

and provided for the disposal of non-contaminated construction-type debris.

On June 29, 1995, the ROD was amended to eliminate the requirement to extract and treat groundwater from the surficial aquifer on-site and off-site, since monitoring of the groundwater in monitor wells located hydraulically downgradient of the site revealed the concentrations of cadmium, chromium, and lead were below the established clean-up levels.

A Pre-Final Inspection was conducted on May 24, 1994, when the S/S activities were near completion. A Final Inspection was conducted at the site on June 13, 1995, upon completion of the top cover. As a result of this Final Inspection, it was determined that all outstanding remedial tasks noted in the Pre-Final Inspection Report had been resolved and all outstanding construction activities had been completed.

As a result of the activities, all objectives of ROD have been met with the exception of the requirement to extract and treat groundwater which was eliminated in a ROD amendment on June 29, 1995.

No specific operational tasks are required for the 62nd Street Site. However, periodic maintenance activities are anticipated to control vegetation and to repair any erosional damage to exposed areas of the top cover and ditches. Routine maintenance of the top cover and drainage ditches will incorporate mowing, weed control and erosion damage repair. Also, once annually during the month of December, groundwater sampling and analysis will be performed to confirm that the cadmium, chromium, and lead concentrations in both filtered and unfiltered groundwater remain below the respective clean-up levels for these parameters.

EPA conducted a five-year review on June 18, 1999 and concluded that the Remedial Action Objectives have been achieved, the remedy is effective and functioning as designed, and continues to remain protective of human health and the environment. EPA has determined that all completion requirements and appropriate actions at the 62nd Street Superfund Site have been completed, and that no further remedial action is necessary. Therefore, EPA is proposing deletion of the site from the NPL.

Dated: July 12, 1999.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 99-19906 Filed 8-3-99; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA 99-6024, Notice 1]

RIN 2127-AH08

### Federal Motor Vehicle Safety Standards; Glazing Materials; Low Speed Vehicles

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** We are proposing to update the Federal motor vehicle safety standard on glazing materials so that it incorporates by reference the 1996 version of the industry standard on motor vehicle glazing. Currently, the Federal standard incorporates the 1977 version. The industry standard was issued by the American National Standards Institute (ANSI). We are taking this action in response to a petition from the American Automobile Manufacturers Association.

In addition, this proposal addresses a few issues not covered by the 1996 ANSI standard. Among these issues are limiting the size of the shade band that glazing manufacturers place at the top of windshields, and we seek comments on how to update the list of code marks or numbers we assign to glazing manufacturers. This action also proposes minor conforming amendments to our standard on low-speed vehicles.

**DATES:** You should submit your comments early enough to ensure that Docket Management receives them not later than October 4, 1999. The proposed effective date of the final rule is 45 days after its publication in the **Federal Register**.

**ADDRESSES:** You should mention the docket number of this document in your comments and submit your comments in writing to: Docket Management, Room PL-401, 400 Seventh Street, S.W., Washington, D.C., 20590.

You may call Docket Management at 202-366-9324. You may visit the Docket from 10:00 a.m. to 5:00 p.m., Monday through Friday.

#### FOR FURTHER INFORMATION CONTACT:

For non-legal issues, you may call John Lee, of the NHTSA Office of Crashworthiness Standards at telephone (202) 366-2264, facsimile (202) 493-2739, electronic mail "jlee@nhtsa.dot.gov".

For legal issues, you may call Steve Wood of the NHTSA Office of Chief

Counsel at 202-366-2992, facsimile (202) 366-3820.

You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Background on Standard No. 205 and ANSI Z26.1
- II. Benefits of incorporating the 1996 version of ANSI Z26.1
  - A. Improved safety
  - B. Harmonization with foreign glazing standards
  - C. Streamlining and clarification
- III. Discussion of the proposed changes
  - A. General nature of the textual changes to ANSI Z26.1
  - B. Applicability of the standard to vehicle manufacturers
  - C. Meaning of "most difficult part or pattern" for the fracture test
  - D. Residual differences with foreign standards
  - E. Xenon light source for weathering test
  - F. Limiting the width of the shade band
  - G. Conforming amendment to the low-speed vehicle standard
  - H. Verification of DOT Numbers
- IV. Comments
- V. Proposed Effective Date
- VI. Plain Language
- VII. Rulemaking Analyses

#### I. Background on Standard No. 205 and ANSI Z26.1

Federal Motor Vehicle Safety Standard No. 205, *Glazing materials*, specifies requirements and test procedures for windows in motor vehicles. However, most of the requirements and test procedures for the standard are not within the Code of Federal Regulations. Instead, Standard No. 205 incorporates by reference the requirements and test procedures in the industry standard published by the American National Standards Institute (ANSI). The industry standard is American National Standard, Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways—ANSI Z26.1-1977).

