

Rule 66 Organic Solvents (Adopted 11/24/87)

Rule 67 Vacuum Producing Devices (Adopted 7/5/83)

Rule 68 Carbon Monoxide (Adopted 6/14/77)

Rule 71 Crude Oil and Reactive Organic Compound Liquids (Adopted 12/13/94)

Rule 71.1 Crude Oil Production and Separation (Adopted 6/16/92)

Rule 71.2 Storage of Reactive Organic Compound Liquids (Adopted 9/26/89)

Rule 71.3 Transfer of Reactive Organic Compound Liquids (Adopted 6/16/92)

Rule 71.4 Petroleum Sumps, Pits, Ponds, and Well Cellars (Adopted 6/8/93)

Rule 71.5 Glycol Dehydrators (Adopted 12/13/94)

Rule 72 New Source Performance Standards (NSPS) (Adopted 6/28/94)

Rule 74 Specific Source Standards (Adopted 7/6/76)

Rule 74.1 Abrasive Blasting (Adopted 11/12/91)

Rule 74.2 Architectural Coatings (Adopted 08/11/92)

Rule 74.6 Surface Cleaning and Degreasing (Adopted 5/8/90)

Rule 74.6.1 Cold Cleaning Operations (Adopted 9/12/89)

Rule 74.6.2 Batch Loaded Vapor Degreasing Operations (Adopted 9/12/89)

Rule 74.7 Fugitive Emissions of Reactive Organic Compounds at Petroleum Refineries and Chemical Plants (Adopted 1/10/89)

Rule 74.8 Refinery Vacuum Producing Systems, Waste-water Separators and Process Turnarounds (Adopted 7/5/83)

Rule 74.9 Stationary Internal Combustion Engines (Adopted 12/21/93)

Rule 74.10 Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Adopted 6/16/92)

Rule 74.11 Natural Gas-Fired Residential Water Heaters-Control of NO<sub>x</sub> (Adopted 4/9/85)

Rule 74.12 Surface Coating of Metal Parts and Products (Adopted 12/13/94)

Rule 74.15 Boilers, Steam Generators and Process Heaters (5MM BTUs and greater) (Adopted 11/8/94)

Rule 74.15.1 Boilers, Steam Generators and Process Heaters (1-5MM BTUs) (Adopted 5/11/93)

Rule 74.16 Oil Field Drilling Operations (Adopted 1/8/91)

Rule 74.20 Adhesives and Sealants (Adopted 6/8/93)

Rule 74.23 Stationary Gas Turbines (Adopted 3/14/95)

Rule 74.24 Marine Coating Operations (Adopted 3/8/94)

Rule 74.26 Crude Oil Storage Tank Degassing Operations (Adopted 11/8/94)

Rule 74.27 Gasoline and ROC Liquid Storage Tank Degassing Operations (Adopted 11/8/94)

Rule 74.28 Asphalt Roofing Operations (Adopted 5/10/94)

Rule 74.30 Wood Products Coatings (Adopted 5/17/94)

Rule 75 Circumvention (Adopted 11/27/78)

Appendix IV-A Soap Bubble Tests (Adopted 12/86)

Rule 100 Analytical Methods (Adopted 7/18/72)

Rule 101 Sampling and Testing Facilities (Adopted 5/23/72)

Rule 102 Source Tests (Adopted 11/21/78)

Rule 103 Stack Monitoring (Adopted 6/4/91)

Rule 154 Stage 1 Episode Actions (Adopted 9/17/91)

Rule 155 Stage 2 Episode Actions (Adopted 9/17/91)

Rule 156 Stage 3 Episode Actions (Adopted 9/17/91)

Rule 158 Source Abatement Plans (Adopted 9/17/91)

Rule 159 Traffic Abatement Procedures (Adopted 9/17/91)

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[FR Doc. 95-14421 Filed 6-12-95; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 74-14; Notice 95]

RIN 2127-AF66

### Federal Motor Vehicle Safety Standards; Occupant Crash Protection

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.  
**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend the agency's safety belt requirements for forward-facing rear outboard seating positions of police cars and other law enforcement vehicles. This action was initiated in response to a petition for rulemaking submitted by Laguna Manufacturing, Inc. Believing that the considerations governing the design of safety belts for use by prisoners are different from those applicable to safety belts for the general public, Laguna requested that Standard No. 208 be amended to provide greater flexibility to design safety belt systems that are better suited for restraining prisoners being transported in the rear seats of law enforcement vehicles.

