

Concurrent with DHA's investigation and removal activities, EPA conducted a human health risk assessment for OU No. 2. Based on the results of these studies and on the completion of the removal and demolition activities, on May 9, 1995, EPA issued a ROD for OU No. 2 presenting its decision that no further CERCLA action is necessary to protect human health and the environment at OU No. 2.

#### Community Involvement

Public participation activities for OU Nos. 1 and 2 have been satisfied as required in CERCLA Section 113(k), 42 U.S.C. §9613(k), and Section 117, 42 U.S.C. §9617. The Remedial Investigation Reports, Baseline Human Health Risk Assessment Reports and the Proposed Plans for OU Nos. 1 and 2 were released to the public on November 18, 1994. These documents as well as other documents and information EPA relied on or considered in recommending that no further action was necessary at these OUs were compiled for OU Nos. 1 and 2 and were made available to the public on or before November 18, 1994. Such documents have been available to the public in the three RSR Site information repositories. The notice of the availability of the Proposed Plan and supporting documents was published in *The Dallas Morning News* on November 14, 1994. The public comment period was held from November 18, 1994 through January 18, 1995. A Public meeting was held on December 1, 1994, to receive public comments from the community. In addition, legal and technical representatives from EPA participated in a radio talk show on January 15, 1995, to receive public comments and answer questions from citizens. Responses to all comments received during the public comment period are included in the Responsiveness Summary attached to the RODs for OU Nos. 1 and 2.

On May 9, 1995, EPA issued a ROD for OU No. 1 and a ROD for OU No. 2 presenting EPA's decisions that no further action is necessary at OU Nos. 1 and 2 of the RSR Site in Dallas, Texas for protection of human health and the environment. EPA's decisions are based on information contained in the final Administrative Records for OU Nos. 1 and 2. The final Administrative Records for the two OUs are available at the RSR Site information repositories.

#### Current Status

Based on the successful completion of EPA's and DHA's removal actions and the extensive investigations and risk assessments performed for both OU No.

1 and OU No. 2, there are no further response actions planned or scheduled for these OUs. Pursuant to the NCP, a five-year review will not need to be performed at OU Nos. 1 and 2.

While EPA does not believe that any future response actions in OU Nos. 1 and 2 will be needed, if future conditions warrant such action, the proposed deletion areas of the RSR Site remain eligible for future Fund-financed response actions. Furthermore, this partial deletion does not alter the status of OU Nos. 3, 4, and 5 of the RSR Site which are not proposed for deletion and remain on the NPL.

EPA, with concurrence from the State of Texas, has determined that all appropriate CERCLA response actions have been completed at OU Nos. 1 and 2 and protection of human health and the environment has been achieved in these areas. Therefore, EPA makes this proposal to delete only OU Nos. 1 and 2 of the RSR Corporation Superfund Site from the NPL.

Dated: March 25, 1996.

A. Stanley Meiburg,

*Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.*

#### Appendix A—Docket Information

*Deletion Docket—Notice of Intent for Partial Deletion of the RSR Corporation Superfund Site, Dallas, Texas; Operable Units Nos. 1 and 2 From the Superfund National Priorities List*

- RSR Corporation Superfund Site Administrative Record Index, Operable Unit No. 1, May 9, 1995.
- RSR Corporation Superfund Site Administrative Record Index, Operable Unit No. 2, May 9, 1995.
- Concurrence letter dated January 8, 1996, from the State of Texas through the Texas Natural Resource Conservation Commission agreeing with EPA's proposal to delete OU Nos. 1 and 2 of the RSR Site from the National Priorities List.
- Notice of Intent for Partial Deletion of the RSR Corporation Superfund Site, Operable Units Nos. 1 and 2, from the National Priorities List.

