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Dated: April 19, 1999.

Lucy Querques Denett,

Associate Director for Royalty Management.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[AD-FRL-6326-6]

RIN 2060-A148

Revisions to Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: A new national network of fine particulate monitors is being established over the next two years. In order to assure that monitoring data are of the highest quality and are comparable both within and between air monitoring agencies, many specific design and performance requirements were detailed in 40 CFR part 50, appendix L. Other requirements were set forth in documents such as section 2.12 of the "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Specific Methods," EPA/600/R-94/038b.

This action proposes to revise two requirements for measurement of fine particulate in 40 CFR part 50. For transport of exposed filters from the sample location to the conditioning environment, 40 CFR part 50 will no longer specify that the protective shipping container be made of metal. For verification of sampler flow rate, 40 CFR part 50 will now specify that new calibrations shall be performed if the reading of the sampler's flow rate indicator or measurement device differs by more than ± 4 percent or more from the flow rate measured by the flow rate standard. The flow rate verification tolerance was previously set at ± 2 percent. Because the Agency views this action as a noncontroversial amendment and anticipates no adverse comments, the EPA is approving the amendment to 40 CFR part 50 as a direct final rule without prior proposal. A detailed rationale for this action is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity

is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Comments must be submitted on or before May 24, 1999.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to: Air Docket (A-95-54), US Environmental Protection Agency, Attn: Docket No. A-95-54, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Tim Hanley, Emissions, Monitoring, and Analysis Division (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Telephone: (919) 541-4417, e-mail: hanley.tim@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: April 9, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99-9594 Filed 4-21-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

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

ACTION: Denial of petition for
rulemaking.

SUMMARY: This document denies a petition for rulemaking submitted by Mr. Keith Gross to initiate an investigation to evaluate and regulate the "high profile gas tank design" on motorcycles relating to the rider's injury potential during a frontal crash. Specifically, Mr. Gross noted that Kawasaki does not crash test their Ninja model motorcycle to evaluate the effect that a high profile gas tank design has on the rider during a crash. Mr. Gross provided insufficient information to support his contention that the high profile fuel tank design on motorcycles

presents a safety problem warranting investigation and possible regulation. Further, available data reviewed by NHTSA do not show that Kawasaki motorcycle riders suffered more injuries than other motorcycle riders.

FOR FURTHER INFORMATION CONTACT: *For non-legal issues:* Dr. William J.J. Liu, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC, 20590. Telephone: (202) 366-4923. Facsimile (202) 366-4329. *For legal issues:* Ms. Nicole Fradette, Office of Chief Counsel, NCC-20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC, 20590. Telephone: (202) 366-2992. Facsimile (202) 366-3820.

SUPPLEMENTARY INFORMATION: By petition dated September 1, 1997, Mr. Keith Gross requested NHTSA to evaluate the effect that high profile gas tank designs have on a rider's injury potential during a frontal motorcycle crash and to promulgate a Federal motor vehicle safety standard to reduce the risk of injury to the driver. The petitioner asserted that a driver was more likely to suffer an injury in a frontal collision if the driver were operating a motorcycle with a high profile fuel tank design, than one with a "tear drop" fuel tank design, i.e., a wide-based gas tank design that rises gradually above the seat of the motorcycle. The high profile gas tanks rise up abruptly by approximately 3 to 4 inches above the level of the seat and the upper surface of these gas tanks differs from that of other gas tanks.

Mr. Gross explained that, in a frontal collision, motorcycle riders move forward and contact both the gas tank and the handle bars before being separated from the motorcycle. The petitioner stated that high profile gas tank designs serve to enhance the maneuverability and handling of sporty motorcycles. However, the high profile gas tank designs prevent a rider's pelvis from sliding forward in a frontal crash. According to Mr. Gross, this impediment forces the rider's upper body to rotate against the gas tank, delaying separation and increase the potential for head and neck injuries. The petitioner explained that the more traditional "tear drop" wide-based gas tank design minimizes the risk of a groin injury to the rider by facilitating the rider's separation from the motorcycle without interference from the gas tank. Mr. Gross noted that neither Kawasaki nor the Department of Transportation (DOT) have crash tested a motorcycle to determine how much

force the male pelvis/groin can tolerate before permanent injury (such as impotence or infertility) can occur.

The petitioner also argued that the risk of a post-collision motorcycle fire was greater with a high profile fuel tank design than with other fuel tank designs, such as a tear drop fuel tank. The petitioner based this argument on the alleged greater tendency of a high profile engine to detach from a motorcycle in a frontal collision, thereby increasing the potential for a fuel tank fire. Specifically, the petitioner suggested that this would occur in a frontal crash because opposing pressure would be exerted on the fuel tank from both the front (from the force generated by the crash) and the rear (from the force generated from the rider's forward motion), thereby causing the tank to disengage and spill fuel.

The petitioner claimed that Kawasaki and other manufacturers continue to use the high profile gas tank design without conducting frontal crash tests because the agency does not have a crashworthiness standard to cover this area. The petitioner requested the agency to initiate an investigation to evaluate and to regulate the high profile gas tank design on motorcycles.

