

vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

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

In consideration of the foregoing, the agency is amending Standard No. 303; *Fuel System Integrity of Compressed Natural Gas Vehicles* and Standard No. 304; *Compressed Natural Gas Fuel Container Integrity*, Part 571 at Title 49 of the Code of Federal Regulations as follows:

**PART 571—[AMENDED]**

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

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

2. Section 571.303 is amended by adding S5.3, S5.3.1 and S5.3.2 and S5.4, to read as follows:

**§ 571.303 Standard No. 303, Fuel System Integrity of Compressed Natural Gas Vehicles.**

\* \* \* \* \*

S5.3 Each CNG vehicle shall be permanently labeled, near the vehicle refueling connection, with the information specified in S5.3.1 and S5.3.2 of this section. The information shall be visible to a person standing next to the vehicle during refueling, in English, and in letters and numbers that are not less than 4.76 mm (3/16 inch) high.

S5.3.1 The statement: "Service pressure \_\_\_\_\_ kPa (\_\_\_\_\_ psig)."

S5.3.2 The statement "See instructions on fuel container for inspection and service life."

S5.4 When a motor vehicle is delivered to the first purchaser for purposes other than resale, the manufacturer shall provide the purchaser with a written statement of the information in S5.3.1 and S5.3.2 in the owner's manual, or, if there is no

owner's manual, on a one-page document. The information shall be in English and in not less than 10 point type.

\* \* \* \* \*

3. Section 571.304, is amended by revising S7.4, S8.3.2, S8.3.3, S8.3.4, S8.3.6, and S8.3.7 to read as follows:

**§ 571.304 Standard No. 304, Compressed Natural Gas Fuel Container Integrity.**

\* \* \* \* \*

S7.4. *Labeling.* Each CNG fuel container shall be permanently labeled with the information specified in paragraphs (a) through (h) of this section. Any label affixed to the container in compliance with this section shall remain in place and be legible for the manufacturer's recommended service life of the container. The information shall be in English and in letters and numbers that are at least 6.35 mm (1/4 inch) high.

(a) The statement: "If there is a question about the proper use, installation, or maintenance of this container, contact \_\_\_\_\_," inserting the *CNG fuel container manufacturer's name, address, and telephone number.*

(b) The statement: "Manufactured in \_\_\_\_\_," inserting the month and year of manufacture of the CNG fuel container.

(c) The statement: "Service pressure \_\_\_\_\_ kPa, (\_\_\_\_\_ psig)."

(d) The symbol DOT, constituting a certification by the CNG container manufacturer that the container complies with all requirements of this standard.

(e) The container designation (e.g., Type 1, 2, 3, 4).

(f) The statement: "CNG Only."

(g) The statement: "This container should be visually inspected after a motor vehicle accident or fire and at least every 12 months or 12,000 miles, whichever comes first, for damage and deterioration in accordance with the Compressed Gas Association (CGA), Arlington VA, Guidelines C-6 and C-6.1 for Type 1 containers and C-6.2 for Types 2 and 3 containers."

(h) The statement: "Do Not Use After \_\_\_\_\_" inserting the month and year that mark the end of the manufacturer's recommended service life for the container.

\* \* \* \* \*

S8.3.2 The CNG fuel container is positioned so that its longitudinal axis is horizontal. Attach three thermocouples to measure temperature on the container's bottom side along a line parallel to the container longitudinal centerline. Attach one at the midpoint of the container, and one

at each end at the point where the dome end intersects the container sidewall. Subject the entire length to flame impingement, except that the flame shall not be allowed to impinge directly on any pressure relief device. Shield the pressure relief device with a metal plate.

S8.3.3 If the test container is 165 cm (65 inches) in length or less, place it in the upright position. Attach three thermocouples to measure temperature on the container's bottom side along a line which intersects the container longitudinal centerline. Attach one at the midpoint of the bottom of the container, and one each at the point where the dome end intersects the container sidewall. Subject the container to total fire engulfment in the vertical. The flame shall not be allowed to impinge directly on any pressure relief device. For containers equipped with a pressure relief device on one end, the container is positioned with the relief device on top. For containers equipped with pressure relief devices on both ends, the bottom pressure relief device shall be shielded with a metal plate.

