

6. In order to facilitate development of the best possible record within existing constraints, we stress the need for interested parties to present their positions fully in their initial comments. We emphasize that the purpose of reply comments is to permit parties to respond to the original comments. 47 CFR § 1.415(c).

7. Accordingly, it is ordered that the motion for extension of time and for waiver of page limits filed by GTE Service Corporation is granted to the extent indicated above and otherwise denied.

8. It is further ordered that the request for extension of time filed by the Consumer Federation of America is denied.

Federal Communications Commission.

Regina M. Keeney,

Chief, Common Carrier Bureau.

[FR Doc. 96-11965 Filed 5-10-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapters 1 and 2

[FAR Case 96-308]

Federal Acquisition Regulation; Implementation of Commercially Available Off-the-Shelf Item Acquisition Provisions of the Federal Acquisition Reform Act

AGENCIES: Department of Defense, General Services Administration, and National Aeronautics and Space Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Acquisition Regulatory Council is soliciting comments regarding the implementation of section 4203 of the Federal Acquisition Reform Act (Pub. L. 104-106) (the Act) with respect to Commercially Available Off-the-Shelf Item Acquisitions. The Act requires the FAR to list provisions of law that are inapplicable to contracts for the acquisition of commercially available off-the-shelf items. Certain laws have already been determined to be inapplicable to all commercial items as a result of the implementation of the Federal Acquisition Streamlining Act of 1994 (see FAR 12.503). The additional provisions of law that could be

determined inapplicable to commercially available off-the-shelf items are listed under

SUPPLEMENTARY INFORMATION below.

DATES: Comments should be submitted to the address shown below by June 28, 1996.

ADDRESSES: Interested parties should submit comments to the FAR Secretariat, General Services Administration, 18th and F Sts. NW, Washington, DC 20405. Please cite FAR Case 96-308.

FOR FURTHER INFORMATION CONTACT: FAR Secretariat, (202) 501-4755.

SUPPLEMENTARY INFORMATION: 15 U.S.C. 637(d) (2) and (3), Utilization of Small Business Concerns (see 52.219-8); 15 U.S.C. 637(d)(4), Small Business Subcontracting Plan (see 52.219-9); 15 U.S.C. 637(a)(14), Limitation on Subcontracting (see 52.219-14); 19 U.S.C. 1202, Tariff Act of 1930 (see 52.225-10); 19 U.S.C. 1309, Supplies for Certain Vessels and Aircraft (see 52.225-10); 19 U.S.C. 2701, *et seq.*, Authority to Grant Duty Free Treatment (see 52.225-10); 29 U.S.C. 793, Affirmative Action for Handicapped Workers (see 52.222-36); 38 U.S.C. 4212, Affirmative Action for Special Disabled Vietnam Era Veterans (see 52.222-35); 38 U.S.C. 4212(d)(1), Employment Reports on Special disabled Veterans and Veterans of the Vietnam Era (see 52.222-37); 41 U.S.C. 10, Buy American Act—Supplies (see 52.225-3); 41 U.S.C. 253d, Validation of Proprietary Data Restrictions (see 52.227-14); 41 U.S.C. 253g and 10 U.S.C. 2482, Prohibition on Limiting Subcontractor Direct Sales to the United States (see 52.203-6); 41 U.S.C. 254(b) and 10 U.S.C. 2306a, Truth in Negotiations Act (see 15.804); 41 U.S.C. 254d(c) and 10 U.S.C. 2513(c), Examination of Records of Contractor (see 52.215-2); 41 U.S.C. 418a, Rights in Technical Data (see 52.227-14); 41 U.S.C. 442, Cost Accounting Standards (see FAR Appendix B, 48 CFR Chapter 99); 41 U.S.C. 423(e)(3), Administrative Actions (see 3.104); 46 U.S.C. 1241(b), Transportation in American Vessels of Government Personnel and Certain Cargo (see 52.247-64); 49 U.S.C. 40118, Fly American Provisions (see 52.247-63); For purposes of this notice, a “commercially available off-the-shelf item” means—

(1) a commercial item as defined in FAR 2.101;

(2) an item sold in substantial quantities in the commercial marketplace; and

(3) an item is offered to the Government, without modification, in the same form in which it is sold in the

commercial marketplace. This does not include bulk cargo, as defined in 46 U.S.C. App. 1702, such as agricultural and petroleum products. The FAR Council is requesting any interested parties to provide advance comments on:

(1) the definition of “commercially available off-the-shelf item” cited above.

