

**CONTACT PERSON FOR MORE INFORMATION:**

Jean A. Webb, 202-418-5100.

**Jean A. Webb,***Secretary of the Commission.*

[FR Doc. 98-24279 Filed 9-4-98; 11:17 am]

BILLING CODE 6351-01-M

**COMMODITY FUTURES TRADING COMMISSION****Sunshine Act Meeting****AGENCY HOLDING THE MEETING:**

Commodity Futures Trading Commission.

**TIME AND DATE:** 11:00 a.m., Wednesday, September 30, 1998.**PLACE:** 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.**STATUS:** Closed.**MATTERS TO BE CONSIDERED:**

Enforcement matters.

**CONTACT PERSON FOR MORE INFORMATION:**

Jean A. Webb, 202-418-5100.

**Jean A. Webb,***Secretary of the Commission.*

[FR Doc. 98-24280 Filed 9-4-98; 11:37 am]

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**CONSUMER PRODUCT SAFETY COMMISSION****All-Terrain Vehicles; Comment Request—Proposed Resolution****AGENCY:** Consumer Product Safety Commission.**ACTION:** Notice.

**SUMMARY:** The Consumer Product Safety Commission requests comments on a proposed Commission Resolution ("Resolution") that responds to action plans that certain members of the all-terrain vehicle ("ATV") industry will undertake. The proposed Resolution is attached at the end of this notice. (Unless otherwise noted, the action plans are referred to collectively as the "ATV Action Plan.") (ATVs are three- and four-wheeled motorized vehicles, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering, which are intended for off-road use by an individual rider on various types of non-paved terrain.) The Commission staff has provided extensive input into the development of the ATV Action Plan, which the Commission believes will enhance consumer safety with respect to these products. The Resolution commends certain members of the industry for the ATV Action Plan, and announces that the Commission

will actively monitor sales, promotion and training activities of the ATV industry insofar as those activities pertain to safety, assemble data on deaths and injuries associated with ATVs, and take appropriate action, where necessary, based on the results of such monitoring activity and data.<sup>1</sup>

**DATES:** Persons wishing to comment on the Resolution should send written comments to the Office of the Secretary not later than October 26, 1998.

**ADDRESSES:** Written comments should be captioned "ATV Action Plan" and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0127 or by e-mail at cpsc-os@cpsc.gov.

**FOR FURTHER INFORMATION CONTACT:** For information about the Resolution, call or write Leonard H. Goldstein, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; (301) 504-0980, Ext. 2202.

**SUPPLEMENTARY INFORMATION:****Background**

The Commission's work on ATVs began in the mid-1980s after it learned of a rapidly growing number of deaths and injuries—particularly to children under 16 years old—involving these products. ATV sales had increased dramatically during that time, including more than a tripling of sales between 1980 and 1985. Most of the ATVs produced during that period were three-wheeled vehicles.

The Commission issued an Advance Notice of Proposed Rulemaking ("ANPR") in May 1985 (50 FR 23139). In December 1987, the Department of Justice, at the Commission's request, filed a lawsuit in federal district court under section 12 of the Consumer Product Safety Act against the five major manufacturers and/or distributors of ATVs. *United States v. American Honda Motor Co., et al.*, Civ. No. 87-3525 (D.D.C., filed Dec. 30, 1987). The companies named in the lawsuit were American Honda Motor Co., Inc. ("Honda"), Yamaha Motor Corp., U.S.A. ("Yamaha"), Kawasaki Motors Corp., U.S.A. ("Kawasaki"), U.S. Suzuki Motor Corp. (nka American Suzuki Motor

<sup>1</sup>Chairman Ann Brown and Commissioner Thomas H. Moore approved this notice as here published; Commissioner Mary Sheila Gall approved publication of the notice with specified changes that were not adopted. The ballot vote sheets of the individual Commissioners are available to the public through the Office of the Secretary.

