

transmittance of greater than 70 percent have been installed.

Ford supports its application for inconsequential noncompliance with the following:

In Ford's judgement, the condition is inconsequential as it relates to motor vehicle safety. Computer modeling studies and in-car evaluations previously conducted by Ford to assess the effect of reduced light transmittance windshields showed that even a 5 point reduction in the percentage of light transmittance, from 65 to 60 percent, resulted in a reduction in seeing distance of only 1 to 2 percent during night time driving, and little or no reduction in seeing distance during dusk and daytime driving. Based on these studies, the subject Continental front door windows with 68 percent light transmittance (67.5 percent at the door window installed angle) would be expected to result in no significant reduction (less than 1 percent) in seeing distance during night time driving, and virtually no reduction during dusk and daytime driving, compared to glass with a 70 percent transmittance. Reductions in seeing distances 2 percent or less have no practical or perceivable effect on driver visibility based on observers' reports in vehicle evaluations by Ford of windshields with line-of-sight transmittance in the 60 to 65 percent range.

The stated purpose of FMVSS No. 205 to which the light transmittance requirements are directed is "to ensure a necessary degree of transparency in motor vehicle windows for driver visibility." NHTSA, in its March, 1991 "Report to Congress on Tinting of Motor Vehicle Windows," concluded that the light transmittance of windows of the then new passenger cars that complied with Standard No. 205 did not present an unreasonable risk of accident occurrence. The "new passenger cars" that were considered to not present an unreasonable risk had effective line-of-sight light transmittances through the windshields as low as approximately 63 percent (determined by a 1990 agency survey, the results of which were included in the report). While light transmittance and driver visibility through front door windows is important to safe operation of motor vehicles, it is not as important as driver visibility through vehicle windshields. It follows that if light transmittance levels as low as 63 percent through windshields do not present an unreasonable risk to safety, then the side window glass in the subject Continentals also presents no unreasonable risk to safety.

Therefore, while the use of front window glazing with luminous transmittance less than 70 percent is technically a noncompliance, we believe the condition presents no risk to motor vehicle safety.

No comments were received on the application.

In assessing the effect of reduced light transmittance in windshields via computer modeling and in-car evaluations, Ford found that a five point reduction in the percentage of light transmittance in windshields, from 65 to 60 percent, resulted in a reduction in seeing distance of one to two percent at

night and little to no reduction in daylight. NHTSA concurs with Ford that these test data show that a two point reduction in the percentage of light transmittance, from 70 to 68 percent in the side windows, would reduce seeing distance negligibly.

In addition, Ford cites a 1991 NHTSA report to Congress in which the agency concluded that the light transmittance of windows in new passenger cars that comply with FMVSS No. 205 did not present an unreasonable risk of accident occurrence. While the windshields in these vehicles had 70 percent or greater light transmittance when tested according to the FMVSS No. 205 compliance test, they had effective line-of-sight light transmittances as low as 63 percent. The light transmittance values obtained when testing in the line-of-sight direction are generally lower than those obtained using the FMVSS No. 205 compliance test because the windows are tested at the angle at which they are installed. The FMVSS No. 205 compliance test specifies that the light transmittance be tested perpendicularly to the surface of the window. When tested at the installation angle, less light is transmitted. The subject windows have a line-of-sight light transmittance of 67.5 percent. NHTSA agrees with Ford that this information supports granting its petition.

In consideration of the foregoing, NHTSA finds that the applicant has met its burden of persuasion that the noncompliance herein described is inconsequential to safety. Accordingly, its application is granted, and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: June 8, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods; Public Meeting

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that RSPA will conduct a public meeting to exchange views on proposals submitted to the tenth session of the United Nation's Sub-Committee of Experts on the Transport of Dangerous Goods.

DATES: July 6, 1995 at 9:30 a.m.

ADDRESSES: Room 6200, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Frits Wybenga, International Standards Coordinator, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590; (202) 366-0656.

SUPPLEMENTARY INFORMATION: This meeting will be held in preparation for the tenth session of the Sub-Committee of Experts on the Transport of Dangerous Goods to be held July 10 to 21, 1995 in Geneva, Switzerland. During this public meeting U.S. positions on proposals submitted to the tenth session of the Sub-Committee will be discussed. Topics to be covered include matters related to explosives including the United Nations (UN) External Fire (Bonfire) Test, restructuring the UN Recommendations on the Transport of Dangerous Goods into a model rule, criteria for environmentally hazardous substances, review of intermodal portable tank requirements, review of the requirements applicable to small quantities of hazardous materials in transport (limited quantities), classification of individual substances, requirements for bulk and non-bulk packagings used to transport hazardous materials, infectious substances international harmonization of classification criteria.

The public is invited to attend without prior notification.

Documents

Copies of documents submitted to the tenth session of the UN Sub-Committee meeting may be obtained from RSPA. A listing of these documents is available on the Hazardous Materials Information Exchange (HMIX), RSPA's computer bulletin board. Documents may be ordered by filling out an on-line request form on the HMIX or by contacting RSPA's Dockets Unit (202-366-5046). For more information on the use of the HMIX system, contact the HMIX information center; 1-800-PLANFOR (752-6367); in Illinois, 1-800-367-9592; Monday through Friday, 8:30 a.m. to 5 p.m. Central time. The HMIX may also be accessed via the Internet at hmix.dis.anl.gov.

