

§ 1926.417 [Corrected]

3. Paragraph (d) of § 1926.417 is removed.

[FR Doc. 96-20425 Filed 8-9-96; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF THE TREASURY**Fiscal Service****31 CFR Part 211**

RIN 1510-AA55

Delivery of Checks and Warrants to Addresses Outside the United States, Its Territories and Possessions

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Final Rule.

SUMMARY: This final rule revises the regulations governing the delivery of Treasury checks outside the United States by removing the reference to Vietnam. With the resumption of diplomatic relations, there is reasonable assurance that payees residing in Vietnam will receive and be able to negotiate Treasury checks for full value. An additional revision contained in this rule updates a reference to the Department of Veterans Affairs.

EFFECTIVE DATE: August 12, 1996.

FOR FURTHER INFORMATION CONTACT:

William S. Mehr, Manager, Administrative Services Branch, Financial Management Service, Department of the Treasury, Washington, D.C. 20227, (202) 874-6932; or Paul M. Curran (Principal Attorney) (202) 874-6680.

SUPPLEMENTARY INFORMATION: In response to inquiries from payment certifying agencies regarding the possible resumption of the delivery of Treasury checks to Vietnam, the Department of the Treasury requested information from the Department of State (State) regarding banking and postal conditions in that country. State has advised that, within the past year, banking facilities in Vietnam have improved greatly and should continue to do so.

With respect to postal facilities, State has proposed a system whereby Treasury checks will be sent by diplomatic pouch to the American Embassy in Hanoi. Further delivery, by hand, to the American Consulate in Ho Chi Minh City also will be arranged by Embassy personnel. Because of the small number of payees residing in Vietnam, this arrangement is feasible for both Treasury and State. Additionally, it

is acceptable to payment certifying agencies.

Accordingly, there is reasonable assurance that payees living in Vietnam will receive checks drawn against funds of the United States and will be able to negotiate the same for full value. For this reason, 31 CFR 211.1(a) is being revised to delete the reference to Vietnam.

The regulation also contains outdated references to the Veterans Administration. This amendment will correctly refer to the Department of Veterans Affairs and the Secretary of Veterans Affairs.

Rulemaking Analysis

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act do not apply.

It has been determined that, because this regulation involves a foreign affairs function of the United States, it is not subject to Executive Order 12866. Therefore, a Regulatory Assessment is not required.

Notice and Comment

Because this rule removes a restriction on the delivery of Treasury checks to a foreign country, the Department of the Treasury has determined that notice of proposed rulemaking, public procedure and a delayed effective date are not required pursuant to 5 U.S.C. 553(a)(1), 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(1).

List of Subjects in 31 CFR Part 211

Foreign banking, Foreign claims, Checks.

For the reasons set out in the preamble, 31 CFR Part 211 is amended as set forth below.

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

1. The authority citation for part 211 is revised to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 321 and 3329.

2. Section 211.1(a) is revised to read as follows:

§ 211.1 Withholding delivery of checks.

(a) It is hereby determined that postal, transportation or banking facilities in general or local conditions in the Republic of Cuba, Democratic Kampuchea, and the Democratic People's Republic of Korea (North Korea) are such that there is not a reasonable assurance that a payee in those areas will actually receive checks

or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

* * * * *

3. Section 211.2 is revised to read as follows:

§ 211.2 Claims for the release of withheld checks or for the proceeds thereof.

Claims for the release of checks or warrants withheld from delivery or for the proceeds thereof, shall be filed with the administrative agency which would have originally authorized such issuance, e.g., claims arising out of checks or warrants representing payments under laws administered by the Department of Veterans Affairs shall be filed with the Secretary of Veterans Affairs, Department of Veterans Affairs, Washington, DC 20420.

Dated: July 23, 1996.

Russell D. Morris,
Commissioner.

[FR Doc. 96-20499 Filed 8-9-96; 8:45 am]

BILLING CODE 4810-35-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. 95-13, Notice 02]

RIN 2127-AF28

Federal Motor Vehicle Safety Standards; Glazing Materials

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

ACTION: Final rule.

