

extension. Accordingly, for good cause shown, *it is ordered* That the date for filing comments in this matter is extended to May 5, 1995, and the date for filing reply comments is extended to June 6, 1995.

5. This action is taken pursuant to authority found in Sections 4 (i), 302 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302, 303; and pursuant to Sections 0.31 and 1.46 of the Commission's Rules, 47 CFR 0.31, 1.46. For further information contact Sean White, Office of Engineering and Technology, (202) 776-1624.

Federal Communications Commission.

**Bruce A. Franca,**

*Deputy Chief, Office of Engineering and Technology.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 95-13, Notice 01]

RIN 2127-AF28

#### Federal Motor Vehicle Safety Standards; Glazing Materials

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

**ACTION:** Grant of petition for rulemaking; notice of proposed rulemaking (NPRM).

**SUMMARY:** NHTSA proposes to permit the installation of a new item of motor vehicle glazing, Item 4A—Rigid Plastic for Use in Side Windows Rearward of the "C" Pillar, in hatchbacks and station wagons. This NPRM responds to a petition for rulemaking from General Motors. In issuing this proposal, 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:** Comments must be received on or before May 15, 1995.

**ADDRESSES:** All comments must refer to the docket number and notice number of this notice and be submitted, preferably in ten copies, to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are from 9:30 am to 4 pm, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Ms. Margaret Gill, Office of Vehicle Safety

Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Ms. Gill's telephone number is: (202) 366-6651.

#### 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 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 a selected group 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. Since they are more susceptible to abrasion than glass, these materials are currently not permitted to be installed in those areas requisite for driving visibility. All windows in a passenger car are considered requisite for driving visibility. Therefore, Items 4 and 5 glazing may not be used in those windows. Instead, they may be used for such things as internal partitions and covers for openings in the car roof. More extensive use is permitted in trucks (e.g., pickup trucks and cargo vans) since they do not have designated seating positions rearward of the driver's position. In those vehicles, Items 4 and 5 may be used in windows to the rear of the driver if other means for affording visibility are provided.

##### GM Petition

By letter dated December 15, 1993, General Motors (GM) petitioned the agency 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.) GM suggested further that Item 4 glazing be used in only those station wagons and hatchbacks that provide means (e.g., exterior passenger-side mirrors) of affording visibility of the highway to the side and rear of the vehicle. The limitation of the installation to locations rearward of any designated seating position and to vehicles with exterior passenger side rearview mirrors was intended to address agency concerns that led to the denial of an earlier, somewhat similar petition by the American Automobile Manufacturers' Association (AAMA) (April 6, 1993; 58 FR 17787). AAMA's petition is discussed in detail later in this notice.

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 asserted that the weight of plastics used in automotive glazing is about half that of tempered glass of the same thickness. 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 ANSI 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. The sail panel extends rearward from a position between the rearmost side window and the rear or back window. The panel was made of abrasion-resistant coated Plexiglas Resin. GM stated that in the study the haze of a six year old sail panel was measured and compared to the haze of a new replacement part. GM concluded that after six years, during which time the Fiero was driven over 41,000 miles, "the haze increased from 0.49% to 0.87%, a difference of only 0.38%."

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. GM argued that light truck windows rearward of the "B" pillar cannot be considered "requisite for operation of the vehicle" for the following reasons: Other means, typically outside rearview mirrors, are provided for affording visibility to the side and rear of the vehicle; Standard No. 205 does not require glazing be provided in these locations; and since light trucks are often used to carry cargo, rear side windows can be obscured by cargo.

GM argued similarly that station wagon and hatchback side windows rearward of the "C" pillar, adjacent to the vehicle's cargo area, 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.

#### **Comparison of GM and AAMA Petitions and Decision to Grant GM Petition**

In considering whether to grant GM's petition, the agency reviewed its 1993 decision to deny the AAMA petition mentioned above. In its petition, the AAMA requested that Standard No. 205 be amended to permit the installation of an existing item of plastic glazing in fixed or hinged windows rearward of the "B" pillar. These windows are in areas requisite for driving visibility. Some of these windows were also next to designated seating positions. AAMA contended that coated plastic glazing resists abrasion well enough to be permitted in those locations and suggested hazing and weathering tests that would have had the effect of requiring that the rigid plastic glazing be coated. In denying AAMA's petition, NHTSA stated that permitting use of plastic glazing in areas requisite for driving visibility raised potential safety problems related to fracturing, abrasion resistance, strength, and head contact. Further, the agency noted that the petitioner did not provide any data addressing these safety concerns.

The agency's review of the two petitions revealed several significant differences which are described below.

*Danger of head injuries from broken rigid plastic glazing.* In denying the

AAMA petition, NHTSA expressed concern that permitting rigid plastics behind the "B" pillar, (a location in which rigid plastics had never been permitted in passenger cars before) could result in occupants' heads contacting rigid plastic windows. NHTSA noted that tests indicated that the breaking of rigid plastic windows could leave sharp, pointed shards in the window frame. These shards could be easily contacted by an occupant's head in a crash. NHTSA also expressed concern about occupant injury resulting from large shards of rigid plastic glazing being propelled inward by vehicle impacts with trees, poles, or other vehicles.

In contrast, GM seeks permission to use plastic glazing in locations not adjacent to any outboard designated seating position. In those locations, the plastic glazing is unlikely to be adjacent to occupants. Limiting the use of plastic glazing in this manner would considerably reduce the chances of occupant head injury.