**DATES:** Comment Date: Comments must be received by August 14, 1995.

Effective Date: If adopted, the proposed amendments would become effective 30 days following publication of the final rule.

**ADDRESSES:** Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (Docket Room hours are 9:30 a.m.-4 p.m., Monday through Friday.)

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda McCray, Frontal Crash Protection Division, Office of Vehicle Safety Standards, NPS-12, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-4793.

**SUPPLEMENTARY INFORMATION:** Standard No. 208, *Occupant Crash Protection*, requires an integral Type 2 (lap and shoulder) safety belt assembly at all forward-facing rear outboard seating positions in passenger cars and other light vehicles. The standard also requires that each of these safety belt assemblies be equipped with an emergency locking retractor. The emergency locking retractor allows the belt webbing to unwind from the spool when the belt user leans forward or to the side and rewinds it when the user leans back against the seat. However, in the event of a sudden stop or crash, the retractor locks up. This type of retractor serves several purposes. By providing a comfortable belt fit and allowing the belt user some freedom of movement, this type of retractor makes it more likely that the typical vehicle occupant will use safety belts. It also reduces the likelihood of excessive slack in safety belts during use.

Believing that the considerations governing the design of safety belts for use by prisoners being transported in police cars and other law enforcement vehicles are different from those applicable to safety belts for the general public, Laguna Manufacturing, Inc. submitted to NHTSA a petition for rulemaking requesting that Standard No. 208 be amended. Laguna sought an amendment that would provide greater flexibility to design safety belt systems that are better suited for restraining prisoners being transported in forward-facing rear outboard seating positions in these vehicles. That company argued that the requirement for an emergency locking retractor is inappropriate for safety belt systems used by prisoners, since it allows too much slack in non-emergency situations. This is because these retractors spool out webbing and thus allow safety-belted prisoners too much range of movement. Laguna stated that some police departments refrain altogether from safety belting a prisoner and instead use a "hog tie restraint" and lay the prisoner down on the rear seat. In these situations, the prisoner does not have any safety belt protection.

More specifically, Laguna requested that Standard No. 208 be amended to permit the use of a manual tightening system instead of an emergency locking retractor for safety belts intended for use by prisoners. That company stated that

such a system would afford the occupant all of the crash protection provided by the standard and only exclude a feature intended to provide comfort and convenience. Laguna argued that a prisoner who's handcuffed behind his/her back would be unable to fasten the safety belts. Therefore, in such a situation, a feature intended to provide comfort and convenience would not make the occupant more likely to fasten the safety belt.

In support of its petition, Laguna provided information about a special rear seat and safety belt system it has designed for police cars. The design includes two outboard integral lap and shoulder belt systems which use the same anchor point locations as conventional belt systems in the forward-facing rear outboard seats in current cars.

However, there are two significant differences between the Laguna belt system and a conventional safety belt system. First, the Laguna system includes a manual belt tightening system instead of an emergency locking retractor. Second, the Laguna system uses two buckles instead of one and buckles in a different location than a conventional safety belt system. The ends of the lap and shoulder belt portions of the conventional safety belt system are permanently attached to the outboard anchorages. The end of the lap belt portion is attached to the lower anchorage and the end of shoulder belt portion is attached to the upper anchorage. The buckle is mounted at the anchorage near the center of the vehicle. The permanent attachment points and buckling points are reversed for the Laguna system. The middle of the Laguna belt system is permanently anchored at the anchorage near the center of the vehicle. The end of the lap belt portion buckles at the lower anchorage and the end of the shoulder belt buckles at the upper anchorage.

