

option tire would be compatible with the factory installed wheel rims. If an owner purchases wheel rims to replace those installed by Volkswagen, the selling dealer would be responsible for advising the owner on the compatible tire and wheel rim combination.

NHTSA agrees with Volkswagen that this noncompliance will not have an adverse effect on vehicle safety. Since the rim size and type are marked on the wheels of the vehicle, the information needed to ensure that the vehicles are equipped with the proper rims is readily available to potential users. Volkswagen has not received any owner or field complaints regarding the lack of wheel rim size information on the tire pressure information label. Volkswagen has fixed the problem.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Volkswagen's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8

Issued on: September 28, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 04-22720 Filed 10-7-04; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-19257; Notice 1]

#### The Spares Company, Receipt of Petition for Decision of Inconsequential Noncompliance

The Spares Company (Spares) has determined that air brake hose assemblies it manufactured from 2000 to 2004 do not comply with S7.2.3 of 49 CFR 571.120, Federal Motor Vehicle Safety Standard (FMVSS) No. 106, "Brake Hoses." Spares has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Spares has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Spares' petition 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 petition.

A total of approximately 17,000 aftermarket air brake hose assemblies produced between November 2000 and June 2004 are affected. S7.2.3 of FMVSS No. 106 requires that "each air brake hose assembly made with end fittings that are attached by crimping or swaging \* \* \* shall be labeled by means of a band around the brake hose assembly \* \* \* [with the DOT symbol and the name of the manufacturer] or, at the option of the manufacturer, by means of labeling [of at least one end fitting which is etched, stamped or embossed with a designation that identifies the manufacturer]." The affected brake hoses do not have the manufacturer's label or a designation of the manufacturer as required by S7.2.3.

Spares manufactured these brake hose assemblies from its incorporation date in November 2000 until June 2004, when production was stopped because Spares discovered the noncompliance.

Spares believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Spares explains that the units are assembled by Spares using Goodyear-labeled hoses and RB Royal-labeled fittings. Spares states that the "brake hose assemblies meet all functional performance requirements of the standard for the hose, the fittings, and the assembly and therefore will perform exactly as intended."

Spares further states that there have been no complaints from any distributor or consumer concerning the functioning of the brake hose assemblies. Spares has begun notifying all of its distributors of the labeling defect and will provide a band for each noncomplying hose currently remaining in the distributors' possession.

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except

Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically. Comments may be faxed to 1-202-493-2251, or may be submitted to the Federal eRulemaking Portal: go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* November 8, 2004.

(Authority 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8)

Issued on: October 5, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 04-22722 Filed 10-7-04; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2003-14395]

#### NHTSA's Activities Under the United Nations Economic Commission for Europe 1998 Global Agreement

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

**ACTION:** Notice of activities under the 1998 Global Agreement and request for comments.

**SUMMARY:** NHTSA is publishing this notice to inform the public of the schedule of meetings of the World Forum for Harmonization of Vehicle Regulations (WP.29) and its working parties of experts for the period of October 2004 through December 2005. In addition, this notice informs the public about the status of activities under the Program of Work of the 1998 Global Agreement and requests comments on various aspects of these activities, including a proposal from the United States for the development of a global technical regulation (GTR) on head restraints. Publication of this information is in accordance with NHTSA's Statement of Policy regarding

Agency Policy Goals and Public Participation in the Implementation of the 1998 Global Agreement on Global Technical Regulations.

**DATES:** Written comments may be submitted to this agency and must be received by November 8, 2004.

**ADDRESSES:** You may submit your comments in writing to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC, 20590. Alternatively, you may submit your comments electronically by logging onto the Dockets Management System Web site at <http://dms.dot.gov>. Click on "Help & Information" or "Help/Info" to view instructions for filing your comments electronically. Regardless of how you submit your comments, you should mention the docket number of this document. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Request for Comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Julie Abraham, Director, Office of International Policy, Fuel Economy, and Consumer Programs, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; phone number (202) 366-2114, fax number (202) 493-2280.

