

"Lamps, Reflective Devices, and Associated Equipment."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Utilimaster has petitioned for a determination that this condition is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

The noncompliant trucks, supplied to fleet accounts, have light emitting diode (LED) front clearance and identification lamps mounted at a 30-degree set-back position. At least a portion of these lamps do not comply with the 0.62 candela requirement at 20-degrees down. The noncompliance involves two of the required test points of Standard 108.

Utilimaster believes that this noncompliance with FMVSS 108 is inconsequential to motor vehicle safety. Its reasoning is that the lighting array and coverage of the clearance, identification, sidemarker and parking lamps on the subject vehicles provide (and even exceed) the requisite outward visibility under FMVSS 108. Although the clearance and identification lamps on the subject walk-in van vehicles do not meet two requirements of FMVSS 108, Utilimaster believes that the system of lighting as installed on these vehicles meets the intent of FMVSS 108 for the purpose of providing a visually safe vehicle. Utilimaster bases its position on the fact that the company is using a front turn signal and parking lamp which is actually designed to meet the greater photometric angles required of turn signal and clearance lamp applications.

More specifically, the front turn signal and parking lamps mounted on each side of the front of the walk-in vans provide light out to a 45-degree angle both left and right instead of the 20-degree angle left and right required for parking lamps. The light intensity at these greater angles (45 degrees) is 50 percent greater than that required for clearance lamps (0.93 cd min. compared with 0.62 cd min. required). In addition, these front turn signal/parking lamps are mounted low on the subject vehicles so that the light output covers the lower angles where the clearance and identification lamps are deficient. Further, the front sidemarker lamps cover the 45 degree to the front to 45 degree to the rear low angles of light, so that there is not any degradation of visibility to the side of the vehicle. The

light from the sidemarker lamps exactly parallels the outboard light from the parking lamps.

The petitioner believes that the noncompliance in no way compromises the safety of vehicles on which the clearance and identification lamps have been installed as original equipment. The lighting system as a whole on these vehicles provides functionally equivalent lighting to FMVSS 108 requirements.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to : U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, D.C., 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: September 13, 2000. (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 8, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2000-7744; Notice 1]

General Motors Corporation, Receipt of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain headlamps on 1999 Buick Century and Buick Regal models may not meet the photometric requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, Reflective Devices, and Associated Equipment." GM's testing indicates that some photometric locations above the horizon, which are intended to provide light for reading overhead signs, are below the minimum candela requirements specified in FMVSS No. 108.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), GM has petitioned for a determination that this condition is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

This notice of receipt of this application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

To evaluate the condition, 10 pairs of lamps were randomly collected from production and photometrically tested. Additionally, GM tested the same 10 pairs of lamps using accurate rated bulbs. The test results indicate that 5 test points (production bulbs) and 3 test points (accurate rated bulbs), respectively, failed to meet the minimum candela requirements.

The tests results indicate that the amount of light below the minimum required was generally less than 10 percent, with the maximum variation being 24.4 percent at one point with a production bulb. Transport Canada conducted tests on the same headlamps and all the test points in question met the requirements, indicating the non-complying results were related to manufacturing variations and were present in only a portion of the lamps.

The petitioner believes that this noncompliance is inconsequential to motor vehicle safety for the following reasons:

The test points at issue are all above the horizon and are intended to measure illumination of overhead signs. They do not represent areas of the beam that illuminate the road surface, and the headlamps still fulfill applicable Federal Motor Vehicle Safety Standard 108 requirements regarding road illumination.

For years the rule of thumb has been that a 25 percent difference in light intensity is not significant to most people for certain lighting conditions.

GM has not received any complaints from owners of the subject vehicles about their ability to see overhead signs.

GM is not aware of any accidents, injuries, owner complaints or field reports related to this condition for these vehicles.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC, 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The

application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: September 13, 2000.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 8, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Motor Vehicle Safety Standards; Review: Antilock Brake Systems, Heavy Trucks; Evaluation Plan; Review: Rear Impact Guards, Truck Trailers; Evaluation Plan

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

ACTION: Notice of evaluation plan.

SUMMARY: This notice announces NHTSA's publication of a plan for reviewing and evaluating its existing Safety Standards 121, Air Brake Systems, 223, Rear Impact Guards, and 224, Rear Impact Protection. The plan's title is Proposed Evaluations of Antilock Brake Systems for Heavy Trucks and Rear Impact Guards for Truck Trailers. The plan is available on the Internet for viewing on line at www.nhtsa.dot.gov/cars/rules/regrev/evaluate/121223.html.