S8.3.4 The lowest part of the container is suspended at a distance above the fire such that the container bottom surface temperatures specified in S8.3.6 are achieved.

\* \* \* \* \*

S8.3.6 The fire is generated by any fuel that maintains a flame temperature between 850 and 900 C for the duration of the test, as verified by each of the three thermocouples in S8.3.2 or S8.3.3.

\* \* \* \* \*

S8.3.7 The fuel specified in S8.3.6 is such that there is sufficient fuel to burn for at least 20 minutes. To ensure that the sides of the fuel container are exposed to the flame, the surface area of the fire on a horizontal plane is such that it exceeds the fuel container projection on a horizontal plane by at least 20 cm (8 inches) but not more than 50 cm (20 inches).

\* \* \* \* \*

Issued on: November 16, 1995.

Ricardo Martinez,  
Administrator.

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**49 CFR Part 571****[Docket No. 93-57; Notice 3]****RIN 2127-AF00****Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment****AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.**ACTION:** Final rule.

**SUMMARY:** This document amends Standard No. 108, the Federal motor vehicle safety standard on lighting, to permit replaceable lenses on integral beam and replaceable bulb headlamps that incorporate on-board headlamp aimers, provided that such headlamps meet more rigorous environmental tests. The benefit of headlamps with replaceable lenses is that the lens or reflector could be replaced in the event of breakage of either without the present necessity to replace both components if only one is damaged.

**DATES:** The amendments are effective December 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Patrick Boyd, Office of Rulemaking, NHTSA (202-366-6346).

**SUPPLEMENTARY INFORMATION:** On August 12, 1993, NHTSA published a Notice of Request for Comments seeking views relevant to a decision on whether to proceed with rulemaking to amend Standard No. 108 to allow the lens to be replaceable on a replaceable bulb headlamp equipped with an on-vehicle aiming device (58 FR 42924). On the basis of comments received, NHTSA published a Notice of Proposed Rulemaking (NPRM) on November 21, 1994, to amend Standard No. 108 in the manner discussed in the Request for Comments, for both integral beam and replaceable bulb headlamps with the on-board aiming feature, provided that such headlamps meet more rigorous environmental tests (59 FR 59975). The reader is referred to those notices (Docket No. 93-57; Notices 1 and 2) for further information on the background of this rulemaking action.

**Proposed Amendments**

In Notice 2, NHTSA proposed redefinitions of "integral beam headlamp" and "replaceable bulb headlamp" to clarify that some types of these headlamps need not have a bonded lens reflector assembly, i.e., those with a vehicle headlamp aiming device (VHAD) conforming to Standard No. 108. Under the proposal, each replacement lens would also have to be accompanied by an appropriate replacement seal, and instructions to the

user on how to remove and replace the lens, clean the reflector, and seal the lens to the lamp. Manufacturers of replacement lenses would mark them with a DOT symbol which would be the manufacturer's certification that installation of the lens on the headlamp for which it is intended would not create a noncompliance with Standard No. 108. A new section was proposed, S8.10, that would add chemical and corrosion resistance tests for reflectors of replaceable lens headlamps. NHTSA also asked specific questions related to these proposals.

Comments were received from Advocates for Highway and Auto Safety ("Advocates"), American Automobile Manufacturers Association ("AAMA"), Chrysler Corporation ("Chrysler"), Ford Motor Company ("Ford"), General Motors Corporation ("GM"), Koito Manufacturing, Inc. ("Koito"), Mercedes-Benz of North America ("Mercedes"), and Volvo of North America ("Volvo").

AAMA, Chrysler, Ford, GM, Volvo and Koito supported the proposal in its entirety. Because Mercedes offered a helpful suggestion (discussed below), NHTSA interprets its comment as one of support. Hella, Bosch and VW favored replaceable lenses but opposed requirements for improved reflector durability. Advocates opposed the proposal.