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

On August 23, 2000, NHTSA published in the **Federal Register** (65 FR 51236) a statement of policy regarding the agency's policy goals and public participation in the implementation of the 1998 Global Agreement, indicating that each calendar year the agency would provide a list of scheduled meetings of WP.29 and the working parties of experts, as well as meetings of the Executive Committee of the 1998 Global Agreement. Further, in that policy statement, the agency stated that it would keep the public informed about

a program of work under the Agreement (*i.e.*, agreed subjects for which GTRs should be developed) as well as a list of candidate GTRs that have been formally proposed by a contracting party and referred to a working party of experts and those draft GTRs that have been developed and referred by a working party of experts to the Executive Committee for establishment under the Agreement.

Through a series of **Federal Register** notices published between July 2000 and February 2003 ((65 FR 44565), (66 FR 4893), (68 FR 5333)), the agency notified the public about status of activities under the 1998 Global Agreement and sought comments on various issues and proposals. In the most recent notice (68 FR 5333), the agency discussed the establishment of a Program of Work for the 1998 Global Agreement, which was formally adopted by WP.29 at its March 2002 Session, and announced and made available formal proposals for GTRs submitted by contracting parties. The notice also requested comments on the U.S. draft proposal for the development of a GTR on door locks and door retention components.

**II. List of Tentative Meetings of WP.29 and Its Working Parties of Experts**

The following list contains meetings tentatively scheduled for the period of October 2004 through December 2005. The meeting dates are subject to confirmation by the Inland Transport Committee of the United Nations Economic Commission for Europe<sup>1</sup> during its February 2005 session. However, the agency does not anticipate any changes to the schedule. In addition, working parties of experts may schedule, if necessary, informal meetings in addition to their regularly scheduled ones in order to address specific GTRs under consideration.

*Schedule of Meetings of WP.29 and Its Working Parties of Experts*

2004

October

4-8: Working Party on Lighting and Light-Signaling (GRE) (53rd session).

<sup>1</sup> The Inland Transport Committee provides a forum for its member Governments for (i) cooperation and consultation based on the exchange of information and experiences, (ii) the analysis of transport trends and economics and transport policy trends, and (iii) coordinated action designed to achieve an efficient, coherent, balanced and flexible transport system in the ECE region which is based on principles of market economy, pursues the objectives of safety, environmental protection and energy efficiency in transport and takes into account transport developments and policy of member Governments; WP.29 Reports to this Committee.

12-15: Working Party on General Safety Provisions (GRSG) (87th session).

November

15: Administrative Committee for the Coordination of Work (WP.29/AC.2) (86th session).

16-19: World Forum for Harmonization of Vehicle Regulations (WP.29) (134th session) and Administrative Committee of the 1958 Agreement (AC.1) (28th session) and Executive Committee of the 1998 Global Agreement (AC.3) (12th session).

December

7-10: Working Party on Passive Safety (GRSP) (36th session).

2005

January

11-4: Working Party on Pollution and Energy (GRPE) (49th session).

31-Feb 4: Working Party on Brakes and Running Gear (GRRF) (57th session).

March

7: Administrative Committee for the Coordination of Work (WP.29/AC.2) (87th session).

8-11: World Forum for Harmonization of Vehicle Regulations (WP.29) (135th session) and Administrative Committee of the 1958 Agreement (AC.1) (29th session) and Executive Committee of the 1998 Global Agreement (AC.3) (13th session).

April

5-8: Working Party on Lighting and Light Signaling (GRE) (54th session).

18-22: Working Party on General Safety Provisions (GRSG) (88th session).

May

23-27: Working Party on Passive Safety (GRSP) (37th session).

31-June 3: Working Party on Pollution and Energy (GRPE) (50th session).

June

20: Administrative Committee for the Coordination of Work (WP.29/AC.2) (88th session).

21-24: World Forum for Harmonization of Vehicle Regulations (WP.29) (136th session) and Administrative Committee of the 1958 Agreement (AC.1) (30th session) and Executive Committee of the 1998 Global Agreement (AC.3) (14th session).

September

20-23: Working Party on Brakes and Running Gear (GRRF) (58th session).

October

3–7: Working Party on Lighting and Light Signaling (GRE) (58th session).  
 11–14: Working Party on General Safety Provisions (GRSG) (89th session).