SUMMARY: In this final rule, NHTSA permits the installation of a new item of motor vehicle glazing, Item 4A—*Rigid Plastic for Use in Side Windows*, in motor vehicles. In issuing the final rule, the agency seeks to provide greater flexibility for manufacturers to develop and use more aerodynamic, lighter weight glazing designs, resulting in lower fuel consumption.

DATES: *Effective date:* This final rule is effective September 11, 1996.

Petitions for reconsideration: Any petitions for reconsideration of this final rule must be received by NHTSA no later than September 30, 1996.

ADDRESSES: Any petition for reconsideration of this final rule should refer to the docket and notice number set forth in the heading of this document and be submitted to:

Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC, 20590.

FOR FURTHER INFORMATION CONTACT: For technical information: Mr. John Lee, Office of Crashworthiness, NHTSA, telephone (202) 366-4924, FAX number (202) 366-4329. Mr. Lee's e-mail address is: jlee@nhtsa.dot.gov.

For legal information: Ms. Dorothy Nakama, Office of the Chief Counsel, NHTSA, telephone (202) 366-2992, FAX number (202) 366-3820.

Both may be reached at: National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Petitions should not be sent or faxed to these persons.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials* (49 CFR 571.205), specifies performance requirements for the types of glazing that may be installed in motor vehicles. It also specifies the vehicle locations in which the various types of glazing may be installed. The standard incorporates, by reference, American National Standards Institute (ANSI) Standard Z26.1, "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," as amended through 1980 (Z26). The requirements in ANSI Z26.1 are specified in terms of performance tests that the various types or "items" of glazing must pass. There are 20 "items" of glazing (not including the item that is the subject of this final rule) for which requirements are currently specified in Standard No. 205.

To ensure the safety performance of vehicle glazing, Standard No. 205 includes a total of 31 specific tests. Each item of glazing is subjected to an appropriate selection of these tests. It is the particular combination of tests that dictates the requisite properties of a particular item of glazing, and where in a motor vehicle the glazing may be installed.

Rigid plastic materials, such as those referenced in this rulemaking, are considered to be Items 4 and 5 glazing. Prior to the issuance of this final rule, no rigid plastics were permitted to be installed in those areas requisite for driving visibility because rigid plastics are more susceptible to abrasion than glass. All windows in a passenger car are considered requisite for driving visibility.

GM Petition

By letter dated December 15, 1993, General Motors (GM) petitioned NHTSA to amend Standard No. 205 to relax the limitations on the installation of Items 4 and 5 rigid plastic glazing so that they can be installed in the side windows of station wagons and hatchbacks to the rear of all designated seating positions. GM subsequently amended its petition, limiting it to Item 4 glazing. (Item 4 glazing is required to transmit at least 70 percent of the light striking it; Item 5 glazing has no such requirement.)

In support of its petition, GM stated that the potential benefits of permitting plastic glazing in side windows would be reduced mass and greater design flexibility. GM further asserted plastics, while retaining good optical quality, can be molded into more complex shapes than glass. GM concluded that the combined effect of the more aerodynamic designs possible with plastic glazing and the reduced weight will lower a vehicle's fuel consumption.

GM acknowledged that Tests 17, Abrasion Resistance (Plastics), and 18, Abrasion Resistance (Safety Glass), of ANS Z26 indicate that plastics are not as abrasion resistant as glass. However, GM suggested that concerns about the abrasion resistance of plastic glazing may not be well founded, asserting that some evidence shows that Tests 17 and 18 "are not necessarily predictive" of how glazing will perform under actual use conditions. In support of its assertion, GM attached a summary of a study performed by a plastics supplier on a 1988 GM Pontiac Fiero GT sail panel. (A discussion of the sail panel study is provided at 60 FR 13688, March 14, 1995).

GM further asserted that permitting rigid plastic in side windows would not affect visibility because it believed that some side windows are not used for visibility. GM analogized station wagon and hatchback side windows rearward of the "C" pillar to light truck windows rearward of the "B" pillar and argued that station wagon and hatchback side windows rearward of the "C" pillar provide no more than auxiliary visibility. Thus, GM argued station wagon side windows rearward of the "C" pillar should no longer be considered requisite for driving visibility if the driver is provided other means, such as outside rearview mirrors, of viewing the highway to the side and rear of the vehicle.

