CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S.* EPA, 427 U.S. 246, 256–66 1976; 42 U.S.C. 7410(a)(2) and 7410 (k)(3).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rules that include a Federal mandate that may result in estimated costs to State, Local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, Local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new federal requirements. Accordingly, no additional costs to State, Local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 15, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in the proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and record keeping requirements, Sulfur oxides.

Dated: May 19, 1997.

A. Stanley Meiburg,

Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42.U.S.C. 7401–7671q.

Subpart PP—South Carolina

2. Section 52.2133 is added to read as follows:

§ 52.2133 General conformity.

The General Conformity regulations adopted into the South Carolina State Implementation Plan which were submitted on November 8, 1996. South Carolina incorporated by reference regulations 40 CFR part 51, subpart W—determining conformity of General Federal Actions to State or Federal Implementation Plans.

[FR Doc. 97–15732 Filed 6–13–97; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 96–52; Notice 2]

RIN 2127–AF86

Federal Motor Vehicle Safety Standards; Controls and Displays

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

ACTION: Final rule.

SUMMARY: In this document, NHTSA amends the Federal Motor Vehicle Safety Standard on motor vehicle controls and displays by removing two tables and certain regulatory text, all of which apply to motor vehicles manufactured before September 1, 1989. The agency makes no other changes to the Standard. This rulemaking action is undertaken as part of NHTSA's efforts to implement the President's Regulatory Reinvention Initiative to remove unnecessary regulatory language.

DATES: *Effective date:* This final rule is effective July 31, 1997.

Petitions for reconsideration: Any petitions for reconsideration of this final rule must be received by NHTSA no later than July 31, 1997.

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

FOR FURTHER INFORMATION CONTACT:

For technical issues: Mr. Chris Flanigan, Office of Crash Avoidance Standards, NPS–21. Mr. Flanigan's telephone number is (202) 366–4918 and his FAX number is (202) 366–4329.

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

Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

President's Regulatory Reinvention Initiative

Pursuant to the March 4, 1995 directive ''Regulatory Reinvention Initiative,'' from the President to the heads of departments and agencies, NHTSA undertook a review of its regulations and directives. During the course of this review, NHTSA identified regulations that it could propose to eliminate as unnecessary or to amend to improve their comprehensibility, application, or appropriateness. Among these regulations is Federal Motor Vehicle Safety Standard No. 101, Controls and displays (49 CFR 571.101).

Standard No. 101

Standard No. 101 was issued in 1967 (32 FR 2408) as one of the initial Federal Motor Vehicle Safety Standards (FMVSS's). The standard applies to passenger cars, multipurpose passenger vehicles (MPVs), trucks, and buses. Its purpose is to assure the accessibility and visibility of motor vehicle controls and displays under daylight and nighttime conditions. The standard is

intended to reduce the risk of safety hazards caused by the diversion of the driver's attention from the driving task in order to locate the desired control or display, and by mistakes in selecting controls. The standard also seeks to ensure that a driver restrained by a seat belt can reach certain controls.

Standard No. 101 specifies location requirements (S5.1), identification requirements (S5.2), and illumination requirements (S5.3). It specifies that the controls and displays must be accessible and visible to a driver restrained in accordance with Standard No. 208, *Occupant crash protection* (S6). In addition, Table 1 ''Identification and Illumination of Controls'' and Table 2 ''Identification and Illumination of Displays'' further specify which controls and displays are subject to the identification requirements, and how they are to be identified and illuminated.

Notice of Proposed Rulemaking

In a **Federal Register** document published on May 30, 1996 (61 FR 27039) NHTSA proposed five alternatives for changes to the Standard and sought public comment on each proposal. The proposals were: (1) Rescind the standard; (2) regulate only those controls and displays related to motor vehicle safety; (3) regulate only those controls and displays required by other Federal Motor Vehicle Safety Standards; (4) consolidate all control and display requirements into Standard No. 101 and (5) permit International Standards Organization (ISO) symbols on some or all controls and displays requiring identification. NHTSA identified none of the five proposals as the preferred agency position.