November

14: Administrative Committee for the Coordination of Work (WP.2/AC.2) (89th session).  
 15–18: World Forum for Harmonization of Vehicle Regulations (WP.29) (137th session) and Administrative Committee of the 1958 Agreement (AC.1) (31st session) and Executive Committee of the 1998 Global Agreement (AC.3) (15th session).

December

6–9: Working Party on Passive Safety (GRSP) (38th session).

**III. Status of Activities Under the Program of Work of the 1998 Global Agreement**

In March 2001, NHTSA submitted to WP.29 and the Executive Committee of the 1998 Global Agreement its final

recommendations for the first motor vehicle safety GTRs to be considered for establishment under that Agreement. The Administrative Committee for the Coordination of Work of WP.29 (AC.2) reviewed the recommendations made by various contracting parties, including the United States, Canada, the European Union, Japan, and Russia, as well as those made by other interested parties and reached agreement on a Program of Work, taking into account the workload of the working parties of experts under WP.29. AC.2 then submitted the Program of Work to the Executive Committee of the 1998 Global Agreement (AC.3). The AC.3 approved the Program of Work and requested that contracting parties volunteer to sponsor each listed regulation by submitting a formal proposal as required by Article 6 of the 1998 Global Agreement. WP.29 formally adopted the Program of Work at its session in March 2002. Since that session, several contracting parties stepped forward as sponsors for the individual work items and have formalized their sponsorship by

submitting proposals for the development of GTRs on these items. While progress has been made in several areas, the Program of Work has remained for the most part unchanged since its approval in 2002, with minor exceptions. The status of hydrogen fuel cell vehicles as well as tire performance has been upgraded from an area for an exchange of information to an area for active discussion regarding the feasibility of establishing a GTR. In addition, there has also been discussion regarding whether to add Event Data Recorders, an agreed item of work under the 1958 Agreement, to the Program of Work for the 1998 Global Agreement.

The following table updates the subjects and lists the sponsoring contracting party. In addition to the list below, the contracting parties will continue to exchange information in the following areas: field of vision (GRSG); side-impact dummy and compatibility (GRSP); worldwide light duty vehicle test procedures (GRPE); and intelligent vehicle systems (WP.29).

PROGRAM OF WORK OF THE 1998 GLOBAL AGREEMENT

Working party of experts	Subject	Sponsoring contracting party
GRE .....	Installation of Lighting and Light-Signalling Devices .....	Canada.
GRRF .....	Motorcycle Brakes .....	Canada.
	Passenger Vehicle Brakes .....	U.K. and Japan.
	Tire Performance .....	France.
GRSG .....	Safety Glazing .....	Germany.
	Controls and Displays .....	Canada.
	Vehicle Classification, Masses and Dimensions .....	Japan.
GRSP .....	Pedestrian Safety .....	European Union.
	Lower Anchorages and Tethers for Child Safety Seats .....	TBD.
	Door Locks and Door Retention Components .....	U.S.A.
	Head Restraints .....	U.S.A.
GRPE .....	Worldwide Heavy-Duty Certification Procedure .....	European Union.
	Worldwide Motorcycle Emission Test Cycle .....	Germany.
	Heavy-Duty On-Board Diagnostics .....	U.S.A.
	Off-Cycle Emissions .....	U.S.A.
	Non-Road Mobile Machinery .....	European Union.
	Hydrogen Fuel Cell Vehicles .....	Germany.

*a. Formal Proposals for the Development of GTRs Submitted by Contracting Parties Based on Program of Work*

As of the publication of the February 3, 2003 **Federal Register** notice (68 FR 14395), and pursuant to Article 6 of the 1998 Global Agreement, which sets forth the process and conditions under which a contracting party may make proposals for the establishment of GTRs, the following proposals have been made

by contracting parties and referred to the proper working party of experts. These proposals and supporting documentations can be found in the docket for this notice. They can also be found on the UN/ECE Web site <http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29glob.html> or under the respective working party of expert link (<http://www.unece.org/trans/main/welcwp29.htm>).

- Safety glazing materials for motor vehicles and motor vehicle equipment

(Sponsored by Germany), GTR to be prepared by GRSG. (UN/ECE document TRANS/WP.29/AC.3/9).

