received and supporting information, please refer to the proposed rule (61 FR 17358 (April 19, 1996)). The RCRA Information Center is located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington Virginia and is open for public inspection and copying of supporting information for RCRA rules from 9 am to 4 pm Monday through Friday, except for Federal holidays. The public must make an appointment to view docket materials by calling (703) 603–9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost $0.15 per page.

**FOR FURTHER INFORMATION:** For general information, call the RCRA Hotline at 1–800–424–9346 or TDD 1–800–553–7672 (hearing impaired). Callers within the Washington, Metropolitan Area must dial 703–412–9810 or TDD 703–412–3323 (hearing impaired). The RCRA Hotline is open Monday-Friday, 9 a.m. to 6 p.m., Eastern Standard Time. For other information on this notice, contact Larry Denyer (5302W), Office of Solid Waste, 401 M Street, S.W., Washington, DC 20460, phone (703) 308–8770.

**SUPPLEMENTARY INFORMATION:** On April 19, 1996, EPA proposed revised standards for hazardous waste combustors (i.e., incinerators and cement and lightweight aggregate kilns that burn hazardous waste). See 61 FR 17358. The Agency established a 60-day comment period and indicated that comments on the proposal would be accepted until June 18, 1996.

EPA has received written requests to extend the comment period from Dow Chemical Company, Cadence Environmental Energy, Inc., the Department of Energy, and Congressman Harold Volkmer. In addition, the Agency has received numerous verbal requests for a time extension from stakeholders that are members of the Coalition of Responsible Waste Incineration (CRWI), the Cement Kiln Recycling Coalition (CKRC), and the Chemical Manufacturers Association. The additional time requested ranged from 30 to 120 days.

As justification for a time extension, stakeholders noted: (1) The size of the Notice of Proposed Rulemaking (i.e., 178 Federal Register pages plus nine major technical support documents); (2) the complexity of the proposal introduced by using joint Resource Conservation and Recovery Act (RCRA) and Clean Air Act (CAA) authority to promulgate the rule (e.g., raising issues pertaining to coordination of RCRA and CAA permits and enforcement authorities); (3) the comprehensive, state-of-the-art, and complicated compliance procedures; (4) the significant revisions proposed to existing RCRA rules; and (5) some of the background materials needed for review have been placed in the docket only recently.

The Agency agrees that a 60-day comment period may not be adequate to allow stakeholders time to review the provisions of the rulemaking and to formulate comments and recommendations for the Agency's consideration in developing the final rule. Accordingly, the Agency is extending the comment period 60 days to August 19, 1996 to provide for a 120-day comment period.

Dated: May 20, 1996.

Timothy Fields, Jr.,

*Acting Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. 96–13434 Filed 5–29–96; 8:45 am]

**BILLING CODE 6560–50–P**

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## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 571

**[Docket No. 96–52; Notice 1]**

**RIN 2127–AF86**

## Federal Motor Vehicle Safety Standards; Controls and Displays

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this notice, NHTSA proposes changes to the Federal Motor Vehicle Safety Standard on motor vehicle controls and displays. The agency seeks public comment on five proposals for changes, including rescission of the standard. This proposed action is undertaken as part of NHTSA's efforts to implement the President's Regulatory Reinvention Initiative.

**DATES:** Comments must be received on or before July 15, 1996.

**ADDRESSES:** Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to: Docket Section, Room 5109, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested that 10 copies of the comments be provided. The Docket Section is open on weekdays from 9:30 a.m. to 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Van Iderstine, Office of Vehicle Safety Standards, NPS–21, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Mr. Van Iderstine's telephone number is (202) 366–5280 and his FAX number is (202) 366–4329.

**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.

### NHTSA's Proposals for Change

NHTSA proposes five alternatives for changes to the Standard and seeks public comment on each proposal. The proposals are: (1) rescinding the standard; (2) regulating only those controls and displays related to motor vehicle safety; (3) regulating only those

controls and displays required by other Federal Motor Vehicle Safety Standards; (4) consolidating all control and display requirements into Standard No. 101 and (5) permitting International Standards Organization (ISO) symbols on some or all controls and displays requiring identification. If NHTSA 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, they are not mutually exclusive.

Due to the relative simplicity of the proposals, the agency is not setting forth regulatory language for implementing the proposals.