Laguna stated that its design eliminates the need for police officers to lean over a prisoner in the rear seat of the police car. This is partly attributable to the fact that both the lap belt and shoulder belt portions buckle at the outboard anchorages. Therefore, an officer need not lean over a prisoner to buckle the belt at an anchorage in the center of the vehicle, as would be the case with conventional belt systems. In addition, a large magnet is mounted on a floating sleeve that slides along the lap and shoulder belt portions. When the belts are not in use, the magnet attaches the belts to the metal cage partition that typically separates the front and rear portions of police cars. When the magnet is released from the metal cage

partition, the sleeve falls to the center mounting position which allows the belt to properly separate into the lap/shoulder portions. When a prisoner is placed in the rear seat, the officer can use his or her forearm to remove the magnetically attached belts from the metal cage partition and buckle the belts around the prisoner, without at any time leaning over the prisoner.

After considering the issues raised by Laguna, NHTSA has tentatively concluded that Standard No. 208 should be amended to provide more flexibility with respect to the design and performance of safety belts installed at forward-facing rear outboard seating positions of law enforcement vehicles. The agency recognizes that the use of vehicles by law enforcement officers to transport prisoners creates special problems.

As requested by Laguna, NHTSA is proposing to permit the use of a manual tightening system instead of an emergency locking retractor in law enforcement vehicles. The agency believes that there is the need to limit the movement of a safety belted prisoner. Further, as noted by the petitioner, while the comfort and convenience benefits of an emergency locking retractor normally have the effect of helping to induce belt use, they do not have that effect on handcuffed or otherwise bound prisoners who are being involuntarily transported in law enforcement vehicles. The agency notes that a safety belt system incorporating a manual tightening system may result in an increase in the number of prisoners who are safety belted while being transported.

NHTSA is also proposing to exclude safety belts installed at forward-facing rear outboard seating positions of law enforcement vehicles from a requirement in Standard No. 208 which specifies that lap and shoulder belts must release at a single point. That requirement provides increased convenience and quicker release. The Laguna design, however, would not meet the requirement since it has two buckles. As discussed above, the Laguna system incorporates two buckles so that the belt system can be operated from the outboard side of the prisoner. This design feature eliminates the need for police officers to lean over the prisoner to either buckle or unbuckle a prisoner's belt. The agency believes that the special need for police officers to avoid leaning over a prisoner to operate the prisoner's safety belt buckle outweighs the benefits of having only a single buckle.

NHTSA recognizes that forward-facing rear outboard seating positions of

law enforcement vehicles may be used by non-prisoners as well as prisoners. In addition, law enforcement vehicles are typically sold to the general public after their use as law enforcement vehicles. The agency notes, however, that under the proposal, occupants of the seats would continue to have the same three-point belt protection as occupants of non-law enforcement vehicles. The only differences would relate to comfort, convenience and quickness of release. The agency believes that these differences do not outweigh the special needs of law enforcement officers. However, NHTSA does request comments on whether a label should be required to advise rear seat passengers to adjust the safety belt for a snug fit. Commenters are asked to address the wording of such a label and its potential effectiveness. Depending on the comments, the agency may, or may not, include a requirement for such a label in a final rule.

While NHTSA would not have the authority to require law enforcement agencies to replace the special rear seat safety belt systems with conventional Type 2 safety belts when a vehicle was subsequently sold to the public, the agency would strongly recommend that law enforcement agencies do so. Installation of conventional Type 2 safety belt systems, with an emergency locking retractor and a single point of release, would afford subsequent owners all of the crash protection provided by the agency's crash protection standards. In addition, these safety belt systems would meet the comfort and convenience requirements of those standards, increasing the likelihood that the safety belts would be used.