NHTSA stated that if it decides not to rescind Standard No. 101, it may decide to adopt one or more of the other proposals. Since some of the proposals, (for example, Proposals Three and Five) address different matters in Standard No. 101, NHTSA stated the proposals are not mutually exclusive. NHTSA stated that due to the relative simplicity of the proposals, it would propose no regulatory language to implement the proposals.

1. Proposal One—Rescind Standard No. 101

In the NPRM, NHTSA tentatively concluded that even if Standard No. 101 were rescinded, manufacturers would continue to provide appropriate means of identifying and illuminating controls and displays and place those controls and displays in accessible locations. Except for some required controls and displays listed in other standards, there is none specifically required by Standard No. 101. The standard only addresses the visibility, access and illumination of controls and displays *if* they are provided. NHTSA stated that while the initial premise for the standard was that these aspects need to be regulated for minimizing driver distractions, the controls and displays have in effect become an industry practice that may not require continued Federal regulation. NHTSA stated its belief that market forces will ensure manufacturers continue the currently specified practices, citing the changing location of the horn button as an example.

NHTSA noted that if Standard No. 101 were rescinded, some States might adopt regulations requiring controls and displays or regulating their identification, illumination or accessibility, which would subject manufacturers to multiple, conflicting rules and increase vehicle production costs. NHTSA further noted that were the States to adopt such regulations, there would not be any express preemption under 49 U.S.C. section 30103(b), which preempts State standards if they conflict with an existing Federal standard.

2. Proposal Two—Regulate Only Those Controls and Displays Related to Motor Vehicle Safety

The second proposal was to update Standard No. 101 by removing obsolete provisions and regulating only those controls and displays related to safety. Standard No. 101 includes references to vehicles manufactured before September 1, 1987 and September 1, 1989. NHTSA proposed to remove all references to vehicles manufactured before September 1, 1987 and September 1, 1989.

After references to vehicles manufactured before September 1, 1989 are removed, NHTSA proposed that S3, *Application,* of Standard No. 101 be shortened to state: ''This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.'' NHTSA further proposed to amend S5.(b), and S5.3.3(d), by removing references to vehicles manufactured before September 1, 1987 and September 1, 1989. Finally, NHTSA proposed to remove Table 1(a) ''Identification and Illumination of Controls'' and Table 2(a) ''Identification and Illumination of Internal Displays,'' since each table applies to vehicles manufactured before September 1, 1987.

Additionally, the standard currently regulates aspects of controls and displays not required to be on vehicles and that may not have a direct effect on motor vehicle safety. Under Proposal Two, NHTSA proposed to amend Standard No. 101 so that it would regulate only controls and displays that directly bear on the need for motor vehicle safety, whether they are specified in another Federal Motor Vehicle Safety Standard or not.

Accordingly, NHTSA proposed to remove the following controls from Table 1 ''Identification and Illumination of Controls'': the heating and air conditioning control; the hand throttle; the heating and air conditioning fan control; and the manual choke. It also proposed to remove the coolant temperature display from Table 2 ''Identification and Illumination of Displays.'' NHTSA cited as examples of displays that would continue to be regulated the seat belt and turn signal displays (both specified in other safety standards) and the fuel level display and speedometer (if they are provided), neither of which is specified in a safety standard.

3. Proposal Three—Regulate Only Controls and Displays Required by Other Federal Motor Vehicle Safety Standards

NHTSA's proposed changes under Proposal Three were similar to Proposal Two, but would have limited Standard No. 101 to regulating controls and displays specified in another safety standard. Thus, under proposal three, the following controls presently listed in Table 1 ''Identification and Illumination of Controls'' were proposed to be removed: horn; heating and/or air conditioning fan; rear window defrosting and defogging system; manual choke; engine start; engine stop; hand throttle; automatic vehicle speed; and heating and air conditioning system.

The following displays specified in Table 2 ''Identification and Illumination of Displays'' were proposed to be removed: fuel level telltale and gauge; oil pressure telltale and gauge; coolant temperature telltale and gauge; electrical charge telltale and gauge; the speedometer; and the odometer.