*Abrasion resistance and strength tests.* In denying the AAMA petition, NHTSA expressed concern that the rigid plastic glazing sought by AAMA would result in the use of glazing with greater susceptibility to reduced visibility and that would be weaker and thus have more dangerous fracture characteristics than the glazing currently permitted in areas requisite for driving visibility. In its petition, AAMA requested that the exterior side of rigid plastics be subjected to abrasion tests less stringent than Standard No. 205's present tests for materials permitted in areas requisite for driving visibility. AAMA also requested that rigid plastics be subjected to strength tests less stringent than Standard No. 205's present tests for materials permitted in those areas.

NHTSA believes that reasons for concern about strength would be significantly diminished if the suggestions in GM's petition were adopted in a final rule. Although the glazing sought by GM would not be subject to strength tests that are more stringent than the strength tests applicable to the AAMA glazing, the GM glazing would, as noted above, be used in different locations than the AAMA glazing. Unlike the AAMA glazing, the GM glazing would not be used adjacent to any seating position. Thus, the GM glazing would be much less likely to pose any risk to occupants in the event that it is broken in a crash.

#### **Notice of Proposed Rulemaking**

On March 11, 1994, NHTSA granted GM's petition for rulemaking. Pursuant to the granting of the petition, NHTSA

issues this proposal. As explained below, NHTSA proposes 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. Item 4A glazing would be permitted in all areas where Item 4 glazing is permitted. In addition, the agency proposes 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 proposes 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 proposes 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 is proposed for a location requisite for driving visibility, the agency proposes to supplement Test No. 17 Abrasion Resistance (Plastics). NHTSA tentatively concludes the additional requirements regarding abrasion are necessary because the agency does not concur with GM's suggestion that the rearmost side windows in station wagons and hatchback vehicles are not requisite for driving safety. That the views through station wagon or hatchback side windows on rare occasions may be obscured by cargo does not mean that rearmost side windows on these passenger cars are not "requisite for driving visibility." Since the agency is 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 proposes 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. 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 total haze. That haze must not exceed 4 percent.

As to the exterior side of Item 4A glazing, NHTSA proposes 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 is proposing to regulate total haze and not just incremental haze because of its concern that the initial haze of the plastic glazing would not be as 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 glazings may have sufficiently higher levels of initial haze that the amount of haze after abrasion would be unacceptably high for visibility purposes.

NHTSA bases the proposed haze limitation of 4.0 percent after 100 cycles for Item 4A on the final rule that established Item 14 *Glass-Plastics* glazing, permitted anywhere in a hardtop motor vehicle (See 48 FR 52061, November 16, 1983). Glass-plastic glazing consists of laminated glass to which a layer of soft plastic is bonded on the side facing the interior of the vehicle. In the final rule, NHTSA stated its belief that available test data (based in part on Economic Commission for Europe (ECE) Regulation 43) indicated that a 4 percent haze limitation for the plastic (interior) side of glass-plastic glazing is sufficient to minimize the loss of light transmittance and to provide adequate driving visibility. In the 11 year period since Item 14 glazing was permitted, NHTSA has received no reports that the 4 percent haze limitation level does not provide adequate driving visibility through the windshield. Thus, based on that experience, NHTSA believes that a limitation of 4 percent haze after 100 cycles would be appropriate for both the interior and the exterior sides of Item 4A glazing.

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 believes it is also necessary to test at least the exterior side of fixed glazing for longer term resistance to abrasion. NHTSA therefore proposes 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 AAMA, NHTSA proposes 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 believes that coating technology should be equally suitable for glazing applications. Since windows to the rear of the C pillar do not roll down, coating only the exterior side should be sufficient.

Since NHTSA is proposing to permit a rigid plastic in a passenger car side window for the first time, the agency solicits comments on the sufficiency of the proposed provisions for supplementing Test 17. The agency also welcomes 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.

#### **Rulemaking Analyses and Notices**

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

This proposed 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. If made final, this proposed rule would not have any "significant" impact on passenger car and motor vehicle glazing manufacturers. Installation of the new item of glazing would not be required. Instead, manufacturers would be provided with more flexibility in motor vehicle glazing because the new item of glazing would

be permitted in station wagons and hatchbacks, rearward of the "C" pillar and forward of the "D" pillar. It is believed that use of this new item of glazing would make possible reduced weight and better aerodynamic design of vehicles resulting in the use of less fuel. However, the fuel savings would be slight. For these reasons, NHTSA believes that this proposal would not impose any additional costs and would not yield any significant savings. Thus, the impacts would be minimal and would not 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 proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule, if made final, would not require the use of any particular type of glazing, but would provide manufacturers with more flexibility in the choice of glazing for station wagons and hatchbacks. Accordingly, this proposal would not impose any added costs on new motor vehicles.

##### *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 proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

##### *4. National Environmental Policy Act*

The agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would 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.

#### Public Comments

Interested persons are invited to submit comments on the proposal. It is requested, but not required, that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR § 553.21). Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the comment closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the

envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

#### List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency proposes to amend, title 49 of the Code of Federal Regulations at part 571 as follows:

#### PART 571—[AMENDED]

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

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

#### § 571.205 [Amended]

2. Section 571.205, would be 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 all areas in which item 4 safety glazing may be used. It may also be used in side windows located between the "C" pillars and "D" pillars in any station wagon and hatchback, unless the area between those pillars is laterally adjacent to an outboard designated seating position.

(b)(1) 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 as a result of abrasion 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 as a result of abrasion 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: March 8, 1995.

**Barry Felrice,**

*Associate Administrator for Rulemaking.*

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