Corp.) ("Suzuki"), and Polaris Industries L.P. (nka Polaris Industries Inc.) ("Polaris"). The lawsuit sought a declaration by the court that then existing ATVs constituted an "imminent hazard" and requested certain remedial relief. The matter was settled with the court's approval of Final Consent Decrees on April 28, 1988 ("Final Consent Decrees"), and the ANPR was subsequently withdrawn (56 FR 47166). Among other things, the Final Consent Decrees required the companies to:

- Stop the sale of all new three-wheeled ATVs and repurchase them from dealer inventory;
- Promote and sell adult-size ATVs (i.e., ATVs with engine sizes greater than 90 cc) only for the use of riders age 16 and over;
- Promote and sell youth-size ATVs (i.e., ATVs with engine sizes between 70 cc and 90 cc) only for the use of riders age 12 and older;
- Provide free training to all ATV purchasers and members of their immediate families;
- Conduct a nationwide ATV safety public awareness media campaign;
- Adhere to guidelines for advertising and promotional materials;
- Include specified warnings on ATV labeling and in ATV owner's manuals; and

- Accelerate negotiations on a voluntary standard for ATVs. (The voluntary standard for ATVs ("Voluntary Standard"), as approved by the Commission, was published in the **Federal Register** on January 13, 1989. (54 FR 1407) Among other things, the Voluntary Standard includes configuration requirements for service and parking brakes, mechanical suspension, foot environment, lighting equipment, tire labeling, and various operational controls; there are pitch stability requirements and performance requirements for service and parking brakes; and there are requirements that relate specifically to youth size ATVs, including requirements for limitations on maximum speed capabilities.)

The CPSC staff subsequently negotiated a series of monitoring agreements with the companies to enforce compliance by their dealers with the requirement that adult-size ATVs not be marketed or sold to or for the use of children.

Arctic Cat Inc. ("Arctic Cat"), which started manufacturing ATVs in 1996, voluntarily entered into an Agreement and Action Plan with the Commission in September 1996 ("Arctic Cat Agreement"), whereby the firm agreed to take many of the same actions that were required of the companies under the Final Consent Decrees. Arctic Cat

also agreed to undertake a dealer monitoring program that was similar to dealer monitoring programs of the other companies.

With the Final Consent Decrees and Arctic Cat Agreement nearing their end, Chairman Ann Brown hosted a "Forum on All-Terrain Vehicles" ("Forum") in May 1997. The purpose of the Forum was to discuss what measures, if any, could reasonably be taken after the Consent Decrees and Arctic Cat Agreement expired to further reduce deaths and injuries associated with these products. Invitations were extended to, and views were obtained from, members of the public, technical experts in the ATV field, members of the private bar, and representatives of consumer groups, rider groups, and State agencies.

The staff engaged in a number of other information gathering activities concerning ATVs during 1997, including the following:

- The staff met with engineers for each company that was a party to one of the Consent Decrees to discuss evolutionary changes with regard to ATVs since 1988 as well as current technology;
- The staff reviewed, subject to confidentiality agreements, pertinent documents from each of the companies, including consumer complaints, documents containing technical information, and information relating to product liability cases;
- The staff met individually with several engineers with experience in testifying on behalf of plaintiffs in ATV cases to solicit their views concerning these products; and
- The staff communicated with certain foreign government agencies concerning any technical and/or legal requirements in those countries concerning ATVs.

The Final Consent Decrees and the Arctic Cat Agreement expired on April 28, 1998. After extensive discussions with Commission staff, each of the companies that was subject to a Final Consent Decree and Arctic Cat (collectively, the "companies") have agreed to undertake voluntary actions to continue to promote the safe and responsible use of ATVs. The Commission believes that these actions will enhance ATV rider safety.