ANSI Z26.1 describes different types of glazing that may be used in motor vehicles. These types, or "items," of glazing are generally defined by their ability to pass a specified set of tests.<sup>1</sup> The set of tests that the glazing must pass varies from item to item, based in part on the type of vehicle, and location within that vehicle, for which the

<sup>1</sup> Certain items of glazing are also defined according to their construction characteristics. For example, item 1 glazing may be a multiple glazed unit, which is more than one sheet of glazing in a common mounting. Multiple glazed unit item 1 glazing needs to meet a different set of tests than glazing that is not a multiple glazed unit.

glazing will be used. General descriptions of the material typically used to meet an item's required tests, such as "tempered glass" or "rigid plastics," are sometimes listed in Standard No. 205 and ANSI Z26.1. However, any material that meets the tests for Item "X" glazing can be certified as Item "X" glazing. The tests are listed in a chart in the ANSI standard. The detailed test procedures are also set forth there.

The ANSI standard has been revised periodically by the Society of Automotive Engineers (SAE) Glazing Committee, acting under the sponsorship of ANSI. The Committee is composed of individuals knowledgeable in the field of automotive glazing.

Since the Federal motor vehicle safety standards cannot be changed except through rulemaking, revisions to the ANSI standard do not become part of Standard No. 205 unless we conduct a rulemaking that expressly identifies and incorporates them. The most recent revision we incorporated into Standard No. 205 was ANSI Z26.1a-1980, which supplemented the 1977 version. We incorporated it by a final rule published on February 23, 1984 (49 FR 6732). SAE subsequently petitioned us to upgrade ANSI Z26.1 with 1983 and 1990 revisions. However, we denied those petitions.

In addition to incorporating some of the revisions of the ANSI standard, we have occasionally updated Standard No. 205 directly by adding provisions similar or identical to those in the revisions of the standard.

Consequently, a person wanting an overview of the federal glazing requirements has to read ANSI Z26.1-1977, the 1980 ANSI supplement, and the text of Standard No. 205 in the **Federal Register** together. This rulemaking would simplify the task by shortening the text in Standard No. 205 to a few paragraphs that point the reader to outside publications (the 1996 ANSI Z26.1, and occasionally SAE J100) and define the manufacturer's certification and marking responsibilities. If this proposal is issued as a final rule, a review of ANSI Z26.1 would provide a single source of Federal glazing requirements for most purposes.

On August 12, 1997, the American Automobile Manufacturers Association (AAMA) petitioned us to amend Standard No. 205 "Glazing Materials" to incorporate the most recent update of the ANSI standard (American National Standard for Safety Glazing Materials for Glazing Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways—ANSI/SAE Z26.1-1996). On

January 2, 1998, we granted the AAMA's petition.

## II. Benefits of Incorporating the 1996 Version of ANSI Z26.1

AAMA stated in its petition that incorporating ANSI Z26.1-1996 would improve safety, achieve international harmonization, streamline and clarify Standard No. 205, and eliminate wire glass as an approved safety glazing option.

The following is a summary of the reasons why we tentatively conclude that incorporating ANSI Z26.1-1996, instead of ANSI Z26.1-1977 as supplemented by ANSI Z26.1 1980, would be beneficial.

### A. Improved Safety

ANSI Z26.1-1977 requires a fracture test (Test No. 7) of a 12 inch square, flat sample of glazing. In contrast, ANSI Z26.1-1996 requires the use of a full-size production piece of vehicle window glass. In addition, 5.7.2 of ANSI Z26.1-1996 states that the specimens of glazing selected for testing ". . . shall be of the most difficult part or pattern designation within the model number." This means the portion of the glazing which we consider most likely to fail the test. AAMA believes that "[t]he new fracture test is both more stringent and more field-relevant when compared to the fracture test currently specified in Standard No. 205."