(2) whether the above cited list of statutory provisions that could be determined inapplicable to commercial off-the-shelf items is complete.

(3) whether the specific provisions of law should be determined to be inapplicable. Comments received will be considered in the development of proposed or interim rules. In addition, a 60-day public comment period will be provided once proposed and/or interim FAR rules are drafted. Noted that agency specific statutory provisions will be addressed in separate Federal Register notices.

Dated: May 7, 1996.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 96-11862 Filed 5-10-96; 8:45 am]

BILLING CODE 6820-EP-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 537

[Docket No. 96-38, Notice 01]

RIN 2127-AG00

Automotive Fuel Economy; Semi- Annual Reports

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes various revisions to the required form and contents of the semi-annual reports which automobile manufacturers are statutorily required to submit under the Federal automotive fuel economy program. It is intended that these revisions will reduce the paperwork burdens imposed on manufacturers without inhibiting the agency's ability to comply with its statutory requirements. NHTSA undertakes this action as part of its effort to implement the President's Regulatory Reinvention Initiative to make regulations easier to understand and apply.

ADDRESSES: Comments should refer to the docket and notice number set forth above and be submitted to: Docket

Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590.

DATES: Comments on this notice must be received by July 12, 1996. The final rule would apply to reports submitted for model years beginning after publication of the final rule.

FOR FURTHER INFORMATION CONTACT:

Alan Berkowitz, Office of Planning and Consumer Programs, Safety Performance Standards, NHTSA, 400 7th St., SW., Washington DC 20590. Telephone: (202) 366-4795.

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, the agency identified rules that it could propose to eliminate as unnecessary or to amend to improve their comprehensibility, usefulness, and appropriateness. NHTSA has identified the Semi-Annual Reports for Automotive Fuel Economy as a candidate for review.

Background

Section 32907 of Chapter 329 of Title 49 of the U.S. Code (49 U.S.C. 32901 *et seq.*) requires each automobile manufacturer (other than those small manufacturers which have been granted an alternative fuel economy standard under section 32902(d)) to submit semi-annual reports to the agency relating to that manufacturers' efforts to comply with average fuel economy standards. One report is due during the 30-day period preceding the beginning of each model year (the "pre-model year report") and the other is due during the 30-day period beginning on the 180th day of the model year (the "mid-model year report").

Since the various manufacturers have different annual production periods, the agency determined in 42 FR 62374 (December 12, 1977) that there was no single model year designation applicable to all companies. Therefore, in accordance with section 32901(a)(15) of Chapter 329, the agency determined that the calendar year should serve as the "model year" for purposes of section 32907, making the pre-model year report for any year due in December of the prior year and the mid-model year report for any year due in July of that year. For the major domestic manufacturers, this means that the pre-

model year report is submitted well into their actual production period and the mid-model year report is due near the end of that period.

Section 32907(a)(1) of Chapter 329 provides that each report must contain a statement as to whether the manufacturer will comply with average fuel economy standards for that year, a plan describing the steps the manufacturer has taken or will take to comply with the standards, and any other information the agency may require. Whenever a manufacturer determines that a plan it has submitted in one of its reports is no longer adequate to assure compliance, it must submit a revised plan. Section 32907(a)(1)(C) of Chapter 329 also permits the agency to issue rules prescribing the form and content of reports.

Proposed Revisions

The revised text for 49 CFR Part 537 presented in this notice proposes to reduce the amount of detailed specification data required of manufacturers in their reports to the agency. Specifically, the agency is asking for data to be consolidated at the model level instead of the configuration level. This would reduce the volume of information that must be submitted. The proposed revision provides the data in a form that more closely matches the format of information that the agency uses in analyzing the manufacturers' fleets for purposes of its annual report to the Congress and special reports and studies of fuel economy standards. The format of the report is revised to delete some items that the agency has not used in recent years, i.e., engine code, emission control system, existence of overdrive, axle ratio, existence of temporary living quarters, expansion of cargo carrying capacity by removal of seats, and frontal area.