NHTSA's rationale was that if enacted, Proposal Three would not affect the placement in vehicles of controls and displays no longer specified in Standard No. 101. NHTSA stated market forces (in the form of customer demand) would be highly likely to ensure that vehicle manufacturers would continue to provide appropriately identified, illuminated, and located controls and displays.

4. Proposal Four—Consolidate in Standard No. 101 Controls and Displays Specified in Other Standards

Under Proposal Four, NHTSA proposed to include in Standard No. 101 reference to the controls and displays specified in other standards; today only Standard No. 208, *Occupant crash protection,* has such requirements. At present, Standard No. 101 does not include certain controls or displays specified in Standard No. 208, *Occupant crash protection.*

Specifically, NHTSA proposed to incorporate the readiness indicator specified in Standard No. 208 into Standard No. 101 and to specify the means of identifying the indicator and whether it must be illuminated. To keep Standard No. 101 consistent with requirements in other Federal motor vehicle safety standards, NHTSA proposed to amend Table 2 ''Identification and Illumination of Displays'' by specifying the air bag readiness indicator. NHTSA proposed to amend Column 3 (''Identifying Words or Abbreviation'') to indicate that the air bag readiness indicator must be identified with the words ''AIR BAG'', and to amend Column 4 to indicate that the air bag readiness indicator display must be illuminated. The agency did not propose to specify a color (Column 2) or an identifying symbol (Column 4) for the air bag readiness indicator.

NHTSA also proposed to include in Standard No. 101, the air bag manual cutoff device specified in Standard No. 208 at S4.5.4, *Passenger Air Bag Manual Cutoff Device.* Paragraph S4.5.4.2 describes the device as being separate from the vehicle ignition switch and operable by means of the ignition key for the vehicle. Paragraph S4.5.4.3 specifies that a telltale light on the dashboard shall be clearly visible from all front seating positions and shall be illuminated whenever the passenger air bag is deactivated. Paragraph S4.5.4.3 further requires the air bag manual cut off device's telltale to be yellow, identified with ''AIR BAG OFF,'' and illuminated the entire time that the passenger air bag is deactivated. The air bag manual cutoff device telltale is further not to be combined with the air bag readiness indicator.

NHTSA proposed to transfer the specifications for the air bag manual cutoff device telltale from Standard No. 208 to Standard No. 101. NHTSA proposed to include the air bag manual cutoff telltale in Table 2 (''Identification and Illumination of Displays'') of Standard No. 101. NHTSA did not propose to specify a symbol for the device in Table 2. The agency proposed to amend the column on illumination to indicate, by stating ''yes'', that illumination is required. NHTSA proposed to add a footnote indicating the telltale is to be illuminated only when the air bag manual cutoff device is activated.

NHTSA further proposed that the air bag manual cutoff device be described in Table 1 (''Identification and Illumination of Controls'') of Standard No. 101. NHTSA proposed that the device be identified in Column 2 (''Identifying Words or Abbreviation'') with the words ''Air Bag Cutoff.'' NHTSA did not propose to specify an identifying symbol or to specify illumination for the air bag manual cutoff device.

5. Proposal Five—Permit ISO Symbols to Identify Controls and Displays

Many of the symbols specified in Tables 1 and 2 of Standard No. 101 are based on symbols developed by the International Standards Organization (ISO). In the interests of international harmonization of vehicle safety standards, under Proposal Five, NHTSA proposed to permit any ISO symbol to be used to identify a control or display. NHTSA proposed to require that each ISO symbol used be described in the owner's manual. NHTSA stated that the description may be necessary to ensure that the driver understands the meaning of the symbol.

Public Comments

In response to the NPRM, NHTSA received comments from the following ten commenters: Advocates for Highway and Auto Safety (Advocates), American Automobile Manufacturers Association (AAMA), Center for Auto Safety (CAS), Chrysler, Coalition of Small Volume Automobile Manufacturers (COSVAM), Mitsubishi, National Automobile Dealers Association (NADA), Toyota, Truck Manufacturers Association (TMA), and Volkswagen. With a few exceptions, the commenters generally raised objections to all five proposals raised in the NPRM. The commenters offered the following reasons for their opposition.