#### **Summary of Findings of Recent Exposure and Injury Surveys and Risk Analysis; and Analysis of ATV Death Reports**

As part of its review of the ATV matter and in anticipation of the expiration of the Final Consent Decrees and Arctic Cat Agreement, the

Commission staff recently completed exposure and injury surveys and a risk analysis with regard to these products. The surveys provide a description of current hazard and usage patterns. The staff has compared the results of these surveys to the results of the Commission's 1985 and 1989 ATV exposure and injury surveys, to evaluate trends in use and hazard patterns. Finally, as in the 1985 and 1989 ATV studies, the characteristics and use patterns of drivers who are involved in injury incidents (as inferred from the injury survey) have been compared against those who are not (as inferred from the exposure survey) to determine the factors associated with risk. The staff's review also included a study of ATV deaths between January 1, 1985 and December 31, 1996. The staff has described the characteristics of drivers and ATVs that have been involved in fatal injuries, and fatality trends since 1985. The staff's full report, titled "All-Terrain Vehicle Exposure, Injury, Death, and Risk Studies," was made public on April 24, 1998, and may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Below is a brief summary of the findings in that report:

#### *A. Exposure Survey*

- 14% of ATV drivers are children under the age of 16 years (compared with about 23% in 1989);
- Almost two-thirds of drivers are male;
- The mean level of driver experience is 9.6 years (about 4.5% of drivers had less than one year of experience);
- 11% of drivers reported participating in an organized training program; another 12% said they had received some training by ATV dealers or sales people;
- 23% of drivers reported never carrying passengers;
- 35% of drivers reported always wearing a helmet; 32% reported never wearing a helmet;
- 74% of drivers reported some nonrecreational use, including farming or ranching, household chores, and occupational or commercial tasks;
- About 22% of the ATVs are the three-wheel models (this compares with about 54% in 1989);
- 26% of the four-wheel models are four-wheel drive vehicles, most with engines greater than 300 cc;
- 36% of the ATVs were reported to have engines with 300 cc or more (compared with about 10% in 1989); and
- 51% of the ATVs had been purchased as used vehicles; of this number, about 80% had been purchased

from the previous owner, rather than from an ATV dealer.

#### *B. Injury Survey*

- 47% of the injuries occurring during the study period involved children under the age of 16; this was almost identical to the percentage in 1985 (46%);
- Despite the large proportion of children injured, the number of injuries involving children under age 16 declined approximately 50% from about 42,700 in 1985 to about 21,300 in 1997;
- 95% of injured children were driving ATVs larger than recommended for their age;
- An estimated 54,500 ATV-related injuries were treated in hospital emergency departments during 1997 (this was a decline of approximately 49% from the estimated 106,000 such injuries during 1986);
- The rate of ATV-related injury declined from 5.4 per hundred ATVs in use in 1985 to 2.5 in 1989 and to about 1.5 per hundred ATVs in 1997, an overall rate reduction of about 72%;
- 25% of the injuries were to passengers;
- 75% of the injuries occurred to males;
- 22% of the injuries involved the head; most of the head injuries were concussions or internal organ (i.e., brain) injuries; at least 65% of the persons suffering head injuries were not wearing helmets;
- The largest injury diagnosis categories were contusions and abrasions (27%), and fractures and dislocations (26%);
- 37% of the injuries involved the arm region; 28% involved the leg region;
- 13% of the emergency department injuries were hospital admitted (compared with 4% of all product-related injuries reported to the Commission under the National Electronic Injury Surveillance System ("NEISS"));
- About 4% of drivers involved in injury incidents reported formal ATV training or training by a dealer or sales person.

#### *C. Report on ATV Deaths*

The CPSC estimates that there have been over 3,200 ATV-related deaths since 1985. Estimated ATV-related deaths declined from about 350 in 1986 to an estimated 269 in 1996. In evaluating the characteristics of drivers and ATVs that have been involved in fatal injuries, the staff has found that:

- Over 35% of the deaths involved children under age 16;
- 87% of the deaths since 1985 were to males;

- 85% of those killed were drivers, 14% passengers (1% were drivers or passengers of other types of vehicles);
- The percentage of three-wheel ATVs involved in deaths declined from 80% in 1985 to less than 20% in 1996; and
- Incidents reported as collisions accounted for 56% of the deaths; overturns were involved in about 28% of all deaths.