After the meeting, a summary of the public meeting will also be available

from the Hazardous Materials Advisory Council, Suite 250, 1110 Vermont Ave., NW., Washington, DC 20005; telephone number (202) 289-4550.

Issued in Washington, DC, on June 9, 1995.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

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BILLING CODE 4910-60-M

[Docket No. HM-208; Notice No. 95-8]

Hazardous Materials Transportation; Registration and Fee Assessment Program

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of filing requirements.

SUMMARY: The Hazardous Materials Registration Program will enter Registration Year 1995-96 on July 1, 1995. Persons who transport or offer for transportation certain hazardous materials are required to annually file a registration statement and pay a fee to the Department of Transportation. Persons who registered for the 1994-95 Registration Year were mailed a Registration Statement form and informational brochure.

FOR FURTHER INFORMATION CONTACT: David W. Donaldson, Office of Hazardous Materials Planning and Analysis (202-366-4109), Hazardous Materials Safety, 400 Seventh Street SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: This notice is intended to notify persons who transport or offer for transportation certain hazardous materials of an annual requirement to register with the Department of Transportation. Each person, as defined by the Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*), who engages in any of the specified activities relating to the transportation of hazardous materials is required to register annually with the Department of Transportation and pay a \$250 registration fee (plus a separate \$50 processing fee). The regulations implementing this program are in Title 49, Code of Federal Regulations, §§ 107.601-107.620.

Proceeds are used to fund grants to State and Indian tribal governments for emergency response training and planning. Grants were awarded to all states, five territories, and 11 Native American tribes during FY 1994. By law, 75 percent of the Federal grant monies is further distributed to local emergency response and planning agencies. The FY 1993 funds helped to provide (1) over 500 commodity flow

studies and hazard analyses, (2) over 1,000 emergency response plans updated or written for the first time, (3) assistance to over 1,200 local emergency planning committees, (4) over 600 emergency exercises, and (5) training for over 200,000 emergency response personnel.

The persons affected by these requirements are those who offer or transport in commerce any of the following materials:

A. Any highway route-controlled quantity of a Class 7 (radioactive) material;

B. More than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container;

C. More than one liter (1.06 quarts) per package of a material extremely toxic by inhalation (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A);

D. A hazardous material in a bulk packaging having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids;

or
E. A shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of a class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class.

The 1994-95 registration year ends on June 30, 1995. The 1995-96 Registration Year will begin on July 1, 1995, and end on June 30, 1996. Any person who engages in any of the specified activities during that period must file a Registration Statement and pay the associated fee of \$300.00 before July 1, 1995, or before engaging in any of the activities, whichever is later. All persons who registered for the 1994-95 Registration Year have been mailed a Registration Statement form and an informational brochure. Other persons wishing to obtain the form and any other information relating to this program should contact the program number given above.

The Registration Statement has not been revised for the 1995-96 Registration Year. The informational brochure has been revised to be more customer oriented and to provide some information that was not previously included in the brochure. Registrants should file a registration statement and pay the associated fee in advance of July 1, 1995, in order to ensure that a 1995-96 Certificate of Registration has been provided by that date to comply with the recordkeeping requirements, including the requirement that the

registration number be made available on board each truck and truck tractor (not including trailers and semi-trailers) and each vessel used to transport hazardous materials subject to the registration requirements. A Certificate of Registration is generally mailed within three weeks of RSPA's receipt of a Registration Statement.

Persons who engage in any of the specified activities during a Registration Year are required to register for that year. Persons who engaged in these activities during Registration Year 1992-93 (September 16, 1992, through June 30, 1993), 1993-94 (July 1, 1993, through June 30, 1994), or 1994-95 (July 1, 1994, through June 30, 1995) and have not filed a registration statement and paid the associated fee of \$300.00 for each year for which registration is required should contact RSPA to obtain the required form (DOT F 5800.2). A copy of the form being distributed for the 1995-96 Registration Year may be used to register for previous years. Persons who fail to register for any registration year in which they engaged in such activities are subject to civil penalties for each day a covered activity is performed. The legal obligation to register for a year in which any specified activity was conducted does not end with the registration year. Registration after the completion of a registration year may also involve the imposition of a late fee and interest in addition to a civil penalty.

During the 1995-96 Registration Year, RSPA is continuing to participate with the Public Utilities Commission of Ohio (PUCO) in a pilot test of an alternate procedure for filing the Federal Registration Statement for motor carriers who are also subject to the State of Ohio's registration program. Ohio Revised Code Section 4905.80 requires that motor carriers transporting in or through Ohio hazardous materials that must be placarded, require the display of vehicle markings, or must be manifested register with PUCO. Motor carriers who are subject to both the Federal registration requirements and the PUCO requirements may obtain further information from the PUCO at 614-466-7232.

On January 30, 1995, RSPA published a notice of proposed rulemaking in the **Federal Register** requesting comments on several proposed changes to the registration program. Over 350 comments were submitted in response. After reviewing the comments and evaluating the options available to the Department, RSPA decided to maintain the total fee for registration and processing at \$300 rather than to implement a graduated fee schedule