Necessity for the Rulemaking

Two commenters expressed skepticism about the need for proposed changes to Standard No. 101 as described in the NPRM. Advocates stated that they did not understand why the rulemaking was being conducted, stating that NHTSA has shown no ''pressing safety need being unmet by the current standard.'' Advocates urged NHTSA not to disturb the regulatory status quo with a ''proposal that appears to be a frivolous use of agency resources.''

CAS described Standard No. 101 as having ''30 years of success'' and NHTSA's invoking the Regulatory Reinvention Initiative to rescind the standard as ''misplaced.'' CAS further stated that NHTSA itself acknowledges Standard No. 101 imposes little cost on industry, and NHTSA has not shown that eliminating the Standard ''would not open the door for the introduction of irregular and inadequate designs and configurations of instrument panel controls and displays.''

Public Comments on Proposal One—Rescind Standard No. 101

No commenter supported rescission of Standard No. 101. The most often cited reason for opposing rescission was that a Federal Motor Vehicle Safety Standard on controls and displays was needed to preempt potentially conflicting and confusing State requirements. Advocates viewed Proposal One as having ''no merit whatever'' and particularly objected to NHTSA's reliance on ''market forces'' having a role in maintaining controls and displays. Advocates cited a public comment by General Motors (on another NHTSA matter) for the proposition that State regulation (in the absence of a Federal standard) is ''undesirable.'' Chrysler stated it was desirable to have a certain level of control and display consistency in the national fleet. Toyota stated that its vehicle production costs would increase if it had to meet differing state requirements.

TMA did not support rescission, asserting that in the future, numerous intelligent transportation systems (ITS) will likely be introduced, and ''human factors considerations'' may mean ITS-based collision warning/avoidance systems would require more standardization. The ITS may incorporate a large number of automatic collision avoidance systems, such as side, frontal, and lane change/merge with their accompanying in-vehicle warnings and sensors, which could confuse vehicle operators. Standardized controls and displays could minimize operator confusion. CAS opposed Proposal One stating that no legally sufficient rationale for rescission had been articulated in the notice.

Public Comments on Proposal Two—Regulate Only Those Controls and Displays Related to Motor Vehicle Safety

NHTSA received mixed comments on this proposal. Among those writing in favor of Proposal Two were Volkswagen, TMA and AAMA. AAMA

stated that even if NHTSA were to no longer regulate controls and displays not related to motor vehicle safety, manufacturers would continue to provide identification, illumination, and accessible locations for controls and displays.

Many others, however, objected to this proposal because NHTSA did not specify what it meant by a control or display with no bearing on safety. Advocates asserted NHTSA has the burden of defining which controls and displays are ''safety-related'' and that to make ''conclusory opinions'' about which controls and displays can be removed from Standard No. 101 is ''capricious'' and ''a violation of agency responsibilities.'' Advocates provided an example of when a display NHTSA had proposed for removal (the temperature display) may have a bearing on motor vehicle safety.

CAS opposed Proposal Two stating that at a minimum, NHTSA should have explained ''what attributes it believes distinguish a vehicle control and display which directly affects or bears on safety from one which does not.'' CAS also raised objections to specific controls and displays NHTSA identified for removal under Proposal Two. Toyota stated that since it could not determine which controls and displays ''directly bear on the need for motor vehicle safety,'' it would withhold comment.

Under Proposal Two, NHTSA also proposed to remove outdated tables and regulatory provisions from Standard No. 101, referring to motor vehicles manufactured before September 1, 1987 and September 1, 1989. No commenter opposed removing the outdated provisions.