ANSI Z26.1-1996 also improves safety by eliminating wire glass as an approved glazing material. Wire glass is flat-rolled glass reinforced with wire mesh. It is used mostly for architectural applications (primarily for security and fire doors). The wire mesh is intended to prevent objects from penetrating the glass and to hold pieces of broken glass together. Wire glass has been used in past automotive applications for theft protection, in prison buses, and in the lower windows of emergency doors. In 1990, this practice was discontinued. Today's more modern anti-theft glazing is more appealing and safer than wire glass. Wire glass is known to shatter more readily at lower impact speeds and is more lacerative than laminated glass. Moreover, to our knowledge, no company currently produces wire glass for motor vehicle use.

### B. Harmonization With Foreign Glazing Standards

Incorporating ANSI Z26.1-1996 would improve harmonization between U.S., Canadian, and European glazing standards in the following ways:

1. The test fixture for the impact, fracture and penetration resistance tests (Tests 6, 7, 8, 9, 10, 11, 12, 13, 14 and

26) is identical to the support frame required in Economic Commission for Europe (ECE) regulation R43.

2. The equipment used for the abrasion test (Tests 17 and 18) is similar to that used under ECE R43.

3. The Weathering Test (Test 16) is similar to ISO Standard 3917, which requires a xenon light source, rather than the carbon arc light source currently specified in Standard No. 205.

4. The solvents specified in the chemical resistance test (Test 20) have been revised to conform with American Society for Testing and Materials (ASTM) and Occupant Safety and Health Administration (OSHA) requirements. These are the same chemicals specified in ECE R43. This will also result in consistency with the NTTAA (National Technology Transfer Advancement Act), which requires use of voluntary consensus standards unless such use is infeasible or otherwise inconsistent with law.

5. Transport Canada's Canadian Motor Vehicle Safety Standard 205 "Glazing Materials" incorporates ANSI Z26.1-1990, which allows production parts to be used for the fracture test. As explained above, ANSI Z26.1-1977 only calls for the use of surrogate samples. By adopting ANSI Z26.1-1996, we would achieve closer harmonization of Standard No. 205 and Canadian Standard No. 205.

### C. Streamlining and Clarification

This proposed incorporation by reference of ANSI Z26.1-1996 would permit the deletion of most of the existing text of Standard No. 205. The amendments of the past 20 years have resulted in a patchwork of requirements that must be read alongside the ANSI Z26.1 in order to gain a comprehensive understanding of the overall requirements of Standard No. 205. Adoption of this proposal would simplify Standard No. 205, consistent with our's regulatory reform efforts.

## III. Discussion of the Proposed Changes

### A. General Nature of the Textual Changes to ANSI Z26.1

The principal difference between the two versions of the ANSI standard is that the 1996 version contains provisions regarding new types of glazing and other matters not in the 1977 version. In general, the substantive differences between the 1977 and 1996 versions of ANSI Z26.1 are that the newer version includes new types of glazing, e.g., items 4A, 11C, 12, 13, 14, 15A, 15B, 16A, and 16B.

Our substitution of the 1996 version for the 1977 version of the ANSI

standard would not, however, make many substantive changes to our standard since our standard already contains most of those provisions. We directly added them to our standard in various rulemaking proceedings between 1977 and 1996 to supplement the 1977 version of the ANSI standard. Thus, the practical effect of our incorporation by reference of the 1996 ANSI standard is that it would enable us to eliminate the language added by those amendments made to our standard between 1977 and 1996.

Z26.1-1996 also includes numerous editorial and minor substantive changes made to be consistent with Standard No. 205 or to be internally consistent. Although these changes are too numerous and too minor to warrant mention in this NPRM, we have listed them in a table that we have submitted to the docket.

#### *B. Applicability of the Standard to Vehicle Manufacturers*

Standard No. 205 is often thought of as strictly an equipment standard because the application section states that the standard applies to glazing materials and not to vehicles. Further, the vehicle manufacturer does not apply the "DOT" mark to certify compliance of the glazing. Paragraph S6 specifies that the prime glazing manufacturer or manufacturers or distributors who cut motor vehicle glazing have the responsibility for certification and marking. We require marking and certification of each piece of glazing because motor vehicle glazing is often sold in the aftermarket, after the vehicle manufacturer no longer controls it.