**General Comments**

In paragraph S8.10.1, NHTSA proposed a chemical resistance test for reflectors which would include lacquer thinner as one of the test fluids. Mercedes suggested that mineral spirits be substituted because lacquer thinner is becoming less common in shops, causes a fire hazard, and may damage plastic reflectors and other parts. NHTSA believes that lacquer thinner is still common in body shops which may be expected to perform lens replacements. However, it is not appropriate to expose the surface of the reflector to a substance likely to attack the plastic base material of the reflector and other lamp components. Therefore, in the final rule, NHTSA is substituting mineral spirits for lacquer thinner. However, it would be appropriate for a manufacturer's lens replacement instructions to warn against the use of cleaning agents that would harm lamp components.

Having conducted the proposed type of corrosion test on a production headlamp, Mercedes also asked that lamps be permitted to be used with replaceable lenses if the lamps either show no visible corrosion damage or continue to meet photometric

requirements despite visible corrosion damage. This comment appears based upon the presumption that a one-day salt spray test is equivalent to a reasonable worst case of reflector exposure over the life of a vehicle. However, the agency has no evidence that reflectors which are subject to corrosion will not degrade in service to a greater degree or in more critical locations than do a limited number of samples which have undergone a one-day severe exposure test. If a reflector cannot meet the test criterion of no corrosion visible without magnification, in NHTSA's view there can be no assurance that such a reflector is essentially corrosion-proof for indeterminate exposures before lens replacement after the lens is broken.

Hella, Bosch, and VW opposed requirements for improved reflector durability. These commenters did not dispute the agency's assumption that the reflectors of present replaceable bulb headlamps may degrade when lens integrity is lost. However, they believe that new lenses will not be installed on lamps with degraded reflectors, because either the dealer will refuse to do so or the owner, guided by the operator's manual, will not seek it. For much the same reasons, VW doubts that an aftermarket demand for headlamp lenses will develop. NHTSA disagrees with these comments. The rationale behind this rulemaking is to afford a less expensive way of repairing headlamp damage, by replacement of the lens alone rather than the entire lens reflector assembly. The potential savings create an incentive on the part of the vehicle owner to minimize replacement costs, and on the part of dealers or repair shops to meet the vehicle owner's demands.

Advocates opposed the proposal. In its opinion, NHTSA's amendments of Standard No. 108 since 1983 have reduced headlamp safety and thus is reluctant to see another final rule which continues the trend. It states that "the agency has nothing in the record of this rulemaking assessing the safety consequences of its proposed amendment to permit replaceable lenses." Terming NHTSA's intended rulemaking effect as "safety-neutral", Advocates comments that the agency's arguments are speculative and that NHTSA assumes that "its additional testing requirements coupled with good-faith installation design innovations and directions to consumers will somehow offset any increase in detrimental safety consequences." Advocates argues that these assumptions are "devoid of support in the record and, therefore, would be considered by the courts to be

conclusory." In *Advocates'* view, "where a pending decision arguably has direct implications for vehicle and traffic safety, the agency must evaluate the issue with sufficient empirical evidence in the record to support its decision." In support of this argument, it cites *Advocates for Highway and Auto Safety v. Federal Highway Administration*, 28 F.3d 1288 (D.C. Cir. 1994) at 1294, quoting *Competitive Enterprise Institute v. Nat'l Highway Traffic Safety Admin.*, 956 F.2d 321 (D.C. Cir. 1992): "The (agency), however, cannot 'ma[ke] conclusory assertions that its decision have no safety impact at all'."

In responding to *Advocates*, NHTSA first observes that neither of the cases cited above construed the National Traffic and Motor Vehicle Safety Act, whose successor, 49 U.S.C. Chapter 301, is the authority for the present rulemaking. The former case involves actions of the Federal Highway Administration; the latter, actions under this agency's statutory provisions relating to fuel economy standards.

Under Chapter 301, NHTSA's Federal motor vehicle safety standards are "minimum standards for motor vehicle or motor vehicle equipment performance", and must "meet the need for motor vehicle safety." Federal Motor Vehicle Safety Standard No. 108 requires motor vehicles to have headlighting systems meeting specified safety performance levels. A headlamp system may consist of sealed beam headlamps (a manufacturer may choose between seven different systems), replaceable bulb headlamps (at least six different types at present), combination headlamp systems (a mixture of sealed beam and replaceable bulb headlamps), and integral beam headlamps (headlamps other than sealed beam or replaceable bulb types). The Standard formerly contained design specifications which restricted headlamps to two sizes of sealed beam headlamps. NHTSA has only permitted an additional type of headlamp system after first satisfying itself that the new system would provide at least the same minimum level of safety performance required of those existing systems that are certified as meeting Standard No. 108. In this sense, NHTSA's headlamp rulemakings have indeed been "safety neutral."