- Heavy-duty vehicle exhaust-emissions type/approval/certification procedure (Sponsored by European Union), GTR to be prepared by GRPE. (UN/ECE document TRANS/WP.29/AC.3/8).

- Protection of pedestrians and other vulnerable road users in collision with vehicles (Sponsored by European Union), GTR to be prepared by GRSP.

(UN/ECE document TRANS/WP.29/AC.3/7).

- World-wide motorcycle emissions tests (Sponsored by Germany), GTR to be prepared by GRPE. (UN/ECE document TRANS/WP.29/AC.3/6).

- Installation of lighting and light signaling devices (Sponsored by Canada), GTR to be prepared by GRE. (UN/ECE document TRANS/WP.29/AC.3/4).

- Motorcycle brake systems (Sponsored by Canada); GTR to be prepared by GRRF. (UN/ECE document TRANS/WP.29/AC.3/3).

*b. U.S. Draft Proposal for the Development of a GTR on Head Restraints*

During the upcoming meeting of WP.29 and the Executive Committee of the 1998 Global Agreement in November 2004, NHTSA will formalize its sponsorship of the regulation on Head Restraints as identified in the Program of Work of the 1998 Global Agreement. The draft proposal, as set forth in the appendix, describes the objective of the global technical regulation and identifies in general terms issues to be considered during the development of the regulation.

*c. Recommendations by Working Parties of Experts for the Establishment of GTRs Under the 1998 Global Agreement*

In the February 3, 2003 notice, NHTSA sought comments on a proposal that formalizes the U.S. sponsorship of a GTR on door locks and door components. In response to the agency's request for comment on the proposal, NHTSA received comments from the Insurance Institute for Highway Safety (IIHS) and Advocates for Highway and Auto Safety (Advocates). Both organizations supported the pursuit of work in this area, which is intended to lead to an upgrade to the current U.S. standard. Specifically, IIHS supported efforts to test door latch systems as they are mounted in the vehicle and requested that the requirements apply to all doors in light passenger vehicles. Advocates supported a regulation that ensures that side and rear doors stay closed during a severe crash and that some doors can be opened after a crash, without tools, to allow the egress of passengers. The proposal was formally presented by the U.S. at the March 2003 WP.29 meeting, and adopted by the Executive Committee and referred to the Working Party of Experts (GRSP) at the June 2003 Session of WP.29.

In September 2003, the GRSP formed an informal working group to develop a GTR. The informal group considered the comments from the IIHS and Advocates

as well as those from other contracting parties during the GTR development process. At its May 2003 session, GRSP concluded its work and agreed to recommend a draft GTR on door locks and door retention components to the Executive Committee for establishment under the 1998 Global Agreement. This GTR as well as supporting documentation developed by GRSP, including a final report, can be found in the docket for this notice. Among other things, the report discusses the Working Party's consideration of issues raised in the comments submitted in response to our February 2003 notice.

The U.S. intends to vote at the November 2004 WP.29 session to establish this draft GTR as the first GTR under the 1998 Global Agreement. Closely following this November vote, the U.S. will publish a notice of proposed rulemaking (NPRM) based on this GTR.<sup>2</sup> If public comments on the NPRM lead the agency to adopt a final rule that differs in any significant way from the GTR, the U.S. will consider submitting a proposal to make conforming amendments to the GTR.

In addition to the GTR on door lock and door retention components, progress has been made on two other GTRs. The GRE is discussing a Canadian proposal for a draft GTR on Lighting and Light-Signaling Devices for Road Vehicles. The GRSG is discussing a German proposal for a draft GTR on Safety Glazing. Both of these draft GTRs can be found in the docket.

#### IV. Request for Comments

The agency invites public comments on the formal proposals for the development of GTRs submitted by contracting parties based on the Program of Work. In particular, the agency seeks public comments on the U.S. proposal for the development of a GTR in the area of head of restraints. The proposal is set forth in the appendix of this notice. The agency also welcomes comments on the GRSP recommended GTR on door locks and door lock retention components, which is expected to be established through a vote of the 1998 Global Agreement Executive Committee at the upcoming November 2004 WP.29 meeting. However, given the fact that the agency plans to issue an NPRM based on this GTR in the near future, the agency will

<sup>2</sup> The establishment of a GTR under the Agreement obligates those contracting parties voting for the GTR to initiate their domestic process for adopting the GTR as a national or regional standard, but leaves the final decision on adoption to the discretion of each party. (See Article 7). The issuance of an NPRM is one way of fulfilling that obligation.

consider detailed comments as part of the regular rulemaking process. In the event that commenters provide new information and data that lead the agency to adopt a final rule that significantly differs from the GTR, the agency would consider proposing to amend the GTR.