On March 14, 1994, NHTSA granted GM's petition for rulemaking.

Notice of Proposed Rulemaking

On March 14, 1995, NHTSA published in the Federal Register (60

FR 13688) a notice of proposed rulemaking to amend Standard No. 205 by permitting a new item of glazing, Item 4A. The most salient characteristic of the glazing would be an abrasion resistant outer coating. NHTSA proposed to permit Item 4A glazing in all areas where Item 4 glazing is permitted. In addition, the agency proposed to permit item 4A glazing to be installed in the side windows, rearward of the "C" pillar and forward of the "D" pillar, of station wagons and hatchbacks, if those windows are not "laterally adjacent to an outboard designated seating position." NHTSA proposed these changes to Standard No. 205 to provide greater flexibility to manufacturers in selecting and shaping glazing. Use of the new glazing would permit more aerodynamic and lighter weight designs and, in turn, would enhance fuel economy.

NHTSA proposed to make Item 4A glazing subject to all the tests applicable to Item 4 glazing: tests nos. 2 (Luminous Transmittance); 10 (Dart Test); 13 (Ball Test); 16 (Weathering); 17 Abrasion Resistance (Plastics) (as modified); 19 Chemical Resistance (Nonstressed); 20 Chemical Resistance (Stressed); 21 Dimensional Stability (Warpage); and 24 Flammability.

Since Item 4A glazing was proposed for a location requisite for driving visibility, the agency proposed to supplement Test No. 17 Abrasion Resistance (Plastics). NHTSA tentatively concluded that additional requirements regarding abrasion were necessary because the agency did not concur with GM's suggestion that the rearmost side windows in station wagons and hatchback vehicles are not requisite for driving safety. Since the agency was proposing a more stringent abrasion test, it concluded that it was not necessary to propose the adoption of GM's suggestion that use of the rigid plastic glazing be limited to vehicles that provide means (e.g., exterior passenger-side mirrors) of affording visibility of the highway to the side and rear of the vehicle.

Test 17 specifies that after measuring the initial or pre-abrasion haze of three specimens of plastic glazing, those specimens are subjected to an abrader for 100 cycles. The initial haze is subtracted from the amount of haze measured after abrasion. The incremental haze caused by the abrasion must not exceed 15 percent.

NHTSA proposed that the interior side of Item 4A glazing be subjected to Test 17, as modified in Standard No. 205 for the interior side of glass-plastic glazing. As modified for that glazing, Test 17 does not regulate incremental

haze separately. For that reason, it does not provide for measuring the initial haze and subtracting that haze from the post-abrasion haze. Instead, modified Test 17 regulates the total amount of post-abrasion haze. NHTSA proposed that total post abrasion haze must not exceed 4 percent.

As to the exterior side of Item 4A glazing, NHTSA proposed that it be subjected to Test 17, as modified for the interior side of glass-plastic glazing, except that the haze on the exterior side must not exceed 4.0 percent after 100 cycles and must not exceed 10.0 percent after 500 cycles. Specimens used for testing the exterior side of the glazing would not be used for testing the interior side.

The agency proposed to regulate total haze and not just incremental haze because of its concern that the initial haze of the plastic glazing would not be so low as it is for glass. In the case of glass-plastic glazing and the Fiero panel cited by GM as an example of viable plastic glazing, the initial haze is very low. However, other plastic glazing may have sufficiently higher levels of initial haze that the total amount of haze after abrasion would be unacceptably high for visibility purposes.

Since the 4 percent haze limitation may not ensure that Item 4A glazing has the hard, abrasion resistant coating used by GM to achieve good performance in its Fiero GT sail panel example, NHTSA believed it is also necessary to test at least the exterior side of fixed glazing for longer term resistance to abrasion. NHTSA therefore proposed to subject the exterior side of item 4A glazing test specimens to an additional 400 cycles of abrasion. Based in part on information from the American Automobile Manufacturers Association, NHTSA proposed 10 percent as the maximum permissible haze after those additional cycles. This level of performance is thought to be indicative of hard coated products. GM submitted data on the performance of the coated glazing in the Fiero, but did not premise its request regarding plastic glazing upon the use of coated plastic glazing. Instead, it simply sought permission to use uncoated Item 4 glazing. The hard coating necessitated by the additional cycles of abrasion would ensure that Item 4A glazing would have the level of abrasion resistance demonstrated by the Fiero GT sail panel. No such assurance exists for Item 4 glazing. The value of hard coatings has been demonstrated in headlamp applications where plastic lenses have been allowed to replace glass lenses. The agency stated its belief that coating technology should be equally suitable for glazing applications.