#### Appendix B—Site Coordinate

*RSR Corporation Superfund Site, Dallas, Texas; Site Coordinate Boundaries*

The RSR Corporation Superfund Site Operable Unit No. 1 is generally bounded by the following longitude and latitude coordinate points:

1. 96° 49' 14"  
32° 46' 09"
2. 96° 52' 47"  
32° 44' 58"
3. 96° 55' 06"  
32° 44' 58"
4. 96° 55' 31"  
32° 46' 50"
5. 96° 54' 20"

- 32° 47' 43"
6. 96° 51' 13"  
32° 47' 36"
7. 96° 49' 30"  
32° 46' 44"

The RSR Corporation Superfund Site Operable Unit No. 2 is generally bounded by the following longitude and latitude coordinate points:

1. 96° 51' 23"  
32° 46' 40"
2. 96° 52' 25"  
32° 46' 43"
3. 96° 52' 25"  
32° 47' 33"
4. 96° 51' 22"  
32° 47' 31"

The residential removal boundaries were based on access agreements with the property owners identified through City of Dallas zoning maps that described the property coordinates.

[FR Doc. 96-8818 Filed 4-10-96; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 95-097, Notice 01]

RIN 2127-AF90

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

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, NHTSA proposes to rescind the Federal motor vehicle safety standard on headlamp concealment devices and to transfer its essential provisions to the safety standard on lamps, reflective devices and associated equipment. NHTSA further proposes to simplify some of the transferred provisions. This proposed action is part of the President's Regulatory Reinvention Initiative to make regulations easier to understand and to apply.

**DATES:** Comments are due June 10, 1996.

**ADDRESSES:** Comments should refer to the docket number and notice number cited at the beginning of this notice, and be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW., Washington, DC 20590 (Docket hours are from 9:30 a.m. to 4 p.m.) It is requested that 10 copies of the comment be provided.

**FOR FURTHER INFORMATION CONTACT:** For technical issues: Mr. Patrick Boyd,

Office of Crash Avoidance Standards, NPS-21, telephone (202) 366-6346, FAX (202) 366-4329.

For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel, NCC-20, (202) 366-2992, FAX (202) 366-3820.

Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590. Comments should not be sent or FAXed to these persons, but should instead be sent to the Docket Section.

#### SUPPLEMENTARY INFORMATION:

##### President's Regulatory Reinvention Initiative

Pursuant to the President's March 4, 1995 directive, "Regulatory Reinvention Initiative," to the heads of departments and agencies, NHTSA undertook a review of all its regulations and directives. During the course of this review, the agency identified not only those rules or portions of rules that might be deleted or rescinded but also those rules that could be consolidated to avoid duplication or be redrafted to make them easier to comprehend. In reviewing Federal Motor Vehicle Safety Standard No. 112 *Headlamp concealment devices* (49 CFR 571.112), the agency tentatively decided that a separate standard for headlamp concealment devices is not necessary since its essential provisions could be transferred to Standard No 108, *Lamps, reflective devices, and associated equipment*, without affecting safety.

##### Background of Standard No. 112

Standard No. 112 specifies requirements for headlamp concealment devices, defined as a device with its operating system and components, that provides concealment of the headlamp when it is not in use, including a movable headlamp cover and a headlamp that displaces for concealment purposes. Headlamp concealment devices are usually rotating or pop-up headlamp mounts that appear to be part of an uninterrupted body surface when the headlamps are not positioned for use. Only a small percentage of vehicles have ever used them. More extensive use of them in the future is not anticipated since the trend toward aerostyled headlamps has reduced their role in styling.

The final rule establishing Standard No. 112 (See 33 FR 6469, April 27, 1968) took effect in 1969. The standard requires that fully opened headlamp concealment devices must remain fully opened whenever there is a loss of power to or within the device and

whenever any malfunction occurs in components that control or conduct power for the operation of a concealment device. NHTSA established additional safety performance criteria to increase the safe and reliable operation of headlamp concealment devices. Means for fully opening each headlamp concealment device must be provided to guard against the possibility of a malfunction occurring in components that control or conduct power for the actuation of the concealment device. A single mechanism must be provided for actuating the headlamp concealment devices and illuminating the lights. Each headlamp concealment device must be designed such that no component of the device, other than components of the headlamp assembly, need be removed when mounting, aiming and adjusting the headlamps. Finally, within specified temperature ranges, headlamp concealment devices must fully open in three seconds after actuation of the appropriate mechanism, except in the event of a power loss.