#### D. Risk Analysis

The risk analysis showed that although the overall risk of ATV-related injury has declined since the 1980s (as indicated in the injury analysis), the factors associated with risk are consistent with those quantified in the earlier 1985 and 1989 risk analyses and include the same types of warned against behavior previously observed. As in the earlier analyses, risk patterns are related to the characteristics and use patterns of the drivers, and the types of ATVs that they drive. The results suggest that:

- Risk of injury declines with age (the younger the driver the higher the risk);
- Risk for children is about 2.5 times the risk for drivers aged 16 to 34, and about 4.5 times the risk for drivers aged 35 to 54;
- Risk declines with driving experience;
- Risk declines with the percentage of time that ATVs are used in nonrecreational (as opposed to recreational) activities;
- Risk is higher for males than for females (all else equal, risk is about 3 times higher for males than for females); and
- Holding all other factors constant, risk is 2.5 to 3 times higher on three-wheel ATVs than on four-wheel ATVs.

#### The Undertakings of the Companies

##### A. General Description

The ATV Action Plan is described in letters of undertaking submitted to the Commission staff by Yamaha, Kawasaki, Suzuki and Polaris and in an "Extended Action Plan" submitted by Arctic Cat. In addition, Honda has submitted a letter of undertaking that describes the post-Consent Decree actions that it proposes to take. Copies of these documents may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

In discussing issues regarding ATV safety, the Commission staff has placed special emphasis on measures to address the deaths and injuries to children who drive and ride adult-size ATVs. The staff also has emphasized the need to train inexperienced drivers. The

actions of the companies will include measures that directly address these two areas of concern. Unless otherwise noted, each of the companies voluntarily has agreed that it will:

- Implement an informational/educational ("I&E") effort to communicate safety-related information to consumers.

(There will be two I&E programs, one will be carried out by Honda, the other will be a joint effort of Yamaha, Kawasaki, Suzuki, Polaris and Arctic Cat. Honda's I&E effort will consist primarily of a nationwide advertising campaign that will address specific areas of safety (underage youth riding inappropriately sized ATVs, youths carrying passengers, and use of protective gear) with a message to adults and care givers that can be conveyed to young riders. Print advertisements will appear in various enthusiast, hunting and outdoors, and farming magazines, and magazines targeting parents of school-age children. Honda estimates that the cost of its program over the next three years will be approximately \$3.5 million. Honda's I&E campaign is more fully described in its letter of undertaking. The I&E campaign of Yamaha, Kawasaki, Suzuki, Polaris and Arctic Cat will be a multi-faceted effort designed to emphasize various safety warnings related to ATVs, especially as they relate to ATV use by children. Among other things, the companies will develop and distribute with each new ATV a CD-ROM program. Materials will also be sent to selected schools and public libraries throughout the nation. The companies will also communicate ATV safety information through paid ads, direct mail, safety posters, teaching aids for school teachers, and websites. The companies estimate that the cost of the program over the next three years will be approximately \$6 million to \$7 million. The I&E campaign of Yamaha, Kawasaki, Suzuki, Polaris and Arctic Cat is more fully described in a August 12, 1998 letter to the Commission from David P. Murray, Esq. A copy of this letter may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.)

- Continue to offer a free hands-on training course (using the same training programs and curricula that have been approved by the Commission) to all purchasers and members of their immediate families;

(All of the companies except Polaris will continue to offer the existing Specialty Vehicle Institute of America ("SVIA") training program, using curriculum and procedures that have

been approved by the Commission. Polaris' training program will continue to be conducted at the time of sale by a certified instructor at each Polaris dealership, also using Commission approved curriculum and procedures. Polaris' curriculum has been modified to include a required minimum number of repetitions of riding maneuvers for inexperienced riders. The company has also agreed that it will continue to retain the services of an independent firm to conduct monitoring of its dealers to assure that its training program is conducted properly.)