NHTSA also stated its belief that since windows to the rear of the "C" pillar do not roll down, coating only the exterior side should be sufficient.

Since NHTSA proposed to permit a rigid plastic in a passenger car side window for the first time, the agency solicited comments on the sufficiency of the proposed provisions for supplementing Test 17. The agency also said that it would welcome any comments on the advisability of permitting rigid plastics in station wagon side windows rearward of the "C" pillar and forward of the "D" pillar.

Public Comments on the NPRM and NHTSA Response

In response to the NPRM, NHTSA received comments from the American Automobile Manufacturers Association, Bayer Corporation, Chrysler Corporation, Ford Motor Company, General Motors, Libbey-Owens-Ford, Perrone Forensic Consulting, Inc., S & S/Superior of Ohio, Inc., Safety Systems Company, and Sekurit. Each commenter either supported or did not oppose the proposed changes to Standard No. 205. The commenters raised issues that are addressed below.

Locations for Item 4A Glazing

In response to the NPRM, Ford asked that Standard No. 205 be amended to permit rigid plastics "in the "C" pillar of vehicles for ornamental/decorative purposes * * * in all vehicles." Adoption of Ford's suggestion would permit a portion of a vehicle's "C" pillar sheet metal to be replaced with a decorative applique or window made from rigid plastic. Ford stated that with the small surface area of the "C" pillar and the rigid plastic surface affixed to the sheet metal structure, "the resistance to fracture of a polycarbonate should not involve any unreasonable risk for safety."

S & S/Superior of Ohio, Inc. suggested NHTSA permit Item 4A glazing in hearses (funeral coaches) between the "B" pillar and "D" pillar. S & S stated that hearses "are manufactured with a partition at the "B" pillars—separating the driver's compartment from the rear compartment" and noted there is no seating behind the "B" pillar.

It has always been NHTSA's intent that Item 4A glazing not be permitted in areas where it may come into contact with an occupant's head. To accomplish this goal, NHTSA proposed that Item 4A be limited to glazing areas in station wagons and hatchbacks that are behind the "C" pillar and behind the "D" pillar, if those areas are not "laterally adjacent to an outboard designated seating position." NHTSA did not discuss how

much overlap between a window and a seating position is necessary before they are said to be laterally adjacent.

The agency needs to provide guidance regarding the dividing line between windows that are laterally adjacent to a seat and windows that are behind a seat. The determination of lateral adjacency is particularly important to ensure proper classification of a window that is located largely, but not totally to the rear of the rearmost seat on the same side of the vehicle. An example of such a window is the window between the "C" and "D" pillars in some station wagons. The "C" pillar on those vehicles slants forward so that its upper end is forwardmost. The leading edge of the window is not laterally adjacent to the seat cushion of the rearmost seating position, but is laterally adjacent to the leading surface of the upper seat back of that position. Such a window is contactable by an occupant seated in that position, particularly in a crash in which the vehicle is struck in the rear at an angle.

After considering several alternatives for giving more definitive guidance on determining which windows are eligible for Item 4A installation, NHTSA has decided to adopt an approach that, unlike the proposal, does not refer to any particular vehicle type. Instead, the approach is based on the relative location of a window in any vehicle and the occupant seats in that vehicle. The approach is further based on the procedure in Federal Motor Vehicle Safety Standard No. 210, *Seat Belt Assembly Anchorages*, and in Figure 1 thereof for locating the shoulder reference point. That point is used under that Standard to locate the acceptable range for the location of the upper torso anchorage for a type 2 safety belt.