FOR FURTHER INFORMATION CONTACT: Charles J. Kahane, Chief, Evaluation Division, NPP-22, Plans and Policy, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW, Washington, DC 20590. Telephone: 202-366-2560. FAX: 202-366-2559. E-mail: ckahane@nhtsa.dot.gov.

John L. Jacobus, Mechanical Engineer, NPP-21, Plans and Policy, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW, Washington, DC 20590. Telephone: 202-366-2586. FAX: 202-366-2559. E-mail: jjacobs@nhtsa.dot.gov.

For information about NHTSA's evaluations of the effectiveness of existing regulations and programs: Visit the NHTSA web site at <http://www.nhtsa.dot.gov> and click "Regulations & Standards" underneath

"Car Safety" on the home page; then click "Regulatory Evaluation" on the "Regulations & Standards" page.

SUPPLEMENTARY INFORMATION: As required by the Government Performance and Results Act of 1993 and Executive Order 12866 (58 FR 51735), NHTSA reviews existing regulations to determine if they are achieving policy goals. Safety Standard 121 (49 CFR 571.121) requires Antilock Brake Systems (ABS) on air-brake equipped truck-tractors manufactured on or after March 1, 1997 and on semi-trailers and single-unit trucks equipped with air brakes and manufactured on or after March 1, 1998. Safety Standards 223 (49 CFR 571.223) and 224 (49 CFR 571.224) set minimum requirements for the geometry, configuration, strength and energy absorption capability of rear impact guards on full trailers and semi-trailers over 10,000 pounds Gross Vehicle Weight Rating manufactured on or after January 26, 1998. NHTSA's Office of Plans and Policy is planning to obtain crash data and statistically evaluate the effectiveness of ABS and rear impact guards for heavy trucks.

NHTSA proposes to work with the State police from at least two large States. They will send data to NHTSA on every crash they investigate that involves a tractor-trailer, a bobtail tractor, or a medium or heavy single-unit truck. The data will include the basic State crash report plus a supplemental form identifying if the truck or trailer are ABS-equipped (as evidenced by presence of the malfunction indicator lights). The data will comprise approximately 10,000 tractor-trailer crashes and 5,000 single-unit trucks. On the subset of approximately 1,000 truck-trailers and 700 single-unit trucks that were hit in the rear by the front of a passenger vehicle, police will fill out a second supplemental form describing the rear impact guard on the trailer and the damage pattern on the passenger vehicle. Data collection will start in January 2001, or as soon as feasible after that, and run for two years. NHTSA believes these samples will be adequate for statistically evaluating ABS and rear impact guards.

The purpose of ABS is to help maintain directional stability and control during braking, and possibly reduce stopping distances on some road surfaces, especially on wet roads. ABS could reduce crashes involving jackknife, loss-of-control, run-off-road, lane departure, or skidding, or where trucks with conventional brakes were unable to stop in time to avoid hitting something frontal. On the other hand,

ABS is unlikely to affect a control group of crashes where the truck was standing still, moving too slowly for ABS activation, or proceeding straight ahead when another vehicle unexpectedly hit it in the side or rear. The ratios of the various crash types where ABS has potential benefits to control group crashes will be compared for tractor-trailers where both units are equipped with ABS versus tractor-trailers where neither unit is equipped; also for ABS-equipped single-unit trucks vs. non-equipped trucks.

The goal of a rear impact guard is to arrest the forward motion of the striking passenger vehicle and prevent a damage pattern called "underride with passenger compartment intrusion (PCI)" that is dangerous for occupants of the passenger vehicle. The proportion of rear impacts that result in underride with PCI will be compared for trailers with guards that meet NHTSA and/or industry standards versus older trailers with guards that do not meet NHTSA or industry standards. Since the NHTSA standard does not apply to single-unit trucks, the analysis for these trucks will be limited to estimating the overall incidence rate of underride with PCI in rear-impact crashes.

The full text of the plan is available on the Internet for viewing on line at www.nhtsa.dot.gov/cars/rules/regrev/evaluate/121223.html.

How Can I Influence NHTSA's Thinking on This Evaluation?

NHTSA welcomes your review and suggestions on the evaluation plan. You may send your suggestions or comments to Mr. Kahane or Mr. Jacobus, by e-mail, phone or letter, at the addresses shown above, preferably by October 1, 2000.

Authority: 49 U.S.C. 30111, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

William H. Walsh,

Associate Administrator for Plans and Policy.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-00-7740 (PDA-25(R))]

Application by the Kiesel Company for a Preemption Determination as to Missouri Prohibition of Recontainerization of Hazardous Waste at Transfer Facility

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