Public Comments on Proposal Three—Regulate Only Controls and Displays Required by Other FMVSS

NHTSA received various responses to this proposal. Among those writing in favor of Proposal Three were Volkswagen and AAMA. NADA stated that Standard No. 101 should serve as a ''consolidated reference'' to controls and displays regulated elsewhere. Advocates opposed Proposal Three, characterizing the proposal as ''a fundamental dereliction of agency obligations to protect and advance the safety of motor vehicle occupants.'' Toyota stated that it did not agree with Proposal Three since all controls and displays specified in the current standard are ''all equally important in maintaining motor vehicle safety.'' TMA opposed Proposal Three, stating that there may be a safety need to regulate controls and displays beyond those in the FMVSSs. CAS commented that although the criterion for selecting the controls and displays under Proposal Three was ''unambiguous,'' before it can remove ''critical'' controls and displays such as the horn, fuel level indicator, or speedometer from Standard No. 101, NHTSA should offer more than its boilerplate ''market forces'' assertions, and provide ''concrete evidence and data justifying the benefits of its proposed actions.''

Public Comments on Proposal Four—Consolidate in Standard No. 101 Controls and Displays Specified in Other Standards

Although NHTSA received mixed comments on this proposal, more commenters favored Proposal Four than any other proposal. Mitsubishi stated that controls and displays for safety devices in other standards (such as brakes and air bags) should not be included in Standard No. 101 to avoid redundancy and ''to make all the requirements easier to understand.'' Advocates, the AAMA, Chrysler, and TMA on the other hand, favored Proposal Four. Advocates stated it would ''improve comprehension of the requirements for the controls and displays by integrating specific FMVSS control/display requirements from other standards into No. 101.'' TMA stated that Proposal Four would be especially helpful to those who are not intimately familiar with the complete range of standards. CAS stated that it would reserve judgment on Proposal Four until it can review NHTSA's proposed regulatory text implementing Proposal Four.

As part of Proposal Four, NHTSA also proposed that certain controls and displays, presently specified in Standard No. 208, should instead be specified in Standard No. 101. Many commenters, including Advocates and Toyota, offered comments on attributes that the air bag readiness indicator display and air bag manual cutoff device should have, if they are specified in Standard No. 101.

Public Comments on Proposal Five—Permit ISO Symbols to Identify Controls and Displays

Although commenters addressed the issue of ISO standards in Standard No. 101, the broader issue of harmonizing the Standard with international standards was also addressed. As an example, Chrysler generally wrote in support of international harmonization of the FMVSSs by allowing use of ISO symbols. Volkswagen stated that NHTSA should permit ISO symbols to identify controls and displays for which requirements are prescribed in Standard No. 101. NADA stated that ISO symbols should be allowed ''whenever possible.''

AAMA supported Proposal Five, stating most ISO symbols are already permitted by Standard No. 101. AAMA further stated that symbols not specified in Standard No. 101 have been in U.S. vehicles for years and that the ''motoring public has been educated as to the meaning of these symbols.'' TMA stated that it supported Proposal Five for practical reasons, ''e.g., the difficulty in assuring that every custom truck configuration is matched to unique documentation, cannot support the requirement for each ISO symbol to be described in the owner's manual.''

CAS, on the other hand, urged NHTSA not to permit (presumably unfamiliar) ISO symbols because of potential adverse safety consequences if the driver is uncertain about the information the symbol is meant to convey. Advocates wrote that it ''strongly opposes'' Proposal Five, commenting that ''all three versions of rescission of the current requirements of No. 101 would open the door to the use of ISO symbols that NHTSA has already recognized as inadequate for motor vehicle safety.''

Both commenters who did not support the proposal to permit any International Standards Organization (ISO) symbol cited NHTSA's own past rulemakings, especially on the brake standard, to show NHTSA has in the past sometimes been reluctant to permit certain ISO symbols because it did not believe those symbols were intuitively evident.

Among the commenters writing on behalf of making Standard No. 101 harmonize with international standards was COSVAM. COSVAM asked NHTSA to add a new paragraph to Standard No. 101 that would state that ''compliance with ECE, EEC or Japanese requirements on the subject of controls and displays will be deemed to be compliance with FMVSS 101. Similarly, Toyota recommended that Standard No. 101 be revised to incorporate ISO 275 ''Road vehicles—symbols for controls, indicators, and tell-tales'' to be harmonized with the Japanese and European standards.