- All companies offering the SVIA training program (except Honda) will offer an increased incentive of \$100 cash or equivalent value per ATV sold to every first time purchaser without prior operating experience where such purchaser or a family member takes training;

(Yamaha's incentive offer will give the purchaser the option of choosing either \$75 cash or \$50 cash and a \$50 cash rebate on the purchase of a Yamaha ATV helmet. Suzuki will offer a \$100 cash incentive to all first time purchasers and will continue to offer a \$50 cash incentive to purchasers who are not first time purchasers.) (The actions of Honda with regard to the training incentive are discussed below.)

In addition, each company, except where noted, will voluntarily continue to:

- Recommend, market, and sell adult size ATVs (i.e., ATVs with engine sizes greater than 90 cc) only for the use of persons age sixteen and older; (Arctic Cat has established a minimum age of 16 for Arctic Cat ATVs with engine sizes greater than 90 cc up to 350 cc, and a minimum age of 18 for Arctic Cat ATVs with an engine size greater than 350cc.)
- Recommend, market, and sell youth size ATVs (i.e., ATVs with engine sizes between 70 cc and 90 cc) only for the use of persons age 12 and older;
- Use best efforts to obtain dealer compliance with the age recommendations, including through undercover monitoring of at least as many randomly selected dealers as was done under previous monitoring agreements with the Commission, and to terminate non-complying dealers in appropriate circumstances; (Arctic Cat has agreed to extend for five years its detailed Commission-approved dealer monitoring agreement that expired on April 28, 1998. The other companies, except Honda, have stated that they will continue with the same level of dealer monitoring as under previous monitoring programs and will

use the same procedures. The actions of Honda with regard to dealer monitoring are discussed below.)

- Not market or sell three-wheel ATVs;
- Use existing warning labels that were approved by the Commission on all ATVs;
- Use hang tags that convey the same substantive safety messages as current hang tags;
- Include in owner's manuals the same substantive informational content set forth in the Consent Decrees and Arctic Cat Agreement;
- Assure that future advertising adheres to specified provisions of the advertising guidelines set forth in the Consent Decrees and Arctic Cat Agreement;
- Continue to provide a toll-free hotline for consumers interested in obtaining ATV safety information; and
- Provide to dealers for dissemination to prospective customers the same substantive safety messages contained in the "ATV Safety Alert" set forth in the Consent Decrees and Arctic Cat Agreement.

(The position of Honda with regard to dissemination of the ATV Safety Alert by its dealers is discussed below.)

Each company, except where noted, will also:

- Distribute to all future purchasers an updated ATV safety video that will contain the same substantive safety messages as the current video and will stress the importance of ATV training (the companies will continue to make available to all purchasers the current video until distribution of the updated video begins);
- Participate in efforts to update and revise the Voluntary Standard for ATVs; and
- Give the Commission at least 60 days notice of any material changes in the company's undertakings under the ATV Action Plan (Arctic Cat has agreed to extend its recently expired Action Plan for five more years).

(The position of Honda with regard to the giving of notice to the Commission is discussed below.)

#### *B. Honda's ATV Program*

Honda's commitments under its ATV program depart from those of the other companies in the following respects:

##### 1. Safety Alert

Honda will not provide to dealers for dissemination to ATV purchasers the "ATV Safety Alert" that was required under the Consent Decrees. The Safety Alert has communicated important ATV safety information to the consumer at

the time of sale, including updated information concerning ATV fatalities. Honda has taken the position that because information in the Safety Alert is duplicative of other warnings being provided to purchasers, continued dissemination of the Safety Alert is not necessary. The Commission staff believes that continued use of the Safety Alert is important because the Safety Alert is the only communication to purchasers that includes data on ATV-related deaths, thereby stressing the importance of following the warnings that are provided. The same information was required under the Consent Decrees in a safety poster in dealer showrooms, but the safety poster has been discontinued.

##### 2. Dealer Monitoring

Honda has stated that representations by sales personnel are not the crucial point in determining underage riding habits, and that the problem is not a lack of awareness, but a failure to follow the age recommendations. Honda has indicated that, under these circumstances, a different use of resources might be more efficient in preventing underage riding.