However, our glazing standard does not operate, and never has operated,

strictly as an equipment standard under the statute authorizing its issuance or under other regulations implementing that statute. Vehicle manufacturers are required by 49 USC 30115 and by 49 CFR 567.4 to certify that their vehicles, including the glazing they contain, conform with all applicable Federal motor vehicle safety standards, including Standard No. 205. For example, it would be the vehicle manufacturer's sole responsibility if it installed an otherwise conforming piece of glazing in a location not permitted by Standard No. 205. Pursuant to 49 U.S.C. 30112(b)(2)(B), a vehicle manufacturer may rely on the equipment manufacturer's certification, unless it knows that the certification is false. However, the vehicle manufacturer still retains ultimate responsibility for any recalls that may be required in the event of a noncompliance with the glazing requirements, according to 49 U.S.C. 30102(b)(1)(F) and (G).

For consistency and clarity, we propose to modify the applicability section of Standard No. 205 to explicitly apply it to vehicles. Most of our other standards that apply to separately marked motor vehicle equipment, such as brake hoses and brake fluids, also explicitly apply to vehicles.

#### *C. Meaning of "Most Difficult Part or Pattern" for the Fracture Test*

The requirement for specimens to be tested for the fracture test in 5.7.2 of ANSI Z26.1-1996 states, "The number of specimens selected from each model number of glazing shall be six (6) and shall all be of the most difficult part or pattern designation within the model number."

The phrase "the most difficult part or pattern" does not specify the type of difficulty contemplated, nor does it explain how we select the most difficult part or pattern in our compliance testing. Nevertheless, we believe that the phrase "the most difficult part or pattern" was intended to mean the part of the glazing that provides for "worst case" testing. Normally, this would refer to the portion of the glazing that is most curved, but it might mean another part of the glazing that is not tempered properly or that is otherwise more likely to fail.

Although this language might seem subjective, in fact it means that all portions of the glazing surface must be able to pass the test requirements. If the glazing fails a test in a portion we select in our compliance testing, then even if there were another area where compliance would have been more "difficult," by definition the glazing would not pass at that location either. We have made this interpretation explicit in the regulatory text of Standard No. 205.

#### *D. Residual Differences With Foreign Standards*

Incorporating ANSI Z26.1-1996 in Standard No. 205 would not eliminate all differences between Standard No. 205, Canadian Motor Vehicle Safety Standard 205, and ECE R43. There would still be differences in the tempered glass fracture test performance requirements, the windshield luminous transmittance test requirement, and the laminated windshield test samples for the optical and impact tests. The differences are summarized in the following table:

Test	Difference
Luminous Transmittance Test 2 .....	ANSI Z26.1 requires 70 percent transmittance. ECE R43 requires 75 percent transmittance.
Fracture Test 7 .....	Standard No. 205 and Z26-1996 require fragments to have a maximum allowable mass of 4.25g. ECE R43 requires a minimum number of particles to be included in a 5 cm x 5 cm square.
Shot Bag Test 8 .....	ECE R43 does not have a shot bag test.
Dart Test 9, 10 & 11 .....	R43 does not have a dart test.
Weathering Test 16 .....	ECE R43 requires a mercury vapor arc lamp. ANSI Z26.1-1996 requires a xenon lamp. Current Standard No. 205 and Canadian Standard No. 205 require a carbon arc lamp.
Wire Glass .....	Canadian Standard No. 205 allows wire glass to be used, while ANSI Z26.1-1996 does not.

#### *E. Xenon Light Source for Weathering Test*

Laboratory-accelerated weathering tests are used to test the durability of glazing materials by simulating the damaging effects of sunlight over an extended period of time. The weathering tests are used to identify materials that are more susceptible to sun damage, such as rigid plastics,

flexible plastics and glass-plastics (annealed and tempered).

The weathering test procedures of ANSI Z26.1-1977 simulate sunlight using a carbon arc lamp. Carbon arc technology was developed in 1919 for the textile and printing industries. This is no longer the best light source for simulating sunlight. The spectral power distribution of carbon arc is unlike that of natural sunlight. Narrow spikes of

energy in the ultraviolet range of the electromagnetic spectrum (wavelengths of 400 nm and below) can affect how some materials will degrade. We tentatively conclude that a xenon arc light source produces a spectral power distribution closer to that of sunlight, but we request comment on that issue. We note that most of the testing industry is currently using xenon-arc

lamp test devices to simulate weathering.

