§ 836.371 [Amended]

30. In § 836.371, the section heading is amended by removing ''of'' and adding, in its place, ''to''.

§ 836.601 [Amended]

31. Section 836.601 is amended by removing ''38 U.S.C. 1820'' and adding, in its place, ''38 U.S.C. 3720''.

§ 836.602–2 [Amended]

32. In § 836.602–2, paragraph (a) is amended by removing ''Office of Facilities'' in both places and adding, in its place, ''Office of Facilities Management''; and paragraph (b) is amended by removing ''Supply'' and adding, in its place, ''Acquisition and Materiel Management''.

§ 836.602–4 [Amended]

33. Section 836.602–4 is amended by removing ''Deputy Assistant Secretary for Facilities'' and adding, in its place, ''Chief Facilities Management Officer, Office of Facilities Management,''.

§ 836.602–5 [Amended]

34. Section 836.602–5 is amended by removing ''$10,000'' from the section heading and adding, in its place, ''the Simplified Acquisition Threshold''; and by removing ''Deputy Assistant Secretary for Facilities'' and adding, in its place, ''Chief Facilities Management Officer, Office of Facilities Management''.

§§ 836.602–2 and 836.602–3 [Amended]

§ 836.606–72 [Amended]

35. Sections 836.602–2, 836.602–3, and 836.606–72, are amended by removing ''Deputy Assistant Secretary for Facilities'' wherever it appears and adding, in its place, ''Chief Facilities Management Officer, Office of Facilities Management''.

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

§ 852.210–70 [Amended]

36. In § 852.210–70(b), paragraph (b) of the clause is amended by removing ''Illustration s'' and adding, in its place, ''Illustrations''.

§ 852.210–76 [Amended]

37. Section 852.210–76 is amended by removing ''(APR 1984)'' from the clause heading and adding, in its place, ''(JUL 1989)''; and by adding in the clause ''and'' immediately after ''services performed commercially under Government order''.

§ 852.219–70 [Amended]

38. Section 852.219–70 is amended by adding in the clause heading ''(DEC 1990)'' immediately after ''VETERAN-OWNED SMALL BUSINESS''.

§ 852.236–83 [Amended]

39. In § 852.236–83, paragraph (b)(5) of the clause is amended by removing ''Secondary switchgear'' and the corresponding ''5'' the first time ''Secondary switchgear'' appears in the ''Values of Adjusting, Correcting, and Testing System'' table.

§ 852.236–88 [Amended]

40. In § 852.236–88(a), paragraph (a) of the clause is amended by removing ''cost of pricing data'' and adding, in its place, ''cost or pricing data''; and by removing ''15,804–6'' and adding, in its place, ''15.804–6''; and paragraph (a) of the clause in paragraph (b) of the section is amended by removing ''15,804–6'' and adding, in its place, ''15.804–6''.

§ 852.236–91 [Amended]

41. In § 852.236–91, paragraph (e) is amended by removing ''unusually severe whether'' and adding, in its place, ''unusually severe weather''.

[FR Doc. 96–6498 Filed 3–20–96; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–50; Notice 2]

RIN 2127–AF74

Federal Motor Vehicle Safety Standards; Reflecting Surfaces

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

ACTION: Final rule.

SUMMARY: In this final rule, NHTSA rescinds the Federal motor vehicle safety standard that regulates the reflectivity of specified metallic components located in front of the driver. This action is part of the agency's efforts to implement the President's Regulatory Reinvention Initiative. In issuing this rule, the agency concludes that rescinding the standard will not adversely affect motor vehicle safety.

DATES: *Effective Date:* This final rule is effective May 6, 1996.

Petitions for Reconsideration: Any petitions for reconsideration of this final rule must be received by NHTSA no later than May 6, 1996.

ADDRESSES: Any petition for reconsideration of this final rule should refer to the docket and notice number set forth in the heading of this notice and be submitted to: Administrator, NHTSA, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Van Iderstine, Office of Vehicle Safety Standards, Office of Safety Performance Standards, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. Mr. Van Iderstine's telephone number is (202) 366–5280. The FAX number is (202) 366–4329.

SUPPLEMENTARY INFORMATION:

President's Regulatory Reinvention Initiative

NHTSA has undertaken a review of its regulations pursuant to the March 4, 1995, directive ''Regulatory Reinvention Initiative'' from the President to the heads of departments and agencies. During the course of this review, the agency identified several requirements and regulations that are potential candidates for rescission, including Federal Motor Vehicle Safety Standard No. 107, *Reflecting surfaces* (49 CFR § 571.107).

In this final rule, NHTSA concludes that Standard No. 107 can be rescinded without adversely affecting motor vehicle safety. That conclusion is based on the agency's finding that the vehicle manufacturers established a practice of using nonglossy materials and matte finishes on unregulated components as well as on regulated components. Since the manufacturers have elected to use non-glossy surfaces on components that are not subject to the standard, the agency concludes that rescinding the regulatory requirements will not result in the return of the glossy surfaces that originally prompted the agency to issue the standard. In reaching this conclusion, NHTSA also notes that the virtual elimination of metallic components within the driver's forward field of view has already reduced the effective scope of the standard to the level of insignificance.