The proposed text also changes the time of submission of the detailed specification information from the pre-model year report to the mid-model year report. This will result in the manufacturers providing more complete and correct data as the data will be assembled near the end of the typical production period for each model. The data will still be provided to the agency in time for incorporation in the annual report to the Congress.

Finally, the text description for supplementary reports (§ 537.8) is deleted. Manufacturers have not been furnishing this report to the agency, nor has the agency been requesting it. Its purpose, to explain how a fleet that is below the average fuel economy standard will be brought into

compliance, can be fulfilled by the addition of an appropriate statement in either the pre-model year or mid-model year report. Some manufacturers currently use this procedure. That statement is specified in the revised text in § 537.7(b)(4).

Impact Analyses

1. *Economic Impacts*

This notice of proposed rulemaking (NPRM) was not reviewed under Executive Order 12866 (Regulatory Planning and Review). NHTSA has analyzed the impact of this request for comment 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 NPRM, new requirements would not be imposed on manufacturers.

2. *Impacts on Small Entities*

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact this rulemaking would have on small entities. Few, if any, automobile manufacturers subject to the proposed rule would be classified as a "small business" under the Regulatory Flexibility Act. I certify that this action would not have a significant economic impact on a substantial number of small entities.

3. *Impact of Federalism*

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

4. *Paperwork Reduction Act*

Information collection requirements contained in this NPRM represent an amendment to those approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act (Pub. L. 96-511) and assigned OMB Control Number 2127-0019. The agency believes that the changes proposed in this notice will result in a small reduction in the paperwork burden of this reporting requirement. The agency solicits comment on the expected change in paperwork burden that this proposal would entail.

5. *National Environmental Policy Act*

The agency has analyzed this rule for the purpose of the National Environmental Policy Act and determined that it would not have any

significant impact on the quality of the human environment.

6. Civil Justice Reform

This proposed rule would not have any retroactive effect and it does not preempt any State law. 49 U.S.C. 32909 sets forth a procedure for judicial review of automobile fuel economy regulations. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Comments

NHTSA is providing a comment period, ending on July 12, 1996 for interested parties to present data and views on the issues raised in this notice, as well as any other issues commenters believe are relevant to this proceeding. It is requested but not required that 10 copies be submitted.

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 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 with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 537

Fuel economy, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Part 537 would be revised to read as follows:

PART 537—AUTOMOTIVE FUEL ECONOMY REPORTS

Sec.

- 537.1 Scope.
- 537.2 Purpose.
- 537.3 Applicability.
- 537.4 Definitions.
- 537.5 General requirements for reports.
- 537.6 General content of reports.
- 537.7 Pre-model year and mid-model year reports.
- 537.8 [Reserved].
- 537.9 Determination of fuel economy values and average fuel economy.
- 537.10 Incorporation by reference.
- 537.11 Public Inspection of Information.
- 537.12 Confidential Information.

Authority: 49 U.S.C. 32907; 49 CFR 1.50.

§ 537.1 Scope.

This part establishes requirements for automobile manufacturers to submit reports to the National Highway Traffic Safety Administration regarding their efforts to improve automotive fuel economy.

§ 537.2 Purpose.

The purpose of this part is to obtain information to aid the National Highway Traffic Safety Administration in valuating automobile manufacturers' plans for complying with average fuel economy standards and in preparing an annual review of the average fuel economy standards.

§ 537.3 Applicability.

This part applies to automobile manufacturers, except for manufacturers subject to an alternate fuel economy standard under 49 U.S.C. 32902(d).

§ 537.4 Definitions.

(a) Statutory terms. (1) The terms average fuel economy standard, fuel, manufacture, and model year are used as defined in 49 U.S.C. 32901.