While the special Laguna design is for "police cars," that company requested that its recommended exclusion be provided for "police and/or public safety vehicles used, exclusively or not, for the transport of persons handcuffed or restrained and in the custody, care, and control of a law enforcement officer." NHTSA believes that the proposed exclusions should apply to law enforcement vehicles generally, rather than to police "cars," since the rationale is not dependent on vehicle type, i.e., passenger car or multipurpose passenger vehicle.

The proposed regulatory text defines "law enforcement vehicle" as any vehicle manufactured primarily for use by the United States or by a State or local government for police or other law enforcement purposes. This definition is derived from the definition of "emergency vehicle," set forth at 49 U.S.C. 32902(e), for purposes of the

corporate average fuel economy program. The agency notes that vehicles which are manufactured for police or other law enforcement purposes can ordinarily be identified by special features such as sirens, decals, a metal cage partition, removed interior rear-door release handles, or special handling features. The agency requests comments concerning whether all law enforcement vehicles include at least some of these (or other) special features, and on whether a more detailed definition, identifying vehicle attributes, can be developed that would be appropriate for all law enforcement vehicles.

NHTSA is proposing to make the proposed amendments effective 30 days after publication of a final rule. NHTSA believes that there would be good cause for such an effective date since the amendments would not impose any new requirements but instead relieve a restriction.

### Rulemaking Analyses and Notices

#### A. Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." This action has been determined to be "non-significant" under the Department of Transportation's regulatory policies and procedures. The proposed amendments would not impose any new requirements but simply remove a restriction. Therefore, the impacts of the proposed amendments would be so minor that a full regulatory evaluation is not required. There would be slight cost savings, on the order of \$5.00 or less per belt system, associated with not being required to provide an emergency locking retractor. For the Laguna system, these cost savings would be offset by the costs associated with some of the special features of its belt system, i.e., the extra buckle and the magnets. NHTSA notes, however, that these special features would not be required by the standard.

#### B. Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. As explained above, the rule would not impose any new requirements but would instead relieve a restriction for

law enforcement vehicles. Any economic impact would be in the nature of slight cost savings for small government organizations which purchase law enforcement vehicles. For these reasons, small businesses, small organizations and small governmental units which purchase motor vehicles would not be significantly affected by the proposed requirements.

#### C. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), there are no requirements for information collection associated with this proposed rule.

#### D. National Environmental Policy Act

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have a significant impact on the human environment.

#### E. Executive Order 12612 (Federalism)

NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposed rule would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

#### F. Civil Justice Reform

This proposed rule would 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.

#### Submission of 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 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. Comments on the proposal will be available for inspection in the docket. The 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, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, it is proposed that 49 CFR part 571 be amended as follows:

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 of title 49 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.

2. Section 571.208 would be amended by revising sections S7, S7.1.1.2, S7.1.1.3 and S7.2 to read as follows:

**§ 571.208 Standard No. 208, Occupant Crash Protection.**

\* \* \* \* \*

*S7. Seat belt assembly requirements.* As used in this section, a law enforcement vehicle means any vehicle manufactured primarily for use by the United States or by a State or local government for police or other law enforcement purposes.

\* \* \* \* \*

*S7.1.1.2(a)* A seat belt assembly installed in a motor vehicle other than a forward control vehicle at any designated seating position other than the outboard positions of the front and second seats shall adjust either by a retractor as specified in S7.1.1 or by a manual adjusting device that conforms to § 571.209.

(b) A seat belt assembly installed in a forward control vehicle at any designated seating position other than the front outboard seating positions shall adjust either by a retractor as specified in S7.1.1 or by a manual adjusting device that conforms to § 571.209.

(c) A seat belt assembly installed in a forward-facing rear outboard seating position in a law enforcement vehicle shall adjust either by a retractor as specified in S7.1.1 or by a manual adjusting device that conforms to § 571.209.

*S7.1.1.3* A Type 1 lap belt or the lap belt portion of any Type 2 seat belt assembly installed at any forward-facing outboard designated seating position of a vehicle with a gross vehicle weight rating of 10,000 pounds or less to comply with a requirement of this standard, except walk-in van-type vehicles and school buses, and except in rear seating positions in law enforcement vehicles, shall meet the requirements of S7.1 by means of an emergency locking retractor that conforms to Standard No. 209 (49 CFR 571.209).