#### V. Privacy Act

Please note that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78), or you may visit <http://dms.dot.gov>.

#### VI. Appendix—Proposal for the Development of a GTR on Head Restraints, To Be Submitted to the Executive Committee of the 1998 Global Agreement (AC.3), November 2004

##### A. Objective of the Proposal

In the United States, between 1988 and 1996, 805,581 whiplash injuries (non-contact Abbreviated Injury Scale (AIS 1) (neck) occurred annually in all crashes of passenger cars and LTVs (light trucks, multipurpose passenger vehicles and vans). 272,464 of these whiplash injuries occurred as a result of rear impacts. For rear impact crashes, the average cost of whiplash injuries in 2002 dollars is \$9,994 (which includes \$6,843 in economic costs and \$3,151 in quality of life impacts, but not property damage), resulting in a total annual cost of approximately \$2.7 billion. Although the front outboard seat occupants sustain most of these injuries, whiplash is an issue for rear seat passengers as well. During the same time frame, an estimated 5,440 whiplash injuries were reported annually for occupants of rear outboard seating positions.

The objective of this proposal is to develop an improved and harmonized head restraint global technical regulation (GTR) under the 1998 Global Agreement. The work on the GTR will provide an opportunity to consider, most, if not all, international safety concerns as well as available technological developments.

The United States is currently in the process of upgrading its head restraint standard to provide more stringent requirements. In 1982, the U.S. assessed the performance of head restraints installed pursuant to the current standard and reported that integral head restraints are 17 percent effective at reducing neck injuries in rear impacts and adjustable head restraints are only 10 percent effective. The ECE regulations on head restraints are considerably more stringent than the current U.S. regulation, and were used as a baseline in developing the new U.S. standard.

In light of the U.S. regulatory upgrade effort, we believe that this would be an

excellent opportunity for the international community to develop and establish a GTR in this area. Everyone could benefit from harmonization and new technology based improvements of the head restraint regulation. The benefits to the governments would be the improved safety of the head restraints, leveraging of resources, and the harmonization of requirements. Manufacturers would benefit from reduction of the cost of development, testing, and fabrication process of new models. Finally, the consumer would benefit by having a choice of vehicles built to higher, globally recognized standards, providing a better level of safety at a lower price.

#### B. Description of the Proposed Regulation

The scope of the GTR will specify requirements for head restraints to reduce the frequency and severity of neck injury in rear-end and other collisions. The proposed GTR will combine elements from ECE 17, ECE 25, and newly upgraded U.S. Federal Motor Vehicle Safety Standard (FMVSS) 202. Two of the newly proposed FMVSS 202 requirements are significant and not included in any other published regulation. The first proposes to require that the space between the head restraint and the occupant's head (backset) be limited. The second proposes a new dynamic test, as an optional means of compliance. The U.S. will prepare a table to facilitate comparison of the present standards and submit it as a formal document to the GRSP. The results of additional research and testing conducted by any contracting parties since the existing regulations were promulgated will also be factored into the requirements of the draft GTR and may result in the proposal of new requirements.

Elements of the GTR that cannot be resolved by the Working Party will be identified and dealt with in accordance with protocol established by AC.3 and WP.29. The proposed GTR will be drafted in the format adopted by WP.29 (TRANS/WP.29/882).

#### C. Existing Regulations and Directives

The following regulations and standards will be taken into account during development of the new GTR regarding head restraints.