Since 1969, Standard No. 112 has remained essentially unchanged. Only one rulemaking issue has been raised since the standard was issued. Until 1987, the standard required that the headlamps not be illuminated until they were in their operating position if the concealment devices moved through intermediate positions in which the headlamps could produce more glare than permitted in their operating position. Chrysler petitioned for changes to make the provision less restrictive. The agency decided that the requirement for full opening of concealment devices in 3 seconds already limited the glare in intermediate positions to no greater duration than the usual glare observed by drivers viewing oncoming vehicles on curves or hills ahead. Therefore, all requirements at intermediate positions were eliminated (52 FR 35709, September 23, 1987).

##### Proposed Amendments

NHTSA proposes to retain most of Standard No. 112's provisions and transfer them to a new section S12, *Headlamp concealment devices*, in Standard No. 108, as follows. The definitions of "headlamp concealment device" and "fully opened" (presently in S3 of Standard 112) would be transferred to S4 of Standard 108. NHTSA is not proposing to transfer the definition of "power" ("any source of energy that operates the headlamp concealment device") since it is obvious from the context of the requirements that "power" includes electrical, pneumatic, vacuum, mechanical,

hydraulic or any other source of energy chosen to operate the headlamp concealment devices.

NHTSA proposes to transfer S4, S4.1, S4.2, S4.4 and S4.5 to Standard 108 and redesignate them as S12, S12.1, S12.2, S12.3 and S12.4, respectively. NHTSA is not proposing to transfer S4.3's requirement that both headlamp concealment devices be operated by a single switch. NHTSA believes that S4.3 relates more to convenience than to safety. If even one of a vehicle's headlamp concealment devices becomes fully opened in three seconds, it would provide reasonable safety during the next few seconds while the second device is activated. However, NHTSA believes that vehicle manufacturers know their customers want convenience and that such market demand will ensure manufacturers continue to design headlamp concealment devices operated by a single switch.

The proposed new S12 would be a simplified version of S4. Presently, S4.1(a) of Standard No. 112 (proposed as S12.1 of Standard No. 108), requires that when the headlamps are operating with the concealment devices in the fully opened position, they must remain fully open in the event of "any loss of power to or within the headlamp concealment device." S4.1(b) provides that the requirement for remaining open applies in any situation in which there is a "disconnection, restriction, short-circuit, circuit time delay, or other similar malfunction in any wiring, tubing, hose, solenoid or other component that controls or conducts power for operating the concealment device." Since S4.1(b) is merely a more detailed statement of requirement in S4.1(a), NHTSA is not proposing to include the language of S4.1(b) in S12 of Standard No. 108.

S4.2 of Standard 112 requires that if the power to a concealment device is lost when the device is closed, the device "shall be capable of being fully opened (a) by automatic means, (b) by actuation of a switch, lever, or other similar mechanism; or (c) by any other means not requiring the use of any tools." Since conditions (a) and (b) are merely examples of means not requiring the use of tools as specified in (c), they need not be expressly set forth. Therefore, NHTSA is not proposing that S4.2 paragraphs (a) and (b) of Standard No. 112 be included in S12.2 of Standard 108.

##### Retaining Timing of Opening and Temperature Requirements

S4.5 of Standard No. 112 requires that each headlamp concealment device be capable of opening within 3 seconds of

the actuation of its switch, lever or similar mechanism. It specifies that the capability must exist over a temperature range of  $-20^{\circ}$  to  $+120^{\circ}$  F. NHTSA has tentatively concluded that transferring the S4.5 language to Standard No. 108 would be necessary to assure a minimum level of safety.