NHTSA Decision and Final Rule

The purpose of the President's Regulatory Reinvention Initiative was to have the Federal government take a careful look at its regulations to identify and remove any unnecessary provisions. In response to that Initiative, NHTSA examined Standard No. 101. NHTSA was concerned that Standard No. 101 might be imposing a needless regulatory burden on the public by regulating

aspects of motor vehicle design that were beyond what was needed to assure safety. To explore these concerns further, the agency proposed a number of alternative ways that might reduce the regulatory burden of this standard. These alternatives included rescinding Standard No. 101, regulating only the controls and displays related to safety or required by other safety standards, consolidating controls and displays required in other standards, and permitting the use of ISO symbols to identify controls and displays.

The public comments on the proposal indicate that the current requirements are not imposing unnecessary regulatory burdens. Further, there was no broad consensus, even among the vehicle manufacturers, in support of any of the proposals.

Several commenters urged the agency to further international harmonization by adopting the proposal to permit the use of recognized international symbols for the controls and displays inside a vehicle. Although NHTSA is not adopting that proposal for the reasons explained below, the agency is committed to exploring the possibilities of harmonizing its regulatory requirements with the regulatory requirements of other nations, provided that such harmonization does not reduce the safety protection afforded to the American public. As evidence of that commitment, the agency has held a public meeting on July 10 and July 11, 1996 and a public workshop on January 16, 1997 on the subject of harmonizing the requirements of the Federal motor vehicle safety standards with the counterpart requirements in other countries' safety standards. The agency used the meeting and workshop to explain to the public what factors the agency would consider in deciding whether the U.S. safety standard and some other nation's safety standard are ''functionally equivalent,'' and to get public comments on the process the agency proposes to use to make functional equivalence determinations.

NHTSA believes it is more appropriate for the agency to establish a comprehensive approach and process for considering functional equivalence of the Federal motor vehicle safety standards and other nations' standards before the agency considers the functional equivalence of any standard or group of standards. Once the agency's comprehensive approach and process are in place for functional equivalence decisions, NHTSA will consider any requests for functional equivalence determinations of Standard No. 101 that are made according to the established process. It would be premature to consider that subject in this rulemaking, outside the overall process for considering functional equivalence.

Accordingly, rulemaking to change Standard No. 101 is hereby terminated except with respect to the proposal to remove outdated language. The outdated language is hereby removed.

Implementation of Proposal Two—Removing Outdated Provisions

No commenter opposed removal of the outdated provisions. Removing unnecessary regulatory language is consistent with the Regulatory Reinvention Initiative. As described in the NPRM, the outdated language includes references to vehicles manufactured before September 1, 1987 and September 1, 1989. In addition, two tables, Table 1(a) ''Identification and Illumination of Controls'' and Table 2(a) ''Identification and Illumination of Internal Displays'' apply to vehicles manufactured before September 1, 1987.

Effective Date

The agency determines that there is good cause shown that an effective date earlier than 180 days after issuance is in the public interest. This final rule only removes outdated provisions from Standard No. 101 and makes no substantive changes to the Standard. Recently, the agency amended its provisions in 49 CFR section 553.35 regarding petitions for reconsideration to extend the period within which petitions may be filed to 45 days. 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 notice of proposed rulemaking 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. This final rule has no effect on the costs associated with controls and displays because it only removes outdated regulatory language from Standard No. 101. No substantive changes are made in Standard No. 101.

2. Regulatory Flexibility Act

NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. For the reasons explained above, I hereby certify that this final rule does not have a significant economic impact on a substantial number of small entities. Accordingly, there is no significant effect on small organizations, jurisdictions or other entities which purchase new motor vehicles. For this reason, a final regulatory flexibility analysis has not been prepared.

3. National Environmental Policy Act

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

4. Executive Order 12612 (Federalism)

NHTSA has analyzed this final 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.

5. Civil Justice Reform

This final rule does 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, NHTSA amends 49 CFR part 571 as follows:

1. The authority section 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 571.101 is amended by revising S3., revising S5., and revising S5.3.3 to read as follows:

§ 571.101 Standard No. 101; Controls and displays.