NHTSA is amending S5.1.2.11 of Standard No. 205 to permit Item 4A glazing in a motor vehicle window if the forwardmost point of the visible interior surface of the window is rearward of the vertical transverse plane that passes through the shoulder reference point (as described in Figure 1 of Standard No. 210) of the rearmost seating position in the vehicle, provided that that position is forward-facing and cannot be adjusted so that it is side or rear-facing. In this final rule, NHTSA has decided not to permit Item 4A glazing near rear-facing seats or side-facing seats in any motor vehicle because it is concerned that occupants (particularly unbelted ones) riding in those seating locations may be able to contact their heads against Item 4A glazing.

Adoption of this approach has the advantage of permitting Item 4A glazing

in vehicles other than station wagons and hatchbacks, while assuring that it is very unlikely that the rigid plastic glazing will be contacted by any occupant's head. Since the adopted criteria do not limit Item 4A installation to locations between the "C" and "D" pillars in station wagons and hatchbacks, they permit Item 4A glazing installation in any vehicle location that can meet that approach. Thus, Item 4A glazing could be installed in the "C" pillar of vehicles and between the "B" and "D" pillars in hearses (funeral coaches) if those locations met the criteria.

Ejection Resistance Issues and Rigid Plastic Glazing

Several commenters stated that rigid plastic windows have the potential to keep occupants in the vehicle in the event of a crash, rather than permitting their ejection through the window opening. Repeating an earlier comment, Sekurit urged NHTSA to adopt "an overall policy and plan to address the role of glazing, including glass, glass-plastic, and plastic, in crash prevention and crash injury prevention." Safety Systems Company noted that if, in the future, NHTSA should specify a head impact test and an ejection resistance test in Standard No. 205, that both tests be made applicable to Item 4A glazing.

Perrone recommended that Item 4A be subject to an ejection resistance test in conjunction with the other tests (such as abrasion resistance) that would be used to define the item of glazing. This recommendation was based on Perrone's belief that plastic glazing can potentially keep "occupants in the vehicle rather than permitting dangerous ejection." It cited a need to establish a test procedure to ensure "that the end fixity of these various glazing materials is adequate around the periphery."

NHTSA agrees that there may be benefit in further investigating the ejection mitigation potential of plastic and other types of glazing. However, NHTSA does not yet have the necessary data to propose the changes that Perrone, Safety Systems, and Sekurit recommend. NHTSA intends to continue to examine the ejection mitigation potential of various types of glazing. NHTSA will consider the commenters' recommendations in any future rulemakings on the ejection resistance issue.

Haze and Abrasion Issues

Libbey-Owens-Ford (LOF) recommended that Test No. 17, Abrasion Resistance, be modified to limit initial total haze to 1.0 percent, not

just the amount of haze after completion of the abrasion test. LOF stated that initial haze should not exceed 1.0 percent to guarantee that the initial haze of the glazing is "at an acceptable level." In support of the suggested 1.0 level, LOF stated that it reviewed its test records over 20 years and has not found any AS-1, AS-2, or AS-14 products with an initial haze level over 1.0 percent. It further stated that studies done in Europe "strongly suggested that high haze levels in windshields interfere with night driving visibility," and that some plastic materials have relatively high initial haze levels.

NHTSA concurs with LOF's comment insofar as it applies to Item 4A glazing. Limiting the initial haze level would enhance safety by ensuring a maximum acceptable haze level that the unused rigid plastic glazing must meet. In light of the fact that the Pontiac Fiero sail panel cited in GM's test (see 60 FR 13688, March 14, 1995) had an initial haze level of 0.49 percent, and after testing (over six years, when the Fiero was driven "over 41,000 miles"), had a 0.87 percent haze level, NHTSA believes that meeting an initial haze level limit of 1.0 percent is practicable and appropriate. In the final rule, NHTSA amends the language of S5.1.2.11(b)(1) to establish an initial maximum haze level of 1.0 percent for Item 4A glazing.

LOF also commented that since the long term durability of abrasion resistant exterior coatings, and of the adhesion between the coating and the substrate are a potential concern, a single sample of Item 4A glazing should be subjected to a weathering test and then an abrasion test. NHTSA believes it has addressed LOF's concerns in part by making Test 16 Weathering and Test 17, Abrasion Resistance applicable to Item 4A glazing. NHTSA made changes to Test 17 to ensure that Test 17 regulates total haze and to test the exterior side of plastic glazing to ensure longer term resistance to abrasion.