Background

Standard No. 107 specifies reflectance requirements that apply to specified metallic components in the driver's forward field of view: the windshield wiper arms and blades, the inside windshield moldings, the horn ring and hub of the steering wheel assembly, and the inside rearview mirror frame and mounting bracket. The standard requires that the specular gloss of the surface of these components not exceed 40 units when tested. (''Specular gloss'' refers to the amount of light reflected from a test specimen.) The purpose of the standard

is to reduce the likelihood that glare from the regulated components will distract drivers or interfere with their vision.

Notice of Proposed Rulemaking

On June 26, 1995 (60 FR 32935), NHTSA published a notice of proposed rulemaking to rescind Standard No. 107. In reviewing the history of the standard, the agency cited its earlier termination of a rulemaking to extend Standard No. 107's specular gloss limits to non-metallic surfaces (54 FR 35011; August 23, 1989). NHTSA terminated that rulemaking after concluding that the non-metallic surfaces had not been shown to cause glare that would affect the driver's performance.

In proposing to rescind the standard, NHTSA regarded the 1989 termination as having a bearing on the continuance of the standard. NHTSA noted that matte finishes were being used on components in front of the driver and stated its belief that market forces would continue to favor matte finishes and surfaces for components in the driver's field of view, and would be reinforced in that respect by product liability concerns. Evidence of the influence of these factors may be found in the disappearance of steering wheel rings and metallic windshield mountings, and in the use of matte finishes on unregulated as well as regulated components.

Further, NHTSA stated that the need for the standard has been reduced by the increased use of non-metallic materials (hard plastic or rubber) for parts such as windshield wiper arms and blades, steering wheel assembly hubs, and inside rearview mirror frame and mounting brackets. The substitution of non-metallic surfaces removes these vehicle components from the scope of Standard No. 107.

NHTSA continued by noting that the decreasing tendency to use metal is also evident with respect to components not regulated by Standard No. 107. Since 1987, vehicle interior styling practices have favored a combination of hard plastic and padded faux leather, materials that do not reflect sufficient light to create glare.

NHTSA's Response to Public Comments on the NPRM

In response to the NPRM, NHTSA received comments from the Insurance Institute for Highway Safety (IIHS), Chrysler Corporation, the Truck Manufacturers Association, the Association of International Automobile Manufacturers, Inc., Vehicle Improvement Products Inc., the Advocates for Highway and Auto Safety (Advocates) and the State of Connecticut (Connecticut). All commenters, except for Advocates and Connecticut, supported rescission of the standard. The commenters that favored rescission agreed with NHTSA that established industry practices in using nonglossy materials and finishes on both regulated and unregulated components in the driver's forward field of view have eliminated the need for Standard No. 107. While IIHS agreed that Standard No. 107 should be rescinded, it objected to NHTSA's reliance on product liability considerations and recall procedures as rationales for the rescission.

In opposing the rescission, Advocates asserted that the defects authority would be inadequate as an alternative to the standard, in part because the rescission of the standard might enable the manufacturers to argue that a glossy surface could not be a ''defect,'' and in part because the defects process is protracted and may often prove inconclusive. In Advocates' view, product liability litigation was available before the adoption of the standard and would not constitute a changed fact that could justify rescinding the standard (citing a comment by IIHS on the agency's proposed rescission of Standard No. 211).

In rescinding Standard No. 107, NHTSA affirms its view that the presence of the defects authority and product liability considerations will act to constrain manufacturers from producing vehicles with high-gloss metallic surfaces. The agency regards these factors as real and effective constraints, whatever their limitations.

However, the agency's principal basis for rescission continues to be the evident and universal practice by manufacturers of designing their vehicles to avoid the use of these surfaces, whether or not regulated. The standard was promulgated at a time when the prevailing design practice favored the use of chrome and other metallic surfaces, inside the vehicle as well as outside. The move away from these surfaces has been in part a matter of trends in styling, but also a response to regulatory forces and to the imperative to cut costs.

The chrome steering wheel hub, for example, and the horn ring, are effectively barred by the installation of driver air bags. The metallic rear-view mirror mounts have been displaced by cheaper and easier-to-install adhesive mountings that attach directly to the window. The metallic windshield mounting ring has been replaced by mounting techniques that produce a better bond as well as a better appearance.

By referring in the NPRM to the effects of market forces, the agency was alluding to these specific measures. Despite Advocates' concerns, none of these measures appears vulnerable to being abandoned because of the dictates of fashion. They are real changes which have every likelihood of being permanent. Their collective effect has been to reduce the scope of Standard No. 107 almost to the vanishing point. In the agency's view, the standard no longer serves its purpose and may therefore be rescinded with no adverse effect on motor vehicle safety. The agency thus concurs with IIHS's view that the principal basis for rescission is that Standard No. 107 has ''become out of date.''