* * * * *

S3. *Application*. This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

* * * * *

S5. *Requirements.* Each passenger car, multipurpose passenger vehicle, truck and bus manufactured with any control listed in S5.1 or in column 1 of Table 1, and each passenger car, multipurpose passenger vehicle and truck or bus less than 10,000 pounds GVWR with any display listed in S5.1 or in column 1 of Table 2, shall meet the requirements of this standard for the location, identification, and illumination of such control or display.

* * * * *

S5.3.3 (a) Means shall be provided for making controls, gauges, and the identification of those items visible to the driver under all driving conditions.

(b) The means for providing the required visibility—

(1) Shall be adjustable to provide at least two levels of brightness, one of which is barely discernible to a driver who has adapted to dark ambient roadway conditions.

(2) May be operable manually or automatically, and

(3) May have levels of brightness at which those items and identification are not visible.

(c) If the level of brightness is adjusted by automatic means to a point where those items or their identification are not visible to the driver, a means shall be provided to enable the driver to restore visibility.

* * * * *

3. Section 571. 101 is revised by removing Table 1(a) ''Identification and Illumination of Controls'' following Table 1.

4. Section 571.101 is revised by removing Table 2(a) ''Identification and Illumination of Internal Displays'' following Table 2.

Issued on: June 6, 1997.

Ricardo Martinez,

Administrator.

[FR Doc. 97–15675 Filed 6–13–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970403076–7114–02; I.D. 061097D]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces closure of the 1997 catcher/processor fishery for whiting at 12:00 noon June 11, 1997, because the allocation for the catcher/processor sector will be reached by that time. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is intended to keep the harvest of whiting at levels announced by the Secretary of Commerce on May 20, 1997.

DATES: Effective from 12:00 noon (local time) June 11, 1997, until the start of the 1998 primary season for the catcher/processor sector, unless modified, superseded or rescinded. Comments will be accepted through July 1, 1997.

ADDRESSES: Submit comment to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), National Marine Fisheries Service, 7600 Sand Point Way NE., Seattle, WA 98115–0070; or William Hogarth, Acting Regional Administrator, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140 or Rodney McInnis at 562–980–4040.

SUPPLEMENTARY INFORMATION: The regulations at 50 CFR 660.323(a)(4) (62 FR 27519, May 20, 1997) established separate allocations for the catcher/processor, mothership, and shore-based sectors of the whiting fishery. Each allocation is a harvest guideline, which, when reached, results in the end of the primary season for that sector. The catcher/processor sector is composed of catcher/processors, which are vessels that harvest and process whiting. The mothership sector is composed of motherships and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting. The shoreside sector is composed of vessels that harvest whiting for delivery to shore-based processors. The allocations, which are based on the 1997 commercial harvest guideline for whiting of 207,000 metric tons (mt), are: 70,400 mt (34 percent) for the catcher/processor sector; 49,700 mt (24 percent) for the mothership sector; and 86,900 mt (42 percent) for the shoreside sector. The best available information on June 9, 1997, indicated that the 70,400–mt catcher/processor allocation would be reached by 12:00 noon June 11, 1997. The mothership fishery reached its allocation and was closed on June 1, 1997 (62 FR 30776). Attainment of the shore-based sector allocation is not announced at this time. (The regulations at 50 CFR 600.323(a)(3)(i) describe the primary season for catcher/processors as the period(s) when at-sea processing is allowed and the fishery is open for the catcher/processor sector.)

NMFS Action

For the reasons stated above, and in accordance with the regulations at 50 CFR 660.323(a)(4)(iii)(A), NMFS herein announces: Effective 12:00 noon (local time) June 11, 1997—(1) Further taking and retaining, receiving or at-sea processing of whiting by a catcher/processor is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a catcher/processor may continue to process whiting that was on board before at-sea processing was prohibited. which time further taking and retaining, receiving, or at-sea processing of whiting by a catcher/processor is prohibited.

Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours. This action is taken under the authority of 50 CFR 660.323(a)(4)(iii)(A) and is exempt from review under E.O. 12866.

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

Dated: June 11, 1997.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–15735 Filed 6–11–97; 4:30 pm]

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