(2) The term manufacturer is used as defined in 49 U.S.C. 32901 and in accordance with Part 529 of this chapter.

(3) The terms average fuel economy, fuel economy, and model type are used as defined in Subpart A of 40 CFR Part 600.

(4) The terms automobile, automobile capable of off-highway operation, and

passenger automobile are used as defined in 49 U.S.C. 32901 and in accordance with the determinations in Part 523 of this chapter.

(b) Other terms. (1) The term loaded vehicle weight is used as defined in Subpart A of 40 CFR Part 86.

(2) The terms base level, body style, car line, combined fuel economy, equivalent test weight, inertia weight, transmission class, and vehicle configuration are used as defined in Subpart A of 40 CFR Part 600.

(3) The term light truck is used as defined in Part 523 of this chapter and in accordance with determinations in that part.

(4) The terms approach angle, axle clearance, breakover angle, cargo-carrying volume, departure angle, passenger-carrying volume, and running clearance are used as defined in Part 523 of this chapter.

(5) The term incomplete automobile manufacturer is used as defined in Part 529 of this chapter.

(6) As used in this part, unless otherwise required by the context:

(i) Administrator means the Administrator of the National Highway Traffic Safety Administration or the Administrator's delegate.

(ii) Current model year means:

(A) In the case of a pre-model year report, the full model year immediately following the period during which that report is required by 537.5(b) to be submitted.

(B) In the case of a mid-model year report, the model year during which that report is required by 537.5(b) to be submitted.

(iii) Average means a production weighted harmonic average.

(iv) Total drive ratio means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

§ 537.5 General requirements for reports.

(a) For each current model year, each manufacturer shall submit a pre-model year report and a mid-model year report.

(b)(1) The pre-model year report required by this part for each current model year must be submitted during the month of December (e.g., the pre-model year report for the 1997 model year must be submitted during December, 1996).

(2) The mid-model year report required by this part for each current model year must be submitted during the month of July (e.g., the mid-model year report for the 1997 model year must be submitted during July 1997).

(c) Each report required by this part must:

(1) Identify the report as a pre-model year report or mid-model year report;

(2) Identify the manufacturer submitting the report;

(3) State the full name, title, and address of the official responsible for preparing the report;

(4) Be submitted in 10 copies to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590;

(5) Identify the current model year;

(6) Be written in the English language; and

(7)(i) Specify any part of the information or data in the report that the manufacturer believes should be withheld from public disclosure as trade secret or other confidential business information.

(ii) With respect to each item of information or data requested by the manufacturer to be withheld under 5 U.S.C. 552(b)(4) and 15 U.S.C. 2005(d)(1), the manufacturer shall:

(A) Show that the item is within the scope of sections 552(b)(4) and 2005(d)(1);

(B) Show that disclosure of the item would result in significant competitive damage;

(C) Specify the period during which the item must be withheld to avoid that damage; and

(D) Show that earlier disclosure would result in that damage.

(d) Each report required by this part must be based upon all information and data available to the manufacturer 30 days before the report is submitted to the Administrator.

§ 537.6 General content of reports.

(a) Pre-model year and mid-model year reports. Except as provided in paragraph (b) of this section, each pre-model year report and the mid-model year report for each model year must contain the information required by 537.7(a).

(b) Exceptions. The pre-model year report and the mid-model year report submitted by an incomplete automobile manufacturer for any model year are not required to contain the information specified in 537.7 (c)(4)(xix) (A) and (B)(1), (3), and (4) and (c)(5). The information provided by the incomplete automobile manufacturer under 537.7(c) shall be according to base level instead of model type or car line.

§ 537.7 Pre-model year and mid-model year reports.

Each manufacturer submitting a report shall:

(a)(1) Provide the information required by paragraphs (b) and (c) of

this section for the manufacturer's passenger automobiles for the current model year.

(2) After providing the information required by paragraph (a)(1) of this section provide the information required by paragraphs (b) and (c) of this section for the manufacturer's light trucks for the current model year.

(b) Projected average Fuel economy. (1) State the projected average fuel economy for the manufacturer's automobiles determined in accordance with 537.9 and based upon the fuel economy values and projected sales figures provided under paragraph (c)(2) of this section.