The present rulemaking carves out a very narrow exception to the existing requirement that replaceable bulb headlamps and integral beam headlamps have lenses bonded to the reflector assembly. To ensure that the amended standard continues to "meet the need for motor vehicle safety," NHTSA has imposed requirements to

counter any potential negative effects upon safety. First, to ensure the ability of a headlamp to be aimed properly after lens replacement, the amendment is restricted to headlamps with on-board aiming devices. Second, to ensure the ability to install properly a replacement lens, the lens manufacturer is required to provide instructions for the removal and replacement of the lens, the cleaning of the reflector, and the sealing of the replacement lens to the reflector assembly. Finally, to ensure the integrity of the reflector after exposure in an unsealed environment, new durability tests are prescribed for the reflector.

NHTSA agrees that it does not have empirical evidence indicating how headlamps designed to conform to Standard No. 108 would perform with replaceable lenses. Such evidence is not available because headlamps with replaceable lenses have not been permitted in the United States. The agency believes that the requirements for on-board aiming devices, instructions, and durability testing contained in the final rule will result in an overall level of safety that is not less than the level of safety provided by headlamps with non-replaceable lenses. NHTSA believes that the discussions and analysis in this rulemaking action provide adequate support for the amendment.

The following discussion centers around four questions NHTSA asked in the proposal and the responses received. The discussion also indicates the points at which the final rule responds to these comments.

1. Whether the moisture of the ASTM B 117-73 salt spray test, when conducted for 24 hours, is sufficient to test the moisture resistance of headlamp reflectors. If not, what test would be sufficient?

Because a cracked lens frequently causes a lamp to partially fill with water, NHTSA proposed a salt spray test to be conducted on a headlamp with its lens removed. In its response to the previous request for comments (58 FR 42924), Ford cited separately the need to test for corrosion resistance and for moisture resistance. Since the corrosion test proposed by the agency features considerable moisture, NHTSA asked if that test would also satisfy the need for testing moisture resistance for aspects other than corrosion. Ford commented that the moisture content and duration of the proposed corrosion test was indeed sufficient to test for moisture resistance.

2. Whether the proposed corrosion test is also acceptable to demonstrate

the abrasion resistance of headlamp reflectors.

The dust test that applies to replaceable bulb headlamps utilizes Portland cement as the agent. But it is conducted on the outside of lamps with the lens and bulbs in place. The abrasion of principal concern in this instance would occur when the reflector was being cleaned in the process of replacing the lens. In the belief that the proposed corrosion test would coat the reflector with salt deposits, and that the subsequent cleaning would provide the appropriate abrasion test, NHTSA asked whether, in fact, a 24-hour salt spray test would deposit enough salt for this purpose, and whether a particular method of salt removal should be specified or left to the manufacturer's instructions included with a replacement lens. The agency also asked whether both a Portland cement dust test and corrosion test should be conducted. It also asked whether a direct abrasion test would be more appropriate (contrasted with the indirect one of cleaning an agent from the reflector), and, if so, what procedure would be appropriate.

Ford concurred in the agency's belief that the salt spray test alone would be adequate to demonstrate abrasion resistance. It also commented that the salt should be removed according to the manufacturer's instructions to consumers for cleaning reflectors. Koito commented that the corrosion and chemical resistance tests could substitute for a dust test. Mercedes also concurred, with the comment that it found the deposited salts difficult to remove (and NHTSA found evidence of scratches on the reflector that Mercedes had cleaned). This comment confirms NHTSA's belief that the proposed test is adequate to demonstrate abrasion resistance of the reflector, and is amending the standard as proposed.

Although the standard is being amended to specify salt removal according to the manufacturer's instructions, the agency will reconsider the point if the instructions impose unrealistic burdens upon consumers or serve to defeat the intent of the test. Examples of such instructions are ones that would call for the removal of the headlamp from the vehicle for cleaning the reflector or for the use of methods, such as ultrasonic cleaning, which are unrealistically gentle.