NHTSA is responsible for issuing and enforcing Federal motor vehicle safety standards (FMVSS) to deal with safety problems on our nation's highways. Before promulgating or amending a vehicle safety requirement, NHTSA must decide that a safety problem exists, that the problem is significant enough to warrant regulation, and that the requirement would reduce the problem and thus meet the need for motor vehicle safety. In this instance, NHTSA has found no basis for concluding that there is a safety problem of any significance with respect to "the high profile gas tank design" on motorcycles.

The petitioner asserted that the high profile gas tank design is detrimental to a rider's safety in a frontal collision; however, he did not provide sufficient data to substantiate that rider injuries were caused by such a design. In fact, the petitioner did not provide any data indicating that more rider injuries were caused by such a design. In that regard, the petitioner has not established a safety problem related to the high profile gas tank design on motorcycles.

NHTSA's consumer complaint files could not establish a safety problem caused by the high profile gas tank design on motorcycles. Specifically, NHTSA's consumer complaint files showed no complaints on Kawasaki motorcycles related to riders impacting the gas tank of the motorcycle or causing the tank to disengage and spill

fuel as suggested by the petitioner. There were 35 fuel system related complaints, only one had a fuel tank puncture in a frontal crash with no fire—a 1991 Harley Davidson FXRS model. There were four non-collision fires—a 1994 Harley Davidson XL model (a loose fuel tank problem), a 1994 Kawasaki EX500 model (electrical short), a 1991 Kawasaki, Kawasaki model (oil pump problem), and a 1994 Yamaha EZR600 model (electrical short). There was no fuel system related complaints on Kawasaki Ninja model.

Further, NHTSA's motorcycle crash data indicate that Kawasaki riders did not suffer more groin injuries than riders of other motorcycles. Available data from several states showed that about 5.5% of all the injured motorcycle riders as compared to about 3.4% of Kawasaki injured riders, suffered groin injuries. There was no specific information on models or fuel tank designs.

Finally, the agency also reviewed medical literature concerning motorcycle rider groin injuries due to frontal crashes. Most of the medical literature data was found in foreign publications. The reviewed literature showed that about 5.5% of injured patients with a pelvic fracture were motorcycle riders. Although the reviewed medical literature also showed that motorcycle fuel tanks can contribute to serious groin injuries in frontal impacts, the literature did not indicate that the fuel tanks of Kawasaki Ninja model (high profile gas tank designs) or other Kawasaki models are involved in more pelvic fracture injuries (groin injuries) in crashes than other motorcycles. In the reviewed medical literature, the types and attributes of the fuel tanks responsible for injury mechanisms or the impact velocities of the crashes were not reported.

Although, currently NHTSA does not have a safety standard applicable to motorcycle fuel tanks, the agency has sponsored motorcycle crashworthiness and fuel system integrity test programs. These activities have induced the manufacturers to adopt safer fuel tank designs such as the "tear drop" tank design, the recessed filler cap design, the tank rupture resistance against fuel spillage design. The following are examples of NHTSA sponsored research addressing these issues: (1) a research program with 27 motorcycle crashes to study the safety aspects of motorcycle design and crash configurations, including frontal impacts, "Dynamics of Motorcycle Impact, Volume II—Motorcycle Crash Test Program," by P.W. Bothwell, R.E. Knight, and H.C. Peterson, University of Denver, Denver

Research Institute, Final Report, Contract No. FH-11-7307, July 1971 (DOT HS-800-587); and (2) an experimental safety motorcycle research program to study a number of motorcycle subsystems, including fuel system, "Requirements Analysis and Feasibility Studies for an Experimental Safety Motorcycle," by J.A. Bartol, G.D. Livers, and R. Miennert, AMF Incorporated, Advanced Systems Laboratory, Final Report, Contract No. DOT-HS-4-00816, July 1975 (DOT HS-801-654).

Finally, for reducing deaths and injuries to motorcyclists resulting from head impacts, the agency has issued FMVSS No. 218, Motorcycle Helmets. Crash data show that injuries from head impacts are the most serious injuries in motorcycle crashes. The agency believes that head impacts produce the most serious injuries in motorcycle crashes. The agency believes and statistical data confirm that helmet usage is the most effective way to reduce head and perhaps neck injuries caused by motorcycle crashes.

Although, the agency is denying this petition, it is noted that NHTSA has been very actively participating with other countries in the development of a motorcycle crash data base for global application to be used in analyzing motorcycle crashes and injuries. Since May 1997, the agency has been working with other countries on a research project that is being undertaken by the Organization for Economic Co-operation and Development to establish a "common methodology" for collection of motorcycle crash data. Currently, there are no established international procedures for collecting such data. The agency is hopeful that this internationally harmonized effort will provide more detailed data for further analysis of motorcycle crash and rider injury studies.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. After considering all relevant factors, the agency has decided to deny the petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: April 16, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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