Honda has indicated that, instead of selecting dealers for undercover monitoring using a statistically valid sampling methodology, its monitoring will be targeted at dealers that it suspects may be violating the age recommendations. The Commission staff does not oppose the targeting of suspect dealers for monitoring; however, the staff contends that a monitoring program in which a sufficient number of dealers are selected for monitoring based on a statistically valid sampling methodology is also necessary in order to measure any increase or decrease in the compliance rate of all Honda ATV dealers. Random monitoring has served in the past to ferret out non-complying dealers so that corrective measures could be taken to assure future compliance with the age recommendations in the promotion and sale of ATVs. Without random monitoring, the staff has no assurance that the monitoring program could not be unfairly manipulated to provide an inaccurate portrait of overall dealer compliance. Random selection of dealers ensures that a company's selection of dealers for monitoring will not come to be dominated by dealers known to comply with the age recommendations.

##### 3. The Training Incentive

Honda has not agreed to offer cash incentives to first time purchasers as a means of encouraging participation in

the training course. The company has indicated that it is aware of no credible evidence or studies suggesting that past cash incentives have been a significant inducement to purchasers and/or their families to take the training course. The company also indicated that it believes that there are other techniques that can be as effective, if not more so, than the current program of cash incentives. Honda's post-Consent Decree training incentive will consist of giving every Honda ATV purchaser who takes training the chance to enter a quarterly drawing for a cash reimbursement of the price of the ATV purchased and an annual drawing for a new car. The total annual value of the prizes to be awarded will be approximately \$40,000. Honda contends that its contest for prizes will be more effective than a cash incentive of \$100 or equivalent value in promoting participation in the training program. The Commission staff contends that the total annual value of prizes offered by Honda is too small, and the chances of winning too remote, for the contest to serve as a meaningful incentive. Honda's contest expenditures will be far less than the amount that would be expended if the company offered an incentive of \$100 cash or equivalent value to first time purchasers of Honda ATVs.

##### 4. Reporting Changes in Honda's ATV Program

Unlike the other distributors, Honda has not agreed to notify the Commission in advance of changes in its ATV program. The Commission staff contends that such notice is essential in order for the Commission to consider whether it should take action with regard to any such changes. Moreover, the staff believes that advance notice, together with the Commission's reservation of all of its enforcement rights with respect to ATVs, will discourage industry from making frequent material changes in the ATV Action Plan.

##### **CPSC Monitoring of Companies' Actions**

The CPSC staff will closely monitor the continuing actions of the companies. Among other things, the staff will periodically seek information from the companies concerning their current practices with regard to ATV advertisements, actions taken with regard to their informational/educational programs, the effectiveness of their respective training incentives in promoting training by first time purchasers without prior operating experience, and the results of their undercover dealer monitoring programs

(including information concerning dealer termination actions).

Because many of the actions under the ATV Action Plan, as well as the actions of Honda, will be implemented through each company's dealers, including prohibitions on the promotion and sale of larger ATVs for the use of underage riders at the dealer level, the CPSC staff will greatly enhance its efforts to assure dealer compliance with these actions. At least in the first year that the ATV Action Plan is in place, the staff expects to approximately double the number of undercover dealer inspections that it has conducted in recent years. These inspections will identify dealers that do not comply with the age requirements so that remedial action, including termination of the dealership agreement, where appropriate, can be taken. The staff will also add to its monitoring program a substantial number of general inspections of ATV dealers to determine, among other things, whether required warnings (labels, hang tags) are affixed to each ATV, whether warning information is communicated to each purchaser in safety videos and safety alerts, whether dealer advertisements comply with advertising guidelines specified in the ATV Action Plan, and whether dealers are promoting the taking of ATV training. Where deficiencies are found as a result of any of the above monitoring activities, the CPSC will take appropriate action to assure that the company in question takes appropriate remedial action.