3. Whether the duration of the proposed test is sufficient to test reflectors and the metal light shields sometime used; appropriate criteria for testing light shields; stains from corroded light shields.

Ford commented that it had no specific test data using the proposed corrosion test procedure for headlamp reflectors, but that it believed such a test would be sufficient to provide adequate assurance that the reflective surface is robust enough to withstand exposure to environmental conditions due to a cracked or otherwise damaged lens. The sufficiency of the proposed test appears borne out by the fact that the Mercedes lamp did not meet the test criterion after being subjected to the 24-hour salt spray and 48-hour drying time.

Ford commented that rusty water stains would most likely affect the bottom of the reflector which has little influence on the beam. However, NHTSA's random observation of headlamps on vehicles in use show clear examples in which a corroded light shield has deposited extensive rust stains over the active part of the reflector as well as at the bottom. Even a small puncture of the lens can result in sufficient water entering the headlamp to splash over and stain much of the reflector if rust is present. Thus, NHTSA is adopting its proposed prohibition on metal light shield corrosion.

Koito remarked that the beam is mostly insensitive to light shield corrosion and that corrosion within  $\frac{1}{8}$  inch of sharp edges should be discounted. Koito also asked that NHTSA define the optical surface of the reflector to exclude parts that do not contribute to the headlamp beam and parts which affect other lighting functions.

The agency agrees with Koito that the NPRM was not specific enough about the area of the reflector to be inspected for corrosion. Certainly the back of the reflector and parts covered by the lamp body have no optical role even though they may have a shiny plating. But it would be unwise to define the important parts of the reflector too narrowly. Parts that are blacked out, for example, would cause glare if their finish were lost to corrosion. A reasonable specification of the part of the reflector to be inspected includes all areas of the reflector exposed to light from the headlamp light source. Thus, with respect to integral beam headlighting systems, NHTSA is amending S7.4(g)(3) as proposed, but adding the requirement that after corrosion tests conducted in accordance with S8.10.2, "there shall be no evidence of corrosion or rust visible without magnification on any part of the headlamp reflector that receives light from a headlamp light source, on any metal light or heat shield assembly, or on a metal reflector of any other lamp

not sealed from the headlamp reflector." The prohibitions against metal corrosion are intended to prevent the staining of otherwise satisfactory reflectors.

4. Whether the present salt spray test of replaceable bulb headlamps with lenses attached is sufficient to qualify reflectors for use with replaceable lenses without further environmental testing.

Ford commented that the present test is likely to be insufficient to replicate the possible exposure of lamps with damaged lenses prior to repair since it is conducted with the lens attached, thus sparing the reflector direct exposure to the elements. NHTSA agrees, and finds this a further reason in support of the corrosion and abrasion resistance tests adopted in the final rule.

Hella, Bosch, and VW commented that improved reflectors are not necessary because warnings placed in the owners manual and the actions of dealers are sufficient to prevent the releasing of degraded lamps. NHTSA disagrees with these comments; as was noted above, a vehicle owner is more likely to replace a lens than a lens reflector assembly because of cost savings. Therefore, an improved reflector is required to assure its ability to resist exposure to the environment during the period of lost lens integrity.

Advocates had criticized the minimum "above-horizontal" illumination requirements established by the agency for 1994 and newer model vehicle headlamps as providing poorer performance than that of sealed beam headlamps. It opposed lens replacement on the basis of a potential for a further reduction in "above-horizontal" illumination which it believed would result from deviations in lens alignment during replacement. Bosch submitted data demonstrating that repeated lens changes did not change the photometrics of the lamp; this should allay Advocates' concern, as should a comment by Osram Sylvania that headlamp photometry is not sensitive to the slight misalignments possible during lens replacement. Although Osram Sylvania had other criticisms of replaceable lenses, it reported that common design practices for replaceable bulb headlamps limit the sensitivity of photometric performance to lens misalignment and that replacement lenses need not be identical to original lenses to maintain equivalent photometric performance.

#### Effective Date

The effective date of the final rule is December 26, 1995. Because the final rule permits an option to an existing requirement, and an early effective date will permit the benefits of the final rule

to be immediately available, it is hereby found for good cause shown that an effective date for the amendments to Standard No. 108 that is earlier than 180 days after their issuance is in the public interest.