- UN/ECE Regulation 17—Uniform Provisions Concerning the Approval of Vehicles With Regard to the Seats, Their Anchorages, and any Head Restraints.
- UN/ECE Regulation 25—Uniform Provisions Concerning the Approval of Head Restraints (Head Rests), Whether or not Incorporated in Vehicle Seats.
- EU Directive 74/408, Concerning Interior Fittings of Motor Vehicles.
- EU Directive 96/037, Adapting to Technical Progress Council Directive 74/408/EEC Relating to the Interior Fittings of Motor Vehicles (strength of seats and of their anchorages).
- EU Directive 78/932/EEC, Concerning Head Restraints of Seats of Motor Vehicles.
- U.S. Code of Federal Regulations (CFR) Title 49: Transportation; Part 571.202: Head Restraints.
- Australian Design Rule 3/00, Seats and Seat Anchorages.
- Australian Design Rule 22/00, Head Restraints.

- Japan Safety Regulation for Road Vehicles Article 22—Seat.
- Japan Safety Regulation for Road Vehicles Article 22-4—Head Restraints, etc.
- Canada Motor Vehicle Safety Regulation No. 202—Head Restraints.
- International Voluntary Standards—SAE J211/1 revised March 1995—Instrumentation for Impact Test—Part 1—Electronic.

Issued on October 5, 2004.

**Julie Abraham,**

*Director, Office of International Policy, Fuel Economy and Consumer Programs.*

[FR Doc. 04-22701 Filed 10-5-04; 1:25 pm]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 03-15651]

#### Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

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

**ACTION:** Notice of interpretation.

**SUMMARY:** This document provides an interpretation concerning how our standard for lamps, reflective devices, and associated equipment applies to replacement equipment. Our interpretation reflects consideration of the public comments on an earlier draft interpretation.

**FOR FURTHER INFORMATION CONTACT:** Eric Stas, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-2992. Fax: (202) 366-3820.

#### SUPPLEMENTARY INFORMATION:

##### Role of the Chief Counsel

One of the functions performed by NHTSA's Chief Counsel is to issue interpretations of the statutes administered by the agency and regulations issued by the agency under those statutes. *See* 49 CFR 501.8(d)(5). These interpretations are typically issued in the form of a letter responding to a request for interpretation from a manufacturer or other interested person. Our interpretations have always been placed in public viewing files and, more recently, have been available to the public via the Internet.

We believe that, in certain cases involving important, novel issues with potentially broad impacts, it is beneficial to publish draft interpretations in the **Federal Register** to provide an opportunity for public

comment. This helps ensure that the agency has considered all relevant issues prior to publishing a final interpretation.

#### Requests for Interpretation by Calcoast-ITL

On March 6, 2003, NHTSA received two requests for interpretation submitted by Calcoast-ITL (Calcoast), a testing company.<sup>1</sup> Those letters asked a number of questions regarding how Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*, applies to replacement equipment.

The first Calcoast letter asked whether replacement lamps are required to have all the functions of original lamps. The letter also asked whether replacement lamps for the rear of a vehicle may have the rear reflex reflectors in a location that is inboard from that in the original lamps.

The second Calcoast letter asked a series of questions regarding the permissibility of using light sources in aftermarket lamps that are different from those specified by the original equipment (OE) manufacturer.

#### NHTSA's Notice of Draft Interpretation; Request for Comments

Because the questions raised in the Calcoast letters raised significant issues concerning how FMVSS No. 108 applies to replacement lighting equipment, the agency decided to seek public comment regarding the agency's proposed response to Calcoast's interpretation requests. Accordingly, we published a notice of draft interpretation in the **Federal Register** on July 17, 2003.<sup>2</sup>

By way of background, FMVSS No. 108 specifies requirements for original and replacement lamps, reflective devices, and associated equipment (*see* S1). The standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles (*see* S3(a)). Under the standard, vehicle manufacturers are required to certify that a new vehicle meets, among other things, FMVSS No. 108's requirements with respect to lamps, reflective devices, and associated equipment. In addition, FMVSS No. 108 also applies to lamps, reflective devices, and associated equipment for replacement of like equipment on vehicles to which this standard applies (*see* S3(c)). Thus,

<sup>1</sup> Docket No. NHTSA-2003-15651-1.

<sup>2</sup> 68 FR 42454. Initially, the comment period was scheduled to end on September 2, 2003, but that period was twice extended, ultimately to October 31, 2003 (*see* notices extending comment period at 68 FR 51635 (August 27, 2003); 68 FR 56041 (September 29, 2003)).