As noted above, the actuation time limit was the basis for removing the restriction on the opening path of headlamp concealment devices bearing lighted headlamps. It has also become the basis for industry design standards of high intensity discharge (HID) lamps used as headlamps. HID lamps for other applications have long warm-up cycles before achieving their steady intensity, but HID headlamps use special designs to attain a near steady output within 3 seconds.

The importance of rapid headlamp warm-up and concealment device opening is illustrated by the example of vehicles exiting lighted tunnels in which headlamp use is prohibited. Drivers who exit such tunnels at night would face an obvious hazard if they could not restore headlamp illumination quickly. Likewise, drivers entering unlighted tunnels in the daytime would face an obvious hazard if they could not illuminate their headlamps quickly.

NHTSA proposes to retain and transfer the operating temperature requirements of Standard No. 112 because they reflect drivers' needs. The operation of moveable headlamp panels could be easily affected by lubricants that thicken in cold temperature or by changes in the clearance between sliding or rotating parts in response to extreme temperatures.

NHTSA welcomes comments on the agency's proposal that the timing of opening and temperature requirements for headlamp concealment devices be retained and transferred to S12.4 of Standard No. 108.

#### Other Proposed Amendments

In adding the proposed S12 to Standard No. 108, NHTSA would also take the steps necessary to ensure that S11 and S12 are placed to follow S10 in the published version of Standard No. 108. In Title 49 Code of Federal Regulations (CFR) Parts 400-999, revised as of October 1, 1994, more than 70 pages of figures separate S10 on page 239 from S11 on page 311. The reader is advised only in an editorial note following S10 that S11 "follows table IV of this section." NHTSA has received numerous complaints about S11's out-of-sequence placement in the CFR, and has advised the Office of the Federal Register that S11 should be printed immediately following S10. However,

that Office views S11 as properly following the three Notes published after Table IV, and will not relocate S11 without a formal amendment by NHTSA. The agency wishes to correct that misplacement and avoid similar inconvenience to readers that would result if S12 also were placed after Table IV.

Placing S11 and proposed S12 in their correct sequence would make the provisions easier to find, thereby furthering the President's Regulatory Reinvention Initiative to make regulations easier to understand and to apply. NHTSA believes it would be easier for readers to find both S11 and S12 if both sections were placed after S10 *Simultaneous Aim Photometry Tests*. Accordingly, NHTSA will work with the Office of the Federal Register officials in an attempt to ensure that S10, S11, and S12 appear consecutively in the next edition of 49 CFR, with no intervening tables or figures.

#### Proposed Effective Date

The proposed rescission of Standard No. 112 and transfer of certain of its provisions to Standard No. 108 would not compromise safety and would not make substantive changes in the requirements. NHTSA has tentatively determined that there is good cause shown that an effective date earlier than 180 days after issuance is in the public interest. Accordingly, the agency proposes that, if adopted in a final rule, the amendments would have an effective date of 30 days after the publication of the final rule in the Federal Register.

#### Rulemaking Analyses and Notices

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

This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." NHTSA has analyzed the impact of this rulemaking action and determined that it is not "significant" under the Department of Transportation's regulatory policies and procedures. NHTSA believes that these proposed amendments, if made final, would not impose any additional costs and would not yield any savings because this rule would not change any substantive requirement for headlamp concealment devices and would only make administrative changes. Since there would not be any impacts, preparation of a full regulatory evaluation is not warranted.

##### *Regulatory Flexibility Act*

NHTSA has also considered the impacts of this rule under the

Regulatory Flexibility Act. I hereby certify that this rule would not have a significant economic impact on a substantial number of small entities. As noted above, this proposal would simplify the language and requirements of the standard and result in all of the headlamp provisions being grouped together in one standard. It does not affect any costs associated with the manufacture or sale of vehicles. Accordingly, an initial regulatory flexibility analysis has not been prepared.

##### *National Environmental Policy Act*

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

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

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

##### *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.

##### Procedures for Filing Comments

Interested persons are invited to submit written comments on the amendments proposed in this rulemaking action. It is requested but not required that any comments be submitted in 10 copies.