#### *F. Limiting the Width of the Shade Band*

ANSI Z26.1 requires most passenger car windows to pass a light transmittance test that assures that they transmit 70 percent of the incident light. However, the standard permits those parts of vehicle glazing that are not needed for driving visibility to be tinted more darkly. The most familiar location for those more darkly tinted areas is the top several inches of the windshield. This area is typically called a "shade band."

Since we need to be able, for the purposes of compliance testing, to differentiate between those areas of a window that are intended to meet the 70 percent transmittance requirement and those areas that are not so intended, the limit of the shade band needs to be marked on the glazing. Section 7 of ANSI Z26.1-1996 requires that if an area of glazing intentionally made with a luminous transmittance less than 70 percent adjoins an area that has 70 percent or more luminous transmittance, the former area must be permanently marked at the edge to show the limits of the area that are supposed to comply with the test. The markings have a line parallel to the edge of the tinted area, and an arrow perpendicular to that line showing the item number of the glazing in the direction of the arrow. For example, with a marking (i.e., glazing that must meet the test), the direction of the arrow indicates the portion of the material that complies with transmittance requirement.

A visibility requirement needs to be set to establish boundaries for shade bands on glazed surfaces. The size of the shade band is not explicitly defined by Standard No. 205. Even the updated ANSI Z26.1-1996 does not set boundaries for the area of glazing that does not have to meet the 70 percent light transmittance. Hypothetically, if the shade band covers 99 percent of the windshield and has the proper markings, it would comply with ANSI Z26.1-1996 even though the windshield needs to be clear for driving visibility.

Fortunately, an industry standard exists, SAE J100 "Class 'A' Vehicle Glazing Shade Bands." That standard is based on the eyellipse of a 95th percentile male. The eyellipse is a statistical representation of the 95th percentile male driver's eye positions in a vehicle. That eyellipse is specified because it is the highest eyellipse, and therefore is the eyellipse most likely to be blocked by the shade band. The SAE J100 standard sets limits for the shade band on the windshield, rear window

and fixed side windows. Therefore, we have modified Standard No. 205 to incorporate the June 1995 version of SAE J100. We request comment on the appropriateness of SAE J100 and on whether there are other, alternative industry standards we should consider.

#### *G. Conforming Amendment to the Low-speed Vehicle Standard*

The standard needs to be updated to account for a new vehicle type. On June 17, 1998, we published (63 FR 33194) a new standard for "low speed vehicles" (49 CFR 571.500). The rule defines low speed vehicles as a separate vehicle type, and S5(b)(8) of the rule specifies the use of either AS-1 or AS-5 glazing for the windshield of these vehicles. The rule also separately incorporates by reference the 1977/1980 version of ANSI Z26.1, rather than cross-referencing Standard No. 205.

Rather than separately proposing to update the incorporation by reference of ANSI Z26.1 in Standard No. 500 and Standard No. 205, we have decided that the specifications should appear only in Standard No. 205. Accordingly, this notice proposes modifying S5(b)(8) of Standard No. 500, to eliminate the incorporation by reference of ANSI Z26.1 and any reference to the permitted types of glazing. Instead, S5(b)(8) would simply state that low speed vehicles must have windshield glazing that meets the specifications of Standard No. 205.

We have revised the applicability paragraph of Standard No. 205 to add low speed vehicles to the list of vehicles to which the standard applies. This will assure that manufacturers of glazing materials in low speed vehicles certify compliance with Standard No. 205. In addition, we propose adding a paragraph to the requirements specifying the use of AS-1 or AS-4 glazing in the windshields of low speed vehicles. This section is necessary because the descriptions of the locations of glazing specified by the ANSI standard would not otherwise allow for AS-5 glazing.

We are also correcting a technical error made when Standard No. 500 was issued. We are replacing AS-5 glazing with AS-4 glazing as a permitted glazing type in low speed vehicles. AS-5 glazing has no light transmittance requirement, because it is specified for locations not requisite for driving visibility. Obviously, windshields are vital for driving visibility, so the equivalent glazing with a light transmittance requirement, or AS-4 glazing, is what we intended to permit.

#### *H. Verification of DOT Numbers*

Paragraph S6.2 of Standard No. 205 requires that the prime glazing manufacturer mark the glazing with, among other things, a manufacturer's code mark. The mark is assigned by us upon the written request of the manufacturer. We maintain a list of glazing manufacturers and the marks assigned to them. One use of these code marks (often referred to as a "DOT number") is during an enforcement action to identify the manufacturer that produced a particular piece of glazing.

