts are not deemed significant and preparation of a full regulatory evaluation is not warranted, the agency has prepared a preliminary regulatory evaluation which has been placed in the docket.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. It is not anticipated that a final rule based on this proposal would have a significant effect upon the environment.

Compliance would require the application of not more than 8 feet of retroreflective tape to the rear (1,200,000 feet for an estimated year's production of 150,000 truck tractors), a material currently in use with no known negative environmental effects.

Regulatory Flexibility Act

The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act. I certify that this rulemaking action would not have a significant economic impact upon a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles, those affected by the rulemaking action, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions would not be significantly affected because the price of new truck tractors would be only minimally increased. An increase of less than \$16 per vehicle is expected to be more than offset by savings in repair to it over its

Executive Order 12612 (Federalism)

This rulemaking action has also been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and NHTSA has determined that this rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice

A final rule based on this proposal would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 30163 sets forth a procedure for judicial review of final rules establishing, amending or revoking

Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR part 571 would be amended as follows:

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30162; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

- 2. Section 571.108 would be amended by:
- (a) revising paragraphs S5.3.1, S5.7, S5.7.1, S5.7.1.3(a), S5.7.1.4 (a) and (b), and the headings of S5.7.1.4.1 and S5.7.1.4.2.
 - (b) adding new paragraph S5.7.1.4.3,
- (c) revising paragraphs \$5.7.2 and \$5.7.3, and
- (d) adding Figure 31, to read as follows:

§ 571.108 Motor Vehicle Safety Standard No. 108 Lamps, reflective devices, and associated equipment.

S5.3.1 Except as provided in succeeding paragraphs of S5.3.1, and paragraphs \$5.7 and \$7, each lamp, reflective device, and item of associated equipment shall be securely mounted on a rigid part of the vehicle other than glazing that is not designed to be removed except for repair, in accordance with the requirements of Table I and Table III, as applicable, and in the location specified in Table II (multipurpose passenger vehicles, trucks, trailers, and buses 80 or more inches in overall width) or Table IV (all passenger cars, and motorcycles, and multi-purpose passenger vehicles, truck, trailers and buses less than 80 inches in overall width), as applicable.

S5.7 Conspicuity Systems. Each trailer of 80 or more inches overall width, and with a GVWR over 10,000 lbs., manufactured on or after December 1, 1993, except a trailer designed exclusively for living or office use, and each truck tractor manufactured on or after _______ 1, 199x, shall be equipped with either retroreflective sheeting that meets the requirements of S5.7.1, reflex reflectors that meet the requirements of S5.7.2, or a combination of

retroreflective sheeting that meet the requirement of S5.7.3.

\$5.7.1 Retroreflective sheeting. Each trailer or truck tractor to which \$5.7 applies that does not conform to \$5.7.2 or \$5.7.3 shall be equipped with retroreflective sheeting that conforms to the requirements specified in \$5.7.1.1 through \$5.7.1.5.

S5.7.1.3 Sheeting pattern, dimensions, and relative coefficients of retroreflection.

*

(a) Retroreflective sheeting shall be applied in a pattern of alternating white and red color segments to the side and rear of each trailer, and the rear of each truck tractor, and in white to the upper rear corners of each trailer and truck tractor, in the locations specified in S5.7.1.4, and Figures 30–1 through 30–4, and Figure 31, as appropriate.

S5.7.1.4 Location. (a) Retroreflective sheeting shall be applied to each trailer and truck tractor as specified below, but need not be applied to discontinuous surfaces such as outside ribs, stake post pickets on platform trailers, and external protruding beams, or to items of equipment such as door hinges and lamp bodies.

(b) The edge of white sheeting shall be not be located closer than 75 mm to the edge of the luminous lens area of any red or amber lamp that is required by this standard.

S5.7.1.4.1 Rear of trailers. * * * S5.7.1.4.2 Side of trailers. * * *

S5.7.1.4.3 Rear of truck tractors. Retroreflective sheeting shall be applied to the rear of each truck tractor as follows, in locations not obscured by vehicle equipment as determined in a rear orthogonal view:

(a) Element 1: Two strips of sheeting in alternating colors, each not less than 600 mm long, located as close as practicable to the edges of the truck cab, or the mud flaps, or the mud flap support brackets, to mark the width of the truck tractor. The strips shall be mounted as horizontal as practicable, and as close as practicable to not less than 375 mm and not more than 1525 mm above the road surface at the stripe centerline. Strips on mud flaps shall be mounted not lower than 300 mm below the lower edge of the mud flap support bracket. Strips on the truck cab shall be mounted not less than 100 mm above the height of the rear tires.

(b) Element 2: Two pairs of white strips of sheeting, each pair consisting of strips 300 mm long, applied horizontally and vertically to the right and left upper contours of the body, as