Comments must not exceed 15 pages in length (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in concise fashion. Necessary attachments, however, may be appended to those comments without regard to the 15-page limit.

If a commenter wishes to submit certain information under a claim of confidentiality, 3 copies of the complete submission including the purportedly confidential business information should be submitted to the Chief Counsel, NHTSA at the street address shown above, and 7 copies from which the purportedly confidential information has been expunged should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in 49 CFR 512, the agency's confidential business information regulation.

All comments received on or before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available to the public for examination in the docket at the above address both before and after the closing date. To the extent possible, 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 public inspection in the docket. NHTSA will continue file relevant information in the docket after the closing date, and it is recommended that interested persons continue to monitor 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 vehicles, Motor vehicle safety, Rubber and rubber products, Tires.

In consideration of the foregoing, NHTSA proposes to amend 49 CFR 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.

2. Section 571.108 would be amended by adding in S4, in alphabetical order, definitions of "fully opened" and "headlamp concealment device," moving S11 *Photometric Test* from its position in the text following the "Note" which appears after Table IV, to a position immediately following paragraph S10(b), and adding S12 *Headlamp Concealment Devices* to read as follows:

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

\* \* \* \* \*

#### **S4. Definitions**

\* \* \* \* \*

*Fully opened* means the position of the headlamp concealment device in which the headlamp is in the design open operating position.

*Headlamp concealment device* means a device, with its operating system and components, that provides concealment of the headlamp when it is not in use, including a movable headlamp cover and a headlamp that displaces for concealment purposes.

\* \* \* \* \*

#### **S12. Headlamp Concealment Devices**

S12.1 While the headlamp is illuminated, its fully opened headlamp concealment device shall remain fully opened should any loss of power to or within the headlamp concealment device occur.

S12.2 Whenever any malfunction occurs in a component that controls or conducts power for the actuation of the concealment device, each closed headlamp concealment device shall be capable of being fully opened by a means not requiring the use of any tools. Thereafter, the headlamp concealment device must remain fully opened until intentionally closed.

S12.3 Each headlamp concealment device shall be installed so that the headlamp may be mounted, aimed, and adjusted without removing any component of the device, other than components of the headlamp assembly.

S12.4 Except for cases of malfunction covered by S12.2, each headlamp concealment device shall, within an ambient temperature range of  $-20^{\circ}$  to  $+120^{\circ}$  F., be capable of being fully opened in not more than 3 seconds after the actuation of a driver-operated control.

\* \* \* \* \*

#### **§ 571.108 [Amended]**

3. In § 571.108, a new heading is added following § 12.4 and preceding the figures to read "Figures to § 571.108".

4. In § 571.108, Figures 1a, 1b and 1c which follow § 5.1.1.6 and Figure 2 which follows § 5.1.1.18 are moved to appear after the heading "Figures to § 571.108" in numerical order.

#### **§ 571.112 [Removed and reserved]**

5. Section 571.112 would be removed in its entirety and reserved.

Issued on: April 2, 1996.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Parts 646 and 686**

[Docket No. 950316075-6098-02; I.D. 022696A]

RIN 0648-AH86

#### **Golden Crab Fishery Off the Southern Atlantic States; Initial Regulations; Snapper-Grouper Fishery Off the Southern Atlantic States; Revision of Definition**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule to implement all but one measure of the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region (FMP) and to revise a complementary definition in the regulations implementing the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region. Based on a preliminary evaluation of the FMP, NMFS disapproved a measure that would require 100 percent of vessel owners/operators to maintain and submit vessel logbooks. This rule proposes restrictions on the harvest or possession of golden crab in or from the exclusive economic zone (EEZ) off the southern Atlantic states and proposes controlled access to the fishery. The intended effect of the FMP and this rule is to conserve and manage the golden crab fishery.

**DATES:** Written comments must be received by May 28, 1996.

**ADDRESSES:** Comments on the proposed rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the FMP, which includes a regulatory impact review (RIR), social impact assessment, and an environmental assessment, should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-