The SAE Glazing Standards Committee is concerned about the accuracy of our Glazing Manufacturers list. Only 25 percent of the manufacturers listed with DOT numbers are currently active, according to the SAE. SAE further contends that some of the manufacturers have gone out of business without notifying us and that many other manufacturers have moved or merged. Moreover, SAE believes that some of these DOT numbers are being improperly used.

Therefore, we are requesting comments on the need to verify the DOT numbers.

## **IV. 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**. Electronic comment filings need only submit one copy of the document, which must conform to the submission requirements given in the electronic filing instructions at the DOT website (<http://dms.dot.gov>). Electronically submitted documents may be rejected if they are found to be frivolous, abusive, and/or repetitious filings.

#### *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, at the address given above under **FOR FURTHER INFORMATION CONTACT**. 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 We 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. If Docket Management receives a comment too late for us to consider it in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

#### *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:

- A. Go to the Docket Management System (DMS) Web page of the Department of Transportation (<http://dms.dot.gov/>).
- B. On that page, click on "search."
- C. 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."
- D. 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 downloaded comments are not 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.

#### **V. Proposed Effective Date**

Since the purpose of the amendments is to clarify and consolidate existing requirements and since we believe that the adoption of the amendments would not impose any additional burden on any person, we tentatively find for good cause that an effective date earlier than 180 days after issuance of a final rule would be in the public interest. The proposed amendment would become effective 45 days after publication.

#### **VI. Plain Language**

In accordance with the President's June 1, 1998 directive on "Plain Language in government writing," we have rewritten or reorganized portions of the regulatory text for clarity and conformance to Plain Language practices. These include portions of the regulatory text that are not being substantively changed by this rule. For example, we have replaced passive verbs with active verbs, replaced "shall" with "must," and made explicitly clear who has the responsibility for acting.

Rewriting is especially apparent in the certification and marking requirements of section 6. We eliminated the marking requirement of former S6.1 because it is already incorporated in section 7 of ANS Z26. We moved the definition of prime glazing manufacturer in S6.1 into the S4 definitions section. To eliminate redundancy, former S6.2 and S6.3 have been combined in S6.1, and former S6.4 and S6.5 have been combined in S6.3. We do not intend by this proposal to make any substantive changes in S6.

#### **VII. Rulemaking Analyses**

##### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

This rulemaking action was not reviewed under Executive Order 12866. The rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The effect of the rulemaking action would be to clarify existing requirements. It

would not impose any additional burden upon any person. Impacts of the proposed rule are, therefore, so minimal that preparation of a full regulatory evaluation is not warranted.

##### *Regulatory Flexibility Act*

We have considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act (5 U.S.C. Sec. 601 *et seq.*). I certify that this rulemaking action would not have a significant economic impact upon a substantial number of small entities.

The following is our statement providing the factual basis for the certification (5 U.S.C. Sec. 605(b)). The final rule affects manufacturers of motor vehicles and motor vehicle glazing. According to the size standards of the Small Business Association (at 13 CFR Part 121.601), manufacturers of glazing are considered manufacturers of "Motor Vehicle Parts and Accessories" (SIC Code 3714). The size standard for SIC Code 3714 is 750 employees or fewer. The size standard for manufacturers of "Motor Vehicles and Passenger Car Bodies" (SIC Code 3711) is 1,000 employees or fewer. This NPRM would have no significant economic impact of a small business in these industries because, if made final, the rule would make no significant substantive change to requirements currently specified in Standard No. 205. Small organizations and governmental jurisdictions that purchase glazing would not be significantly affected because this rulemaking should not cause price increases. Accordingly, we have not prepared a Regulatory Flexibility Analysis.

##### *Executive Order 12612 (Federalism)*

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

##### *Civil Justice Reform*

This rule would not have any retroactive effect. According to 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. 49 U.S.C. 30161 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

Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

In consideration of the foregoing, we propose that 49 CFR Part 571 be amended as follows:

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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

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

2. Section 571.205 would be amended by:

- a. Revising paragraph S3,
- b. Amending paragraph S4 by adding a new definition in alphabetical order,
- c. Revising paragraph S5.1.1,
- d. Removing paragraphs S5.1.1.1 through S5.1.1.7,
- e. Revising paragraph S5.1.2,
- f. Removing paragraphs S5.1.2.1 through S5.1.2.11,
- g. Revising paragraph S5.2,
- h. Adding paragraph S5.3,
- i. Adding paragraph S5.4,
- j. Revising paragraphs S6.1 through S6.3,
- k. Removing paragraphs S6.4 and S6.5, and
- l. Removing Figure 1 at the end of the section.