However, NHTSA acknowledges that in this final rule, Tests 16 and 17 would not be applied to the same sample of glazing. NHTSA does not have data to indicate that applying Tests 16 and 17 to the same piece of glazing would significantly enhance safety. However, NHTSA intends to monitor the performance of Item 4A glazing installed in motor vehicles. If NHTSA should obtain data indicating a safety value in performing Tests 16 and 17 (or other tests for weathering and abrasion resistance of plastics) on the same sample of glazing, NHTSA will consider initiating rulemaking to establish such tests.

Statistical Data on Item 4A Glazing

Safety Systems Company recommended that the proposed rule be amended to require manufacturers to provide NHTSA with the makes, models and Vehicle Identification Numbers (VINs) of vehicles using the Item 4A glazing so that statistical data on Item 4A glazing can be collected. Safety Systems further recommended that the National Accident Sampling System crash data collection procedures be amended to provide for recording this new vehicle glazing element, and detect injuries due to possible fracture patterns of the glazing or other glazing problems.

NHTSA believes there may be merit in adopting Safety System's suggestion for obtaining glazing information from vehicle manufacturers. However, adopting that suggestion would not necessitate changes in Standard No. 205, or any other NHTSA regulation. NHTSA intends to find means to collect the suggested information without imposing an undue collection of information burden on manufacturers.

Characterization of the New Item of Glazing

Bayer Corporation objected to NHTSA's calling the new item of glazing "Rigid Plastic", since in its opinion, it "sends an unfortunate message based on a misinterpretation of FMVSS 205 and creates a monopoly for glass in other items." NHTSA does not believe that the name of the new item of glazing will have the effect anticipated by Bayer. The opportunity to use rigid plastic in other areas of a passenger car is not limited by the names of the items of glazing that may be used in those areas but by the performance tests applicable to those items. Other glazing items for use in passenger car windows are not described with the term "glass." Item 1 glazing is "Safety Material for Use Anywhere in Motor Vehicle" and Item 2 is "Safety Material for Use Anywhere in Motor Vehicle Except Windshields." Naming Item 4A glazing "Rigid Plastic" simply calls attention to the fact that for the first time, there is an item of glazing permitted in passenger car side windows which is defined by tests that can be met by rigid plastic. Accordingly, NHTSA is calling Item 4A "Rigid Plastics for Use in Side Windows."

Final Rule

With the exception that it adopts Standard No. 210's shoulder reference point as the basis for determining the windows in which Item 4A glazing may be installed, restricts placement of Item 4A glazing near rear-facing and side-

facing seats, and establishes an initial maximum haze level of 1.0 percent, NHTSA adopts its proposal without change.

Effective Date

In response to the NPRM, Chrysler suggested that the agency establish an early effective date for the new glazing requirements so that vehicle manufacturers may take immediate advantage of Item 4A glazing. NHTSA agrees it would be beneficial for industry and consumers if Item 4A glazing is permitted in the near future.

NHTSA finds that there is good cause for concluding that an effective date earlier than 180 days is in the public interest. The final rule will take effect 30 days after its publication in the Federal Register.

Rulemaking Analyses and Notices

1. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule was not reviewed under Executive Order 12866 (Regulatory Planning and Review). NHTSA has analyzed the impact of this rulemaking action and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. Installation of the new item of glazing is not required. This final rule gives manufacturers more flexibility in the selection of motor vehicle glazing. NHTSA believes that installation of this new item of glazing makes possible reduced weight and better aerodynamic design of vehicles resulting in the use of less fuel. However, the fuel savings may be slight. For these reasons, NHTSA believes that this final rule does not impose any additional costs and does not yield any significant savings for vehicle manufacturers, glazing manufacturers, or consumers. The impacts are so minimal as not to warrant preparation of a full regulatory evaluation.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the final rule will not have a significant economic impact on a substantial number of small entities. This final rule does not require use of any particular type of glazing, but provides manufacturers more flexibility in the choice of glazing primarily for station wagons and hatchbacks. This final rule will not affect the price of new motor vehicles. Accordingly, the agency

has not prepared a regulatory flexibility analysis.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws are affected.