In an analogous rulemaking, NHTSA decided not to specify in Standard No. 108, *Lamps, reflective devices and associated equipment*, that headlamps and taillamps of motorcycles be illuminated at all times when the engine is running, because the motorcycle industry already provided such performance on almost all motorcycles. (See 26 FR 32899, June 25, 1981.)

The reasoning used to extend Standard No. 214, *Side impact protection*, to light trucks, which Advocates suggests as a precedent, is not apposite here. Although Advocates correctly noted that light trucks were already meeting the passenger car dynamic side impact protection requirements, the agency regarded the rapid proliferation of new light truck models as necessitating a standard that would prevent new models from falling below the level of current models. By contrast, the use of low-gloss, non-metallic surfaces throughout the vehicle has been the industry practice for years and shows no sign of changing. Further, the Standard No. 214 rulemaking involved a much more significant safety problem than the one addressed by Standard No. 107.

The State of Connecticut favored one uniform national standard and therefore opposed rescission of Standard No. 107. Once the rescission of Standard No. 107 becomes effective, the States will be free to adopt reflecting surface requirements differing from those in the rescinded standard since there will no longer be a Federal Motor Vehicle Safety Standard (FMVSS) to preempt non-identical State laws. Connecticut stated that without a Federal safety standard, there is a possibility that the 50 States will issue different (and possibly conflicting) standards on reflecting surfaces.

NHTSA does not share Connecticut's concern that rescission of Standard No.

107 will result in individual States regulating reflecting surfaces. There is not now, and there is not likely to be in the future, a safety problem from reflecting surfaces in the view of the driver. Thus, there will not be a safety problem for the States to regulate.

If a State is nevertheless disposed to regulate in this area, it may do so. The fact that no State has previously chosen to regulate components not regulated by Standard No. 107 is a good basis for believing that there is no need for States to regulate.

Effective Date

In the NPRM, NHTSA proposed that if a final rule rescinding Standard No. 107 is published, the effective date for the final rule be 30 days after publication in the Federal Register. NHTSA received no comments on this issue. Thus, the agency determines that there is good cause shown that an effective date earlier than 180 days after issuance is in the public interest. Following publication of the NPRM, the agency amended the provisions in 49 CFR § 553.35 regarding petitions for reconsideration to extend the period within which petitions may be filed to 45 days (60 FR 62221; December 5, 1995). Accordingly, the final rule will take effect 45 days after its publication in the Federal Register.

Rulemaking Analyses and Notices

1. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule was not reviewed under Executive Order 12866 (Regulatory Planning and Review). NHTSA has analyzed the impact of this rulemaking action and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. The final rule does not impose any costs. If the elimination of the necessity for certifying compliance with Standard No. 107 enables vehicle and equipment manufacturers to use fewer resources in assessing the reflectivity of the components formerly covered by the Standard, there will be a slight cost savings. For these reasons, the impacts will be so minimal that preparation of a full regulatory evaluation is not warranted.

2. Regulatory Flexibility Act

NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. I hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities. As explained above, the rule will not impose any new requirements but will relieve a restriction for design of certain components in the driver's forward field of view. The final rule may have a very slight beneficial effect on small manufacturers and dealers of motor vehicle equipment since they will no longer have to certify compliance with a safety standard on reflecting surfaces. For these reasons, small businesses, small organizations and small governmental units which purchase motor vehicles will not be significantly affected by the final rule. Accordingly, a final regulatory flexibility analysis has not been prepared.

3. Executive Order 12612 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The agency has determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

4. National Environmental Policy Act

The agency also has analyzed this final rule for the purpose of the National Environmental Policy Act, and determined that it will not have any significant impact on the quality of the human environment.

5. Executive Order 12778 (Civil Justice Reform)

This final rule will 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.

List of Subjects in 49 CFR Part 571

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

In consideration of the foregoing, 49 CFR part 571 is amended as set forth below:

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.

§ 571.107 [Removed]

2. Section 571.107 is removed and reserved.

Issued on: March 13, 1996.

Ricardo Martinez,

Administrator.

[FR Doc. 96–6745 Filed 3–20–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 960129018–6018–01; I.D. 030196B]

Groundfish of the Gulf of Alaska; Pacific Cod for Processing by the Inshore Component

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

ACTION: Correction to a closure.

SUMMARY: This document contains a correction to a closure (I.D. 030196B) which was published Wednesday, March 6, 1996 (61 FR 8888).

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 3, 1996, until 12 midnight, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION:

Background

The closure that is the subject of this correction prohibited directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area.

Need for Correction

As published, the closure contained an incorrect date.

Correction of Publication

Accordingly, the publication on March 6, 1996, of the closure (I.D. 030196B), which was the subject of FR Doc. 96–5228, is corrected as follows:

On page 8888, in the second column, the **EFFECTIVE DATE** is corrected to read as follows:

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 3, 1996, until 12 midnight, A.l.t., December 31, 1996.

Authority: 16 U.S.C. 1801 *et seq.*