The additions and revisions read as follows:

#### § 571.205 Standard No. 205, Glazing materials.

\* \* \* \* \*

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, motorcycles, slide-in campers, pickup covers designed to carry persons while in motion, and low speed vehicles and to glazing materials for use in those vehicles.

S4. *Definitions.* \* \* \*

*Prime glazing manufacturer* means a manufacturer that fabricates, laminates, or tempers glazing materials.

\* \* \* \* \*

S5. *Requirements.*

#### S5.1 Materials.

S5.1.1 Glazing materials for use in motor vehicles must conform to the October 1996 version of American National Standard Safety Code for Safety Glazing Materials for Glazing Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways, Z-26.1 (ANS Z26), unless this standard provides otherwise.

S5.1.2 NHTSA may test any portion of the glazing when doing the fracture test (Test No. 7) described in section 5.7 of ANS Z26.

S5.2 *Edges.* In vehicles except schoolbuses, the prime glazing manufacturer must treat exposed edges of the glazing in accordance with the August 1967 version of SAE Recommended Practice J673a, "Automotive Glazing." In schoolbuses, the vehicle manufacturer must enclose exposed edges of the glazing in a channel.

S5.3 *Shade bands.* The portion of the glazing at the top of the windshield, fixed side windows, and rear windows, as defined in section 4 of the June 1995 version of SAE Recommended Practice J100, is not required for driving visibility.

S5.4 *Low speed vehicles.* Windshields of low speed vehicles must meet the ANS Z26 specifications for either AS-1 or AS-4 glazing.

S6. *Certification and marking.*

S6.1 A prime glazing material manufacturer must certify, in accordance with 49 USC 30115, each piece of glazing material to which this standard applies that is designed—

- (a) As a component of any specific motor vehicle or camper; or
- (b) To be cut into components for use in motor vehicles or items of motor vehicle equipment.

S6.2 A prime glazing manufacturer certifies its glazing by adding to the marks required by section 7 of ANS Z26, in letters and numerals of the same size, the symbol "DOT" and a manufacturer's code mark that NHTSA assigns to the manufacturer. NHTSA will assign a code mark to a manufacturer after the manufacturer submits a written request to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590. The request must include the company name, address, and a statement from the manufacturer certifying its status as a prime glazing manufacturer as defined in S4.

S6.3 A manufacturer or distributor who cuts a section of glazing material to which this standard applies, for use in a motor vehicle or camper, must—

- (a) Mark that material in accordance with section 7 of ANS Z26; and
- (b) Certify that its product complies with this standard in accordance with 49 USC 30115.

3. Section 571.500 would be amended by revising paragraph (b)(8) of S5, to read as follows:

#### § 571.500 Standard No. 500; low speed vehicles.

\* \* \* \* \*

#### S5. Requirements

\* \* \* \* \*

(b) \* \* \*

(8) A windshield that conforms with the Federal Motor Vehicle Safety Standard on glazing materials (49 CFR 571.205)

\* \* \* \* \*

Issued on: July 28, 1999.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 99-19913 Filed 8-3-99; 8:45 am]

BILLING CODE 4910-59-P

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[I.D. 072199C]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Exempted Fishing Permits (EFPs)

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

**SUMMARY:** NMFS announces that the Regional Administrator, Northeast Region, NMFS (Regional Administrator), is considering approval of EFPs for two vessels to conduct exempted experimental fishing activities otherwise restricted by regulations governing the Fisheries of the Northeastern United States. These EFPs to conduct experimental fishing would involve the possession and retention of Atlantic sea scallops (*Placopecten magellanicus*), including the possible capture and release of regulated multispecies and other bycatch (monkfish, skates, invertebrates, and elasmobranchs), in the Mid-Atlantic Regulated Mesh Area; specifically, within the Hudson Canyon South Sea Scallop Closure Area and the Virginia Beach Sea Scallop Closure Area. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act provisions require publication in the **Federal Register** to provide interested parties the opportunity to comment on the proposed EFPs.

**DATES:** Comments on this document must be received by August 19, 1999.

**ADDRESSES:** Comments should be sent to the Regional Administrator, NMFS,