The CPSC staff will monitor, as well as participate in, the process to update the Voluntary Standard. In this regard, the staff has communicated to the companies various issues that should be discussed in the context of a review and updating of the Voluntary Standard, including changes in vehicle equipment and configuration provisions to reflect current production, certain revisions of test requirements, changes to definitional terms, and revisions to reflect current labeling, hang tag, owner's manual and training practices. The updating of the Voluntary Standard will be coordinated by the American National Standards Institute. The procedures of that organization, including the opportunity to participate in the process of updating the Standard, will be followed.

#### Request for Comments

The Commission solicits public comments on the proposed Resolution published below. The Resolution would commend Yamaha, Kawasaki, Suzuki, Polaris and Arctic Cat for the ATV Action Plan. A Commission

commendation of these companies would be consistent with the Commission's policy of encouraging companies to voluntarily take action that will help to reduce the risk of injury associated with consumer products. Although the ATV Action Plan does not create enforceable rights that can be exercised by the Commission, the companies have voluntarily made substantial commitments to continue certain actions that were part of the Consent Decrees and Arctic Cat Agreement and to implement additional actions to further promote safe and responsible use of ATVs that will, in the opinion of the Commission, enhance ATV rider safety. The Commission wishes whenever possible to acknowledge companies that voluntarily enhance consumer safety. The Commission believes that, in view of the risks associated with ATV use, the actions described in the ATV Action Plan will continue to be necessary for the foreseeable future. Furthermore, as any new companies enter this market, the Commission will seek the agreement of such companies to take actions that are comparable to the continuing actions of the companies under the ATV Action Plan.

The Commission is pleased that Honda will implement a unique and creative informational and educational campaign that will address specific areas of ATV safety that are of major concern to the Commission, including, most importantly, warnings against the use of adult size ATVs by underage riders. The Commission is also pleased that Honda has agreed to provide adequate funding for its campaign during each of the next three years. Although the Commission welcomes certain of the other actions that Honda will take, the Commission staff, as noted above, is dissatisfied with those parts of the company's program that relate to safety alerts, dealer monitoring, training incentives, and the refusal to notify the Commission at least 60 days in advance of any material changes in its program. For these reasons, the Commission staff cannot recommend to the Commission that its Resolution include a commendation of Honda's ATV program.

The Resolution also announces that the Commission will actively monitor actions taken under the Action Plan and will take appropriate action, where necessary, based on the results of this monitoring activity.

The Commission will consider all comments received in response to this notice before acting on the staff's recommendation that it adopt the

proposed Resolution. In commenting, the public should be aware that the Commission does not have the authority to impose requirements on the use of ATVs (as opposed to requirements relating to the production and sale of ATVs). Many of the States have exercised their authority to impose requirements that relate to the use of ATVs; however, such requirements generally vary from State to State. The Commission believes that, in particular, there needs to be greater attention to the age issue at the State level. The Commission continues to be willing to work with the States in addressing safety issues related to the use of ATVs.

If the Commission adopts the Resolution, it will be available from the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207 after October 26, 1998.

Dated: September 2, 1998.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

#### **(Proposed) Resolution of the United States Consumer Product Safety Commission**

The United States Consumer Product Safety Commission (the "Commission"), by vote on August 28, 1998, *Resolves that:*

*Whereas*, on April 28, 1988, the United States of America entered into Consent Decrees, filed in U.S. District Court, with American Honda Motor Co., Inc., Yamaha Motor Corp., U.S.A., Kawasaki Motors Corp., U.S.A., U.S. Suzuki Motor Corp. (nka American Suzuki Motor Corp.), and Polaris Industries, L.P. (nka Polaris Industries Inc.), which expired on April 28, 1998 (the "Consent Decrees");

*Whereas*, on September 27, 1996, the Commission entered into an Agreement and Action Plan with Arctic Cat Inc., which expired on April 28, 1998 (the "Arctic Cat Agreement"); and

*Whereas*, the Consent Decrees and Arctic Cat Agreement required the signatory companies to implement various measures designed to enhance consumer safety with respect to all-terrain vehicles ("ATVs"); and