#### Rulemaking Analyses and Notices

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

This action has not been reviewed under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The purpose of the rulemaking action is to afford a further optional means of compliance with the headlamp requirements of Standard No. 108. While the final rule may result in higher prices attributable to an improved reflector, NHTSA believes that this will not add more than a few dollars to the retail price of the type of headlamp which presently costs \$250 to \$600. This initial cost increase could be more than offset by reduced repair costs during the life of the vehicle or the headlamp. These cost impacts are so minimal that the preparation of a full regulatory evaluation is not warranted.

##### *National Environmental Policy Act*

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. It is not anticipated that the final rule based will have a significant effect upon the environment. The design and composition of headlamps which take advantage of this option may change from those presently in production but it is anticipated that the kind of materials used will be the same.

##### *Regulatory Flexibility Act*

The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act. I certify that this rulemaking action will not have a significant economic impact upon a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and headlamps, those affected by the rulemaking action, are generally not small businesses within the meaning of the Regulatory Flexibility Act. While the price of new vehicle equipment might be somewhat higher if the optional headlamp is used, the cost of repair of such equipment will be significantly lessened.

##### *Executive Order 12612 (Federalism)*

This rulemaking action has also been analyzed in accordance with the principles and criteria contained in

Executive Order 12612, and NHTSA has determined that this rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

*Civil Justice*

This final rule has no 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. Section 30163 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

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

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

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

**§ 571.108 [Amended]**

2. Section 571.108 is amended as follows:

a. The definitions of "Integral Beam Headlamp" and "Replaceable Bulb Headlamp" in Paragraph S4 are revised as set forth below.

b. Paragraphs S5.8.11, S7.2(e), S8.10.1 and S8.10.2 are added to read as set forth below.

c. Paragraphs S7.4(g), S7.4(h)(2), S7.4(h)(3), S7.5(h), and S8.1 are revised to read as set forth below.

**§ 571.108 Standard No. 108 Lamps, reflective devices, and associated equipment.**

\* \* \* \* \*  
 S4. *Definitions.*  
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*Integral Beam Headlamp* means a headlamp (other than a standardized sealed beam headlamp designed to conform to paragraph S7.3 or a replaceable bulb headlamp designed to conform to paragraph S7.5) comprising an integral and indivisible optical assembly including lens, reflector, and light source, except that a headlamp incorporating a vehicle headlamp aiming device conforming to S7.8.5.2

may have a lens designed to be replaceable. An "integral beam headlamp" may incorporate light sources that are replaceable that are used for purposes other than headlighting.

\* \* \* \* \*

*Replaceable bulb headlamp* means a headlamp comprising a bonded lens reflector assembly and one or two replaceable headlamp light sources, except that a headlamp incorporating a vehicle headlamp aiming device conforming to S7.8.5.2 may have a lens designed to be replaceable. A "replaceable bulb headlamp" may incorporate light sources that are replaceable that are used for purposes other than headlighting.

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S5.8 *Replacement equipment.*

\* \* \* \* \*

S5.8.11 A replacement lens for a replaceable bulb headlamp or an integral beam headlamp that is not required to have a bonded lens shall be provided with a replacement seal in a package that includes instructions for the removal and replacement of the lens, the cleaning of the reflector, and the sealing of the replacement lens to the reflector assembly.

S7 *Headlighting requirements.*

\* \* \* \* \*

S7.2(a) \* \* \*

\* \* \* \* \*

(e) Each replacement headlamp lens with seal, provided in accordance with S5.8.11, when installed according to the lens manufacturer's instructions on an integral beam or replaceable bulb headlamp, shall not cause the headlamp to fail to comply with any of the requirements of this standard. Each replacement headlamp lens shall be marked with the symbol "DOT", either horizontally or vertically, to constitute certification. Each replacement headlamp lens shall also be marked with the manufacturer and the part or trade number of the headlamp for which it is intended, and with the name and/or trademark of the lens manufacturer or importer that is registered with the U.S. Patent and Trademark Office. Nothing in this paragraph shall be construed to authorize the marking of any such name and/or trademark by one who is not the owner, unless the owner has consented to it.