*1. Proposal One—Rescind Standard No. 101*

NHTSA's first proposal is to rescind Standard No. 101. NHTSA tentatively concludes 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. Even if the standard were rescinded, the agency fully expects manufacturers to provide drivers the means to distinguish among various controls and displays. Further, drivers must be warned of defective functioning of a device in the vehicle in order to be able to avoid potentially hazardous conditions, including the possibility of a crash.

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. 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 believes that market forces will ensure manufacturers continue the currently specified practices.

A good example of how market forces have responded to customers' demands has been the location of the horn button(s). In the absence of more specific location requirements, the horn button was historically located at the center of the steering wheel. With the advent of air bag implementation in that same location, the horn button was often displaced to the spokes of the steering wheel. Apparently this location is contrary to the desires of many drivers, as evidenced by the increased number of letters to the agency about that displacement. This displacement, however, was only temporary, until manufacturers found ways to install horn switches in the cover material over the air bag mechanism. As a consequence, as vehicle steering wheels are updated, the horn control is returning to the center of the wheel.

NHTSA notes 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. 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. It also does not appear likely that a court would find any implied Federal preemption of State requirements, regardless of whether they are similar or dissimilar to those in the Standard. A State regulation addressing the same subject as a rescinded Federal regulation would be impliedly preempted only if the State regulation conflicted with or otherwise frustrated achieving the purposes of the Federal statute. Even if the agency were to conclude that no regulation, Federal or State, of controls and displays is necessary, it is not readily apparent how State regulations, even ones differing from those of another State, on this subject would conflict with Federal law or have a deleterious effect on motor vehicle safety.

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

The second proposal is 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 proposes 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, S3, *Application*, of Standard No. 101 will be shortened to state: ''This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.'' NHTSA further proposes 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 proposes 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 do not have a direct effect on motor vehicle safety. Under Proposal Two, Standard No. 101 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.

NHTSA proposes 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 proposes to remove the coolant temperature display from Table 2 ''Identification and Illumination of Displays.'' Examples of displays that would continue to be regulated include 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.

NHTSA also proposes to remove each of the above named controls and displays (proposed for removal from Tables 1 or 2) if listed in the location requirements of S5.1 of Standard No. 101. The agency seeks comments on which controls and displays are believed to be safety-related.

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

Proposal Three is similar to Proposal Two, but would limit 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'' would 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'' would 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 also proposes to remove each of the above named controls and displays if listed in the location requirements of S5.1 of Standard No. 101.

The rationale for this proposal is that it would not affect the placement in vehicles of controls and displays no longer specified in Standard No. 101. 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. Auto consumer media and customers themselves would be likely to react negatively to vehicles that do not adequately identify the vehicle's controls and displays, or if the controls are placed in a location difficult for the driver to reach while driving.

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

Under this proposal, NHTSA would 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. This reference would be consistent with the agency's practice regarding the identification of controls and displays for other regulated vehicle systems. For example, when the agency published a final rule (60 FR 6411; February 5, 1995) establishing FMVSS No. 135, *Passenger car brake systems*, it also amended Table 2 in Standard No. 101 to include the two brake displays, the ''variable brake proportioning system'' display and the ''parking brake applied'' display specified in Standard No. 135. Similarly, when NHTSA amended the standards on hydraulic and air brakes to specify antilock braking systems, it amended Standard No. 101 to reference the antilock braking system displays (60 FR 13216; March 10, 1995).

At present, Standard No. 101 does not include certain controls or displays specified in Standard No. 208, *Occupant crash protection*. Paragraph S4.5.2, *Readiness indicator*, of Standard No. 208 specifies that an occupant crash protection system that deploys in the event of a crash shall have a monitoring system with a readiness indicator. The indicator shall monitor its own readiness and shall be clearly visible from the driver's designated seating position.

In this notice of proposed rulemaking, NHTSA proposes 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 proposes to amend Table 2 ''Identification and Illumination of Displays'' by specifying the air bag readiness indicator. NHTSA proposes 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 is not proposing to specify a color (Column 2) or an identifying symbol (Column 4) for the air bag readiness indicator.

In a final rule published May 23, 1995 (60 Federal Register 27233), Standard No. 208 was amended to permit manufacturers the option of installing a key-operated air bag manual cutoff device that motorists could use to deactivate the front passenger-side air bag in vehicles that cannot accommodate infant restraints in the rear seat. The deactivation device is needed because when rear-facing infant restraints are used in the front seat of dual air bag vehicles, they extend forward to a point near the dashboard where they can be struck by a deploying air bag.

