

in the negotiated rulemaking even though they are optional devices and not required by any Standard." In its view, "unregulated fog lamps on some vehicles are actually larger and in some cases brighter with more glare, especially if improperly aimed, than the headlamps themselves." It believes that any headlamp beam standard that NHTSA develops "would be fruitless and only a partial solution if unregulated fog lamps and other auxiliary lamps remain uncontrolled and improperly aimed."

In NHTSA's view, Volkswagen's recommendation does not relate directly to the issue of headlamp aimability requirements, which are the focus of the Committee. The argument made by Volkswagen is interesting as it relates to the overall needs of roadway illumination for nighttime driving; however, it would be appropriate to address it in a future rulemaking more closely aligned with roadway illumination performance.

Issues of concern to 3M were "the impact of all potential lower headlamp beam patterns on the visibility of traffic signs and pavement markings, the cost of maintaining traffic control devices to meet a minimum luminance value of 2.4 candelas per square meter based on the various beam patterns under consideration, how the visibility of pedestrians, joggers, etc. on both sides of the roadway would be affected by the proposed beam patterns, the applicability of beam patterns among various vehicle types, the effect of changing headlamp patterns on research completed by the FHWA for minimum replacement values for signs and pavement markings, the impact of beam pattern on conspicuity of other vehicles and legibility of front mounted license plates." These appear to be relevant concerns and, as a Committee member, 3M may raise them when appropriate.

The University of Michigan Transportation Research Institute ("UMTRI") expressed concern that the driving public was underrepresented on the proposed committee. UMTRI did not request that it be added to the committee, but asked that the committee keep in mind the needs of older drivers as it negotiates. 3M also asked that the committee consider "the elderly driver's response to glare." NCUTCD pointed out that "[t]he ability to see and react to traffic control devices is even more critical for the older driver." NHTSA shares these concerns, and anticipates that a proposal based upon the recommendations of the committee will accommodate the needs of older drivers in no less a fashion that do current headlighting specifications.

V. Procedure and Schedule

Two comments were received on the Committee procedure regarding establishment of a definition of consensus. The American Automobile Manufacturers Association (AAMA), a Committee member, is concerned that "if the advisory committee is unable to initially agree on the voting rules, that by default, the voting rules for subsequent votes will be required to be unanimous." In its view "this possible occurrence could negate the efforts to arrive at constructive rulemaking in this area." It recommends that the "default voting rules" be set for "substantial agreement" in order "to eliminate the potential for one vote to stymie the process." Volkswagen of America expressed the same concern, and recommended that consensus be "substantial agreement or some defined plurality such as $\frac{2}{3}$ of the members voting acceptance." The voting rules are set during the Organization Meeting of the Committee, and NHTSA will make the Committee aware of the recommendations of the commenters.

NHTSA anticipates that all of the negotiation sessions will take place at DOT headquarters in Washington, D.C.

Consistent with requirements of the Federal Advisory Committee Act, NHTSA will keep a summary record of all Committee meetings. This record will be placed in Docket No. 95-28.

The objective of the negotiation, in NHTSA's view, is for the Committee to prepare a report recommending a regulatory approach for resolving the issues discussed above. If consensus is not obtained on some issues, the report will identify the areas of agreement and disagreement, and explanations for any disagreement. NHTSA will issue a notice of proposed rulemaking based on the approach recommended by the Committee.

The negotiation process will proceed according to a schedule of specific dates that the Committee devises at the first meeting to be held on July 25-27, 1995. NHTSA will publish notices of future meetings in the **Federal Register**. The first meeting is scheduled to begin at 9:30 a.m. in Room 2230 of the Nassif Building, DOT headquarters, 400 Seventh Street, SW., Washington, D.C. This session will commence with an orientation and regulatory negotiation training program conducted by a facilitator from the Federal Mediation and Conciliation Service. An orientation in headlamp aiming will then be presented. After the training program, the Committee will devise its procedures and calendar, and will then begin substantive deliberations. NHTSA

has given advance notice of this meeting to all Committee members and believes that all members will be present for this first and important meeting.

Title 41 CFR Sec. 101-6.1015 requires that establishment notices and notices of advisory committee meetings must be published at least 15 calendar days before the committee charter is filed and at least 15 calendar days prior to a meeting. However, that section also provides that the Secretariat may approve less than 15 days for the establishment notice when requested by the agency for good cause. In exceptional circumstances, the agency may give less than 15 days notice of a meeting, provided that the reasons for doing so are included in the committee meeting notice published in The **Federal Register**. In developing the schedule for the first meeting, the agency determined that an early date was most convenient for the identified interests. The date chosen did not permit the notice of establishment and first meeting to be published not less than 15 days before the charter was filed and the scheduled date for the meeting. However, representatives of the identified interests were informed of the meeting date well in advance of the 15 day period.

Issued: July 12, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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49 CFR Part 575

[Docket No. 94-30, Notice 4]

RIN 2127-AF17

Consumer Information Regulations Uniform Tire Quality Grading Standards; Correction

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

ACTION: Correction to supplemental notice of proposed rulemaking and change in date of public meeting.

SUMMARY: On July 5 1995, NHTSA published a notice announcing a public meeting on the Uniform Tire Quality Grading Standards (UTQGS), and a supplemental notice of proposed rulemaking to amend the UTQGS (See 60 FR 34961). In this document, NHTSA changes the date of the public meeting to July 28, 1995, and corrects the proposed regulatory text.

FOR FURTHER INFORMATION CONTACT: Mr. Orron Kee, Office of Market Incentives,