\* \* \* \* \*

*S7.2 Latch mechanism.* Except as provided in S7.2(e), each seat belt assembly installed in any vehicle shall have a latch mechanism that complies with the requirements specified in S7.2(a) through (d).

(a) The components of the latch mechanism shall be accessible to a seated occupant in both the stowed and operational positions;

(b) The latch mechanism shall release both the upper torso restraint and the lap belt simultaneously, if the assembly has a lap belt and an upper torso restraint that require unlatching for release of the occupant;

(c) The latch mechanism shall release at a single point; and;

(d) The latch mechanism shall release by a pushbutton action.

(e) The requirements of S7.2 do not apply to any automatic belt assembly. The requirements specified in S7.2(a) through (c) do not apply to any safety belt assembly installed at a forward-facing rear outboard seating position in a law enforcement vehicle.

Issued on June 7, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-14401 Filed 6-12-95; 8:45 am]

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**49 CFR Part 571**

[Docket No. 90-3; Notice 5]

RIN 2127-AF63

**Federal Motor Vehicle Safety Standards; Air Brake Systems Air Compressor Cut-In**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** In response to a petition for rulemaking submitted by the Truck Trailer Manufacturers Association (TTMA), this notice proposes to amend the requirement for the minimum air compressor cut-in pressure in Standard No. 121, *Air Brake Systems*, to require the automatic activation of the air compressor whenever the pressure in the air brake system drops below 100 psi. The agency has tentatively concluded that the proposed amendment would ensure that new truck tractors provide trailers with sufficient air pressure for release of the trailer parking brakes and provide adequate service braking.

**DATES:** *Comments.* Comments must be received on or before August 14, 1995.

*Proposed Effective Date.* The proposed amendment in this notice would become effective 30 days after publication of a final rule in the **Federal Register**.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh

Street SW., Washington, DC 20590. (202-366-5274).

**SUPPLEMENTARY INFORMATION:****I. Background**

Standard No. 121, *Air Brake Systems*, specifies performance and equipment requirements for braking systems on vehicles equipped with air brakes, including a requirement specifying the minimum air pressure at which a towing vehicle's air compressor governor must automatically activate. The governor maintains reservoir air pressure between predetermined minimum and maximum pressures. Under the current requirement in S5.1.1.1, the governor must automatically activate the air compressor when air pressure in the reservoir falls to 85 psi. Currently manufactured air brake systems typically operate between 100 psi and 120 psi.

NHTSA adopted the air compressor governor minimum cut-in requirement in S5.1.1.1 on October 8, 1991. (56 FR 50666) The agency explained that, under this requirement, the air compressor on a tractor will be activated to restore or maintain pressure in the brake supply system until the air leak is detected and corrected. The agency further stated that since most vehicles already comply with this requirement, it would not result in an undue burden for manufacturers.

The October 1991 final rule also simplified requirements applicable to air brake systems by amending Standard No. 121 to delete the requirement for each trailer to have a separate protected reservoir for the purpose of releasing the parking brake. Under the rule, air pressure from the tractor supply lines may be used to release the trailer parking brakes rather than air from a separate reservoir. The final rule also specified requirements for a minimum air pressure of 70 p.s.i. in the trailer's supply line in the event of pneumatic failure and for prevention of the automatic application of the trailer parking brakes while the minimum trailer supply line air pressure is maintained.

**II. Rulemaking Petition**

On August 2, 1994, the Truck Trailer Manufacturers Association (TTMA) submitted a petition for rulemaking to amend Standard No. 121 to increase the minimum air pressure governor cut-in requirement in S5.1.1.1 from 85 psi to 100 psi. The petitioner stated that its requested amendment is necessary to assure that new truck tractors provide air braked trailers with sufficient