The air bag manual cutoff device is 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 proposes to transfer the specifications for the air bag manual cutoff device telltale from Standard No. 208 to Standard No. 101. The language describing the eligibility criteria for vehicles permitted to have an air bag manual cutoff device will remain in Standard No. 208.

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

NHTSA further proposes that the air bag manual cutoff device be described in Table 1 (''Identification and Illumination of Controls'') of Standard No. 101. NHTSA proposes that the device be identified in Column 2 (''Identifying Words or Abbreviation'') with the words ''Air Bag Cutoff.'' NHTSA is not proposing 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 would permit any ISO symbol to be used to identify a control or display. NHTSA would require that each ISO symbol used be described in the owner's manual. Identification is necessary to ensure that the driver understands the meaning of the symbol. It has been NHTSA's experience that the meaning of certain ISO symbols may not be intuitively evident to a driver.

## 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. The agency anticipates if a final rule should result from this notice of proposed rulemaking, it would not have more than a minimal effect on the costs associated with controls and displays. If Proposal Four were adopted, vehicle manufacturers would incur minimal additional costs. All manufacturers already provide some type of identification for the air bag readiness indicator and many provide illumination of it. NHTSA estimates that the additional costs resulting from adopting Proposal Four would be so minimal that preparation of a full regulatory evaluation is not warranted.

None of the other proposals would impose new requirements or have any effect on costs which can be estimated at this time. Proposal Two would delete requirements for motor vehicles manufactured before September 1, 1987 and September 1, 1989. If the standard were rescinded pursuant to Proposal One, NHTSA anticipates no changes in costs resulting from manufacturers' actions, because manufacturers are not expected to respond to the rescission by making any significant changes in the location, identification, and illumination of motor vehicle controls and displays. Further, many of the controls and displays specified in Standard No. 101 are also specified in other Federal motor vehicle safety standards.

To the extent that individual States might choose to establish their own requirements for controls and displays, which would be permitted if the agency rescinded the standard, as discussed above, vehicle production costs would increase. However, the agency has no way of foretelling the extent to which States might opt to do this or of estimating the increase in production cost that would result.

If Proposals Two or Three were adopted, NHTSA also anticipates no changes in costs since it does not believe manufacturers will make any significant changes in the location, identification, and illumination of motor vehicle controls and displays.

*2. Regulatory Flexibility Act*

NHTSA has also considered the impacts of this rule under the Regulatory Flexibility Act. For the reasons explained above, I hereby certify that this rule would not have a significant economic impact on a substantial number of small entities. Accordingly, there would not be any significant effect on small organizations, jurisdictions or other entities which purchase new motor vehicles. For this reason, an initial regulatory flexibility analysis has not been prepared.

*3. 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 environment.

*4. 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.

*5. 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 comments on the proposal. It is requested but not required that 10 copies be submitted.

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

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

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. 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 inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine 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.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on: May 23, 1996.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 96–13528 Filed 5–29–96; 8:45 am]

BILLING CODE 4910–59–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 229

**[I.D. 051396B]**

## Pacific Offshore Fisheries Take Reduction Plan; Public Meeting

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

**ACTION:** Public scoping meeting; request for comments.

**SUMMARY:** NMFS announces its intention to prepare an Environmental Impact Statement (EIS) or Environmental Assessment (EA) for anticipated proposed rulemaking under the Take Reduction Plan (TRP) provisions of the Marine Mammal Protection Act (MMPA). A draft TRP will be developed by the Pacific Offshore Cetacean Take Reduction Team (TRT) and will be forwarded to NMFS by August 12, 1996. NMFS then has 60 days to publish a proposed TRP, along with any proposed implementing regulations, as necessary.

**DATES:** The scoping meeting will be held on June 25, 1996 at 7 p.m. until 10 p.m. Written comments on the scope of the EIS must be submitted on or before August 12, 1996.

**ADDRESSES:** The scoping meeting will be held at the JAMS/Endispute offices in the Santa Monica Business Park, 3340 Ocean Park Boulevard, Suite 1050, Santa Monica, CA 90405. Scoping comments, requests for additional information, and requests for special