4. National Environmental Policy Act

The agency has considered the environmental implications of this final rule in accordance with the National Environmental Policy Act of 1969 and determines that the rule does not significantly affect the human environment.

5. Executive Order 12778 (Civil Justice Reform)

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 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, the agency amends part 571 of title 49 of the Code of Federal Regulations as follows:

PART 571—[AMENDED]

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

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

2. Section 571.205, is amended by revising S5.1.2; revising the first sentence of paragraph (a) of S5.1.2.10, adding S5.1.2.11, and revising S6.1, to read as follows:

§ 571.205 Standard No. 205, Glazing materials.

* * * * *

S5.1.2 In addition to the glazing materials specified in ANS Z26,

materials conforming to S5.1.2.1, S5.1.2.2, S5.1.2.3, S5.1.2.4, S5.1.2.5, S5.1.2.6, S5.1.2.7, S5.1.2.8 and S5.1.2.11 may be used in the locations of motor vehicles specified in those sections.

* * * * *

S5.1.2.10 *Cleaning instructions.* (a) Each manufacturer of glazing materials designed to meet the requirements of S5.1.2.1, S5.1.2.2, S5.1.2.3, S5.1.2.4, S5.1.2.5, S5.1.2.6, S5.1.2.7, S5.1.2.8, or S5.1.2.11 shall affix a label, removable by hand without tools, to each item of glazing materials. * * *

* * * * *

S5.1.2.11 *Test procedures for Item 4A—Rigid Plastic for Use in Side Windows Rearward of the "C" pillar.* (a) Glazing materials that comply with Tests Nos. 2, 10, 13, 16, 17, as that test is modified in S5.1.2.9(c) (on the interior side only), 17, as that test is modified in paragraph (b) of this section (on the exterior side only), 19, 20, 21, and 24 of ANS Z26.1, may be used in the following specific locations:

(1) All areas in which Item 4 safety glazing may be used.

(2) Any side window that meets the criteria in S5.1.2.11(a)(2)(i) and (ii):

(i) Is in a vehicle whose rearmost designated seating position is forward-facing and cannot be adjusted so that it is side or rear-facing; and

(ii) The forwardmost point on its visible interior surface is rearward of the vertical transverse plane that passes through the shoulder reference point (as described in Figure 1 of § 571.210 *Seat belt assembly anchorages*) of that rearmost seating position.

(b)(1) The initial maximum haze level shall not exceed 1.0 percent. The specimens are subjected to abrasion for 100 cycles and then carefully wiped with dry lens paper (or its equivalent). The light scattered by the abraded track is measured in accordance with Test 17. The arithmetic mean of the percentages of light scattered by the three specimens shall not exceed 4.0 percent after being subjected to abrasion for 100 cycles.

(2) The specimen is remounted on the specimen holder so that it rotates substantially in a plane and subjected to abrasion for an additional 400 cycles on the same track already abraded for 100 cycles. Specimens are carefully wiped after abrasion with dry lens paper (or its equivalent). The light scattered by the abraded track is then measured as specified in Test 17. The arithmetic mean of the percentages of light scattered by the three specimens shall not exceed 10.0 percent after being subjected to abrasion for 500 cycles.

* * * * *

S6.1 Each prime glazing material manufacturer, except as specified below, shall mark the glazing materials it manufactures in accordance with section 6 of ANS Z26. The materials specified in S5.1.2.1, S5.1.2.2, S5.1.2.3, S5.1.2.4, S5.1.2.5, S5.1.2.6, S5.1.2.7, S5.1.2.8, and S5.1.2.11 shall be identified by the marks "AS 11C", "AS 12", "AS 13", "AS 14", "AS 15A", "AS 15B", "AS 16A", "AS 16B", and "AS 4A", respectively. A prime glazing material manufacturer is one which fabricates, laminates, or tempers the glazing material.

* * * * *

Issued on: August 7, 1996.

Ricardo Martinez,

Administrator.

[FR Doc. 96-20517 Filed 8-9-96; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960501122-6213-02; I.D. 042596A]

RIN 0648-A146

Fisheries of the Exclusive Economic Zone Off Alaska; Addition of Akutan to List of Eligible Communities

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

ACTION: Final rule.

