

*quo* is extended until the future of the SSRS is made clearer in the 49 U.S.C. 13908 rulemaking to be completed by December 31, 1997. The FHWA is not altering an existing regulation in such a way as to either impose or eliminate any economic burden.

#### Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the FHWA has evaluated the effects of this action on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. As noted above, the FHWA is merely extending the effective date of a reinstated, temporary rule already in effect and is not altering the existing regulation in such a way as to either impose or eliminate any economic burden.

#### Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

#### Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

#### Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

#### National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

#### Regulatory Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this

document can be used to cross reference this action with the Unified Agenda.

#### List of Subjects in 49 CFR Part 367

Commercial motor vehicle, Financial responsibility, Insurance, Motor carriers, Motor vehicle safety, Registration, Reporting and recordkeeping requirements.

Issued on: November 25, 1996.  
Rodney E. Slater,  
*Federal Highway Administrator.*  
[FR Doc. 96-30835 Filed 12-3-96; 8:45 am]  
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### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 74-14; Notice 105]

RIN 2127-AG14

#### Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

**ACTION:** Final Rule, correcting amendment.

**SUMMARY:** On November 27, 1996, NHTSA published a final rule requiring vehicles with air bags to have three new warning labels. Previously, manufacturers of vehicles without passenger-side air bags were permitted to omit language concerning the hazards to children from these bags. Due to an error, the regulatory language of the final rule did not include a similar exclusion from some of the warnings. This notice corrects that error.

**DATES:** *Effective Date:* The amendments made in this rule are effective December 27, 1996.

*Petition Date:* Any petitions for reconsideration must be received by NHTSA no later than January 21, 1997.

**ADDRESSES:** Any petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Mary Versailles, Office of Safety Performance Standards, NPS-31, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590; telephone (202) 366-2057; facsimile (202) 366-4329; electronic mail "mversailles@nhtsa.dot.gov".

**SUPPLEMENTARY INFORMATION:** On November 27, 1996, NHTSA published

a final rule amending 49 CFR 571.208 to require vehicles with air bags to have three new warning labels (61 FR 60206). One of these labels, a sun visor label, includes two warnings concerning the adverse effects of passenger-side air bags for infants and children. The warnings are "Children 12 and under can be killed by the air bag" and "Never put a rear-facing child seat in the front." These warnings are not necessary for vehicles that do not have passenger-side air bags. In addition, both sun visor labels include a pictogram that depicts a passenger-side air bag striking a rear-facing child seat. Again, this pictogram would be confusing in a vehicle that does not have a passenger-side air bag.

The regulatory language in place prior to the November 27, 1996 final rule permitted vehicle manufacturers to omit statements concerning the danger to children from passenger-side air bags if a vehicle does not have a passenger-side air bag. This notice adds similar flexibility to the enhanced labeling requirements of the November 27, 1996 rule, so that manufacturers will be permitted to tailor the new warning labels appropriately for vehicles that do not have a passenger-side air bag. The warning labels on the visor of vehicles that do not have a passenger-side air bag will omit the pictogram showing a child being injured by a passenger-side air bag and omit the two warnings of hazards to children from passenger-side air bags.

NHTSA notes that vehicles that do not have passenger-side air bags would only be required to have warning labels on the driver's sun visor, but manufacturers would be permitted to include the label voluntarily on the passenger-side sun visor. Two of the warnings on the label, "Always use seat belts and child restraints" and "The back seat is the safest place for children," are equally applicable to the passenger position in vehicles without air bags.

NHTSA finds for good cause that this final rule can be made effective in less than 30 days. The exclusion was inadvertently not included in the regulatory language of the November 27, 1996, final rule. This notice should therefore be effective on the same date as the earlier rule.

#### Rulemaking Analyses and Notices

##### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning

and Review." This document is part of an action that was determined to be "significant" under the Department of Transportation's regulatory policies and procedures. However, this notice does not impose any new requirements on manufacturers. It simply corrects an error.

#### *Regulatory Flexibility Act*

NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As explained above, this rule will not have an economic impact on any manufacturer.

#### *Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), there are no requirements for information collection associated with this final rule.

#### *National Environmental Policy Act*

NHTSA has also analyzed this final rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

#### *Executive Order 12612 (Federalism)*

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

#### *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.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

### **PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

1. The authority citation for Part 571 of Title 49 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 571.208 is amended by revising the introductory text of S4.5.1(b)(2) and S4.5.1(c)(2) and by adding new S4.5.1(b)(2)(iv) and S4.5.1(c)(2)(iii) to read as follows:

#### **§ 571.208 Standard No. 208, Occupant Crash Protection.**

\* \* \* \* \*

S4.5.1 *Labeling and owner's manual information.*

\* \* \* \* \*

(b) *Sun visor warning label.*

\* \* \* \* \*

(2) *Vehicles manufactured on or after February 25, 1996.* Each vehicle shall have a label permanently affixed to either side of the sun visor, at the manufacturer's option, at each front outboard seating position that is equipped with an inflatable restraint. The label shall conform in content to the label shown in either Figure 6a or 6b of this standard, as appropriate, and shall comply with the requirements of S4.5.1(b)(2)(i) through S4.5.1(b)(2)(iv).

\* \* \* \* \*

(iv) If the vehicle does not have an inflatable restraint at any front seating position other than that for the driver, the label shown in Figure 6a may be modified by omitting the pictogram and changing the message text to read:

DEATH OR SERIOUS INJURY can occur.

- Sit as far back as possible from the air bag.

- ALWAYS use SEAT BELTS and CHILD RESTRAINTS.

- The BACK SEAT is the SAFEST place for children.

\* \* \* \* \*

(c) *Air bag alert label.*

\* \* \* \* \*

(2) *Vehicles manufactured on or after February 25, 1996.* If the label required by S4.5.1(b)(2) is not visible when the sun visor is in the stowed position, an air bag alert label shall be permanently affixed to that visor so that the label is visible when the visor is in that position. The label shall conform in content to the sun visor label shown in figure 6c of this standard, and shall comply with the requirements of S4.5.1(c)(2)(i) through S4.5.1(c)(2)(iii).

\* \* \* \* \*

(iii) If the vehicle does not have an inflatable restraint at any front seating

position other than that for the driver, the pictogram may be omitted from the label shown in Figure 6c.

\* \* \* \* \*

L. Robert Shelton,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 96-30836 Filed 11-29-96; 10:33 am]

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 679**

[Docket No. 960502124-6190-02; I.D. 112796B]

### **Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in District 16 of Registration Area D**

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the scallop fishery in District 16 of Scallop Registration Area D (Yakutat). This action is necessary to prevent exceeding the scallop total allowable catch (TAC) in this area.

**EFFECTIVE DATE:** Effective 1200 hrs, Alaska local time (A.l.t.), November 29, 1996, until 2400 hrs, A.l.t., December 31, 1996.

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

**SUPPLEMENTARY INFORMATION:** The scallop fishery in the exclusive economic zone off Alaska is managed by NMFS according to the Fishery Management Plan for the Scallop Fishery off Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing for scallops is governed by regulations appearing at 50 CFR parts 600 and 679.

In accordance with § 679.62(b), the 1996 scallop TAC for District 16 of Scallop Registration Area D was established by the Final 1996 Harvest Specifications of Scallops (61 FR 38099, July 23, 1996) as 27,000 lb (12,247 kg) shucked meat.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.62(c), that the scallop TAC for District 16 of Scallop Registration Area D has been reached. Therefore,