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S7.4 *Integral Beam Headlighting System.* \* \* \*

\* \* \* \* \*

(g) A headlamp with a glass lens need not meet the abrasion resistance test (S8.2). A headlamp with a

nonreplaceable glass lens need not meet the chemical resistance test (S8.3). A headlamp with a glass lens and a non-plastic reflector need not meet the internal heat test of paragraph S8.6.2. A headlamp of sealed design as verified in paragraph S8.9 (sealing) need not meet the corrosion (S8.4), dust (S8.5), or humidity (S8.7) tests; however, the headlamp shall meet the requirements of paragraphs 4.1, 4.1.2, 4.4 and 5.1.4 for corrosion and connector of SAE Standard J580 DEC86 *Sealed Beam Headlamp Assembly*. An integral beam headlamp may incorporate light sources that are replaceable and are used for purposes other than headlighting.

(h) \* \* \*

\* \* \* \* \*

(2) After the chemical resistance tests of paragraphs S8.3 and S8.10.1, the headlamp shall have no surface deterioration, coating delamination, fractures, deterioration of bonding or sealing materials, color bleeding or color pickup visible without magnification, and the headlamp shall meet the photometric requirements applicable to the headlamp system under test.

(3) After a corrosion test conducted in accordance with paragraph S8.4, there shall be no evidence of external or internal corrosion or rust visible without magnification. After a corrosion test conducted in accordance with paragraph S8.10.2, there shall be no evidence of corrosion or rust visible without magnification on any part of the headlamp reflector that receives light from a headlamp light source, on any metal light or heat shield assembly, or on a metal reflector of any other lamp not sealed from the headlamp reflector. Loss of adhesion of any applied coating shall not occur more than 0.125 in. (3.2 mm) from any sharp edge on the inside or outside. Corrosion may occur on terminals only if the current produced during the test of paragraph S8.4(c) is not less than 9.7 amperes.

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S7.5 *Replaceable Bulb Headlamp System.* \* \* \*

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(h) The system shall be aimable in accordance with paragraph S7.8.

\* \* \* \* \*

S8 *Tests and Procedures for Integral Beam and Replaceable Bulb Headlighting Systems.* \* \* \*

S8.1 *Photometry.* Each headlamp to which paragraph S8 applies shall be tested according to paragraphs 4.1 and 4.1.4 of SAE Standard J1383 APR85 for meeting the applicable photometric requirements, after each test specified in paragraphs S8.2, S8.3, S8.5, S8.6.1, S8.6.2, S8.7, and S8.10.1 and S8.10.2, if

applicable. A ¼ degree reaim is permitted in any direction at any test point.

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**S8.10 Chemical and corrosion resistance of reflectors of replaceable lens headlamps.**

**S8.10.1 Chemical resistance. (a)**

With the headlamp in the headlamp test fixture and the lens removed, the entire surface of the reflector that receives light from a headlamp light source shall be wiped once to the left and once to the right with a 6-inch square soft cotton cloth (with pressure equally applied) which has been saturated once in a container with 2 ounces of one of the test fluids listed in paragraph (b). The lamp shall be wiped within 5 seconds after removal of the cloth from the test fluid.

(b) The test fluids are:

- (1) Tar remover (consisting by volume of 45% xylene and 55% petroleum base mineral spirits);
- (2) Mineral spirits; or
- (3) Fluids other than water contained in the manufacturer's instructions for cleaning the reflector.

(c) After the headlamp has been wiped with the test fluid, it shall be stored in its designed operating attitude for 48 hours at a temperature of 73°F ± 7° (23°C ± 4°) and a relative humidity of 30 ± 10 percent. At the end of the 48-hour period, the headlamp shall be wiped clean with a soft dry cotton cloth and visually inspected.

**S8.10.2 Corrosion. (a)** The headlamp with the lens removed, unfixtured and in its designed operating attitude with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be subjected to a salt spray (fog) test in accordance with ASTM B117-73, *Method of Salt Spray (Fog) Testing*, for 24 hours, while mounted in the middle of the chamber.