*Whereas*, on April 24, 1998, the Commission released the results and analysis of its 1997 ATV injury and exposure surveys, and those surveys indicate that, among other things, (i) risk of injury is 2.5 times higher when children younger than 16 drive ATVs than for drivers 16 to 34 years of age and 4.5 times higher for such children than for drivers 35 to 54 years of age; and (ii) risk declines with experience, for which

the Commission believes formal training is a partial surrogate; and

Whereas, the Commission remains concerned about the current level of deaths and injuries associated with ATVs, especially those involving children younger than 16, and believes enhanced safety efforts may achieve a further reduction in such deaths and injuries; and

Whereas, the staff of the Commission and Yamaha Motor Corp., U.S.A., Kawasaki Motors Corp., U.S.A., American Suzuki Motor Corp., Polaris Industries Inc., and Arctic Cat Inc. (collectively, the "Participating Companies") have actively consulted on actions that the companies will voluntarily undertake (the "ATV Action Plan"); and

Whereas, the ATV Action Plan is set forth in separate documents that the Participating Companies have submitted to the Commission's staff; and

Whereas, a description of the ATV Action Plan, together with a draft copy of this Resolution and other materials, was published in the **Federal Register** on \_\_\_\_\_, 1998, and the public was invited to comment on this Resolution and the Commission has considered such comments in adopting this Resolution; and

Whereas, pursuant to the ATV Action Plan, the Participating Companies will (i) promote training, including through enhanced cash incentives to first-time ATV purchasers (or, in the case of Polaris, through requiring that previously untrained purchasers take training in order to receive a warranty on the vehicle), (ii) implement a multi-million dollar, multi-year information and education safety campaign emphasizing, among other things, the risks created when children younger than 16 operate or ride on adult-sized ATVs, (iii) not market, sell or offer to sell adult-size ATVs to or for use by children younger than 16, (iv) not market or sell three-wheel ATVs, (v) provide safety information on and with ATVs, including giving an ATV Safety Alert to each purchaser, (vi) retain the services of an independent organization to continue the undercover monitoring of the same number of randomly selected dealers as was done under previous monitoring programs (vii) continue or undertake various other safety measures, and (viii) notify the Commission at least 60 days in advance of any material changes to the ATV Action Plan (Arctic Cat Inc. has agreed to continue with its actions under the ATV Action Plan for five years); and

Whereas, notwithstanding implementation of the ATV Action Plan, the Commission reserves all its statutory

enforcement, regulatory and oversight powers with respect to ATVs.

Now, therefore:

1. The Commission commends the Participating Companies for the ATV Action Plan, which the Commission believes will provide safety benefits to consumers.

2. The Commission will actively monitor the ATV Action Plan by, among other things, increasing the undercover inspections it conducts of dealerships to ensure compliance with age recommendations; increasing its inspections to ensure proper use of labels and hangtags; and collecting and assessing information regarding the effectiveness of the new training incentives.

Other activities are set forth in the **Federal Register** notice announcing this Resolution. The Commission will take appropriate action based on the results of this monitoring activity. The Commission also will continue to track the death and injury rate associated with ATVs and reserves its authority to take action based on this data.

[FR Doc. 98-24073 Filed 9-8-98; 8:45 am]

BILLING CODE 6355-01-P

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before November 9, 1998.

**ADDRESSES:** Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. Sherrill (202) 708-8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested

Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 2, 1998.

**Sally Budd,**

*Acting Deputy Chief Information Officer,  
Office of the Chief Information Officer.*

### Office of Postsecondary Education

*Type of Review:* Revision.

*Title:* Federal Family Education Loan (FFEL) Program and William D. Ford Federal Direct Loan Program, Loan Discharge Applications.

*Frequency:* One time.

*Affected Public:* Individuals or households.

*Reporting and Recordkeeping Hour Burden:*

Responses: 70,000.

Burden Hours: 30,500.

*Abstract:* These forms will serve as the means of collecting the information necessary to determine whether a FFEL or Direct Loan Borrower qualifies for a loan discharge based on total and