SUMMARY: NMFS adds the city of Akutan to the list of western Alaska communities that are eligible to participate in the Community Development Quota (CDQ) programs, removes the authority to use scales to weigh total catch in the pollock CDQ fishery, and prohibits processor vessels from filling fish holding bins above the level of the viewing port. These actions are necessary to further the objectives of the CDQ programs. These actions are intended to extend benefits of the CDQ programs to an additional community and to improve monitoring of CDQ harvests.

EFFECTIVE DATE: September 9, 1996.

ADDRESSES: Individual copies of the environmental assessment/regulatory impact review (RIR)/final regulatory flexibility analysis (FRFA) prepared for this action may be obtained from the Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: David Ham, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) are managed by NMFS in accordance with the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (FMP). The FMP was prepared by the Council and approved by NMFS under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP is implemented by regulations that appear at 50 CFR part 679. General regulations that also govern the groundfish fisheries appear at 50 CFR part 600.

Community Development Quota programs are in effect in the BSAI for the pollock, Pacific halibut, and fixed gear sablefish fisheries. Final rules implementing these programs were published for pollock on December 12, 1995 (60 FR 63654), corrected at 61 FR 20 (January 2, 1996), and for halibut and sablefish (H/S) on November 9, 1993 (58 FR 59375).

The pollock and H/S CDQ programs apportion a designated percentage of the annual total allowable catch for pollock, Pacific halibut, and fixed gear sablefish to separate CDQ reserves that may be allocated to eligible western Alaska communities. The purpose of the CDQ programs is to provide the CDQ communities with a means for starting or supporting commercial seafood activities that will result in ongoing, regionally based, commercial seafood or related businesses. This final rule implements the following changes to the CDQ regulations that were published as a proposed rule in the Federal Register on May 15, 1996 (61 FR 24475):

1. The city of Akutan is added to the list of western Alaska communities that are eligible to participate in the CDQ programs.
2. The authority for processing vessels to use scales to weigh total catch in the pollock CDQ fishery is removed.
3. Processor vessels are prohibited from filling fish holding bins above the level of the viewing port.

Changes from the Proposed Rule

Two changes were made from the proposed rule in the final rule. First, since publication of the proposed rule, the Federal regulations implementing Alaska fishery management plans have undergone a comprehensive consolidation and have been recodified

at 50 CFR part 679 (61 FR 31228, June 19, 1996). The proposed rule would have amended the preconsolidation regulations, the final rule makes the respective amendments to the consolidated regulations.

Second, one paragraph, § 679.32(e)(1)(vi), was inadvertently included in the consolidated regulations (50 CFR part 679), but should have been included in this rule. A correction document was published to remove the paragraph (61 FR 37843, July 22, 1996). This rule adds this paragraph, which reads "The receiving bins must not be filled in a manner that obstructs the viewing ports or prevents the observer from seeing the level of fish throughout the bin."

Response to Comments

A 30-day public comment period on the proposed rule ended on June 13, 1996. Three letters of comment supporting the proposed rule, and one letter of general comment were received during the comment period. These four comments are summarized and responded to below.

Comment 1: Three letters of comment were received supporting the addition of Akutan to the list of eligible CDQ communities.

Response: NMFS notes these comments.

Comment 2: One letter of comment was received requesting NMFS to consider for the proposed multispecies CDQ program volumetric measurements for estimating total catch as opposed to total weight estimations because of the inherent problems with estimating total weight on processor vessels.

Response: A proposed rule is under development to implement a proposed FMP amendment that would extend the CDQ program to include additional species. If approved, NMFS will require the most reliable method to measure CDQ catches of groundfish.

Classification

NMFS prepared an FRFA as part of the RIR. A copy of this analysis is available from NMFS (see **ADDRESSES**). The addition of Akutan to the list of eligible CDQ communities in the Aleutian Region would affect a substantial number of small entities, that is, the other five communities currently participating in the CDQ program. Akutan would be expected to receive some CDQ support, and support would be reduced for one or more of the other communities accordingly. While it is possible that Akutan would receive only a very small allocation and the resulting reallocations would not have a significant impact, it is more likely that