(b) Afterwards, the headlamp shall be stored in its designed operating attitude for 48 hours at a temperature of 73°F ± 7° (23°C ± 4°) and a relative humidity of 30 ± 10 percent and allowed to dry by natural convection only. At the end of the 48-hour period, the reflector shall be cleaned according to the instructions supplied with the headlamp manufacturer's replacement lens, and inspected. The lens and seal shall then be attached according to these instructions and the headlamp tested for photometric performance.

\* \* \* \* \*

Issued on: November 16, 1995.

Ricardo Martinez,  
Administrator.

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**49 CFR Part 591**

[Docket No. 89-5; Notice 16]

RIN 2127-AG13

**Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards**

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

**ACTION:** Final rule; response to petition for reconsideration.

**SUMMARY:** This notice responds to a petition for reconsideration of a final rule which amended Part 591 to adopt a continuous entry bond as an alternative to the single entry bond that is otherwise required to accompany the permanent importation of nonconforming motor vehicles to ensure their eventual compliance with the Federal motor vehicle safety standards. The provisions regarding the new bond are amended in minor respects to reflect the bond's true nature as a bond covering more than one vehicle under a single entry.

**DATES:** The final rule is effective December 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Taylor Vinson, Office of Chief Counsel, NHTSA (202-366-5263).

**SUPPLEMENTARY INFORMATION:** On October 14, 1994, NHTSA adopted a final rule on amendments to the entry bonds required by 49 CFR Part 591 to accompany the permanent importation of nonconforming motor vehicles to ensure their eventual compliance with the Federal motor vehicle safety standards (Docket No. 89-5; Notice 15, 59 FR 52095). That notice responded to a request for comments on an interim final rule published on June 20, 1994 (Docket No. 89-5; Notice 13, 59 FR 31558). The reader is referred to those notices for further information.

These rulemaking actions amended 49 CFR Part 591 to adopt a continuous entry bond with a value of up to \$1,000,000 (Appendix B, 49 CFR Part 591) as an alternative to single entry bonds (Appendix A). Heretofore, each motor vehicle that was imported into the United States and that did not conform to all applicable Federal motor vehicle safety standards was admitted pursuant to a separate bond. To simplify importation procedures and the cost of doing business, Registered Importers asked NHTSA to allow entry of vehicles pursuant to a continuous entry bond. This would allow importation of an indeterminate number of vehicles under a single bond, thereby avoiding the necessity of having to obtain a separate

bond for each vehicle. NHTSA agreed, and amended Part 591 in what it believed to be a manner responsive to the concerns expressed.

The Surety Association of America ("Surety"), which describes itself as "a service organization supported by more than 650 member companies which collectively write the majority of all surety bonds written in the United States", submitted a letter asking for clarification of Notice 15. In its view, the bond that NHTSA adopted was simply a "schedule" type bond, one that accommodates more than one vehicle on the same entry, rather than an "umbrella" type of bond covering multiple vehicles and multiple entries. Since the request was received during the period in which petitions for reconsideration could be submitted, and since the request asks for relief in the manner of a petition, the agency has treated the request as a petition for reconsideration.

Surety offered to assist NHTSA in developing a true blanket or continuous entry bond. At the agency's request, it presented one. The principal drawback to this type of bond, from NHTSA's viewpoint, is that it falls upon the Obligee (NHTSA) to monitor the bond to ensure that the aggregate sum, or ceiling, is not exceeded by the number of vehicles under its coverage at any single point in time. After review, NHTSA decided that this would increase the burden upon NHTSA's import compliance staff at a time when it is attempting to streamline the importation process and provide a more responsive service to importers, registered and otherwise. Neither Surety nor NHTSA are aware of any complaints from registered importers that the Appendix B bond is unsuitable for them in the form adopted. While a true continuous entry bond covers importations through any port of entry, the "schedule" bond relates to a single entry of a multiple number of vehicles through a single port. This appears to be the way that registered importers are doing business—importing vehicles through one port of entry. On balance, then, there appears to be no reason to adopt a true continuous entry bond when there is no demonstrated need for it and its adoption would impair the ability of NHTSA to process new entries in a timely manner.

Surety pointed out that the utility of the Appendix B Bond as a "schedule" or multiple vehicle type bond could be enhanced by a clearer indication on the bond form where the information identifying the vehicles should be inserted. It also called the agency's attention to a typographical error in