(2) State the projected final average fuel economy that the manufacturer anticipates having if changes implemented during the model year will cause that average to be different from the average fuel economy projected under paragraph (b)(1) of this section.

(3) State whether the manufacturer believes that the projection it provides under paragraph (b)(2) of this section, or if it does not provide an average under that paragraph, the projection it provides under paragraph (b)(1) of this section sufficiently represents the manufacturer's average fuel economy for the current model year for the purposes of the statute. In the case of a manufacturer that believes that the projection is not sufficiently representative for those purposes, state the reason for the insufficiency and the specific additional testing or derivation of fuel economy values by analytical methods believed by the manufacturer necessary to eliminate the insufficiency and any plans of the manufacturer to undertake that testing or derivation voluntarily and submit the resulting data to the Environmental Protection Agency under 40 CFR 600.509.

(4) If the projected average fuel economy provided under section (b)(1) or (b)(2) of this section does not comply with the applicable average fuel economy standard, state what actions the manufacturer has taken or intends to take to comply with the standard and whether those actions are sufficient to ensure compliance.

(c) Model type fuel economy and technical information. (1) For each model type of the manufacturer's automobiles, provide the information specified in paragraph (c)(2) of this section in tabular form. List the model types in order of increasing equivalent test weight from top to bottom down the left side of the table and list the information categories in the order specified in paragraph (c)(2) of this section from left to right across the top of the table.

(2)(i) Combined fuel economy for each model type and CAFE for the fleet; and (ii) Projected production for the current model year and total production of all model types.

(3) (Mid-model report only.) For each model type provide the information specified in paragraph (c)(4) at this section either in tabular form or preferably as a database formatted computer disk. If a tabular form is used then list the vehicle model types in the order listed under paragraph (c)(2) of this section from top to bottom down the left of the table and list the information categories across the top of the table from left to right in the order specified in paragraph (c)(4) of this section. Other formats (such as copies of EPA reports), which contain all the required information in a readily identifiable form, are also acceptable. If a computer disk is used, any NHTSA approved database structure may be used, but each model type record should identify the manufacturer, model type, and for light trucks the drive wheel code, e.g. 2- or 4- wheel drive. At least the information categories specified here and in paragraph (c)(4) must be provided, but if preferred, the disk may contain any additional categories. Each computer disk record must contain all the required categories of information to enable direct reading and interpretation in the database format that was approved. Parameters that vary within the model type (e.g., loaded vehicle weight) should be weighted by the production share of each distinct value.

(4)(i) Loaded vehicle weight;
(ii) Equivalent test weight;
(iii) Engine displacement, liters;
(iv) Number of engine cylinders;
(v) SAE net rated power, kilowatts;
(vi) Type of fuel injection;
(vii) Transmission class;
(viii) Number of forward speeds;
(ix) Total drive ratio (N/V);
(x) Combined fuel economy, mpg;
(xi) Projected production for the current model year;
(xii) Road load power at 50 miles per hour;
(xiii) (A) In the case of passenger automobiles:

(1) Interior volume index, determined in accordance with Subpart D of 40 CFR Part 600, and

(2) Body style;

(B) In the case of light trucks:

(1) Passenger-carrying volume; and

(2) Cargo-carrying volume.

(5) For each model type of automobile which is classified as an automobile capable of off-highway operation under Part 523 of this chapter, provide the following data:

- (i) Approach angle;
- (ii) Departure angle;
- (iii) Breakover angle;
- (iv) Axle clearance;
- (v) Minimum running clearance; and
- (vi) Existence of 4-wheel drive

(indicate yes or no).

(6) The fuel economy values provided under paragraphs (c) (2) and (4) of this section shall be determined in accordance with § 537.9.

§ 537.8 [Reserved]

§ 537.9 Determination of fuel economy values and average fuel economy.

(a) Base level and model type fuel economy values. For each base level and model type, the manufacturer shall submit a fuel economy value based on the vehicle configuration values that have been determined and approved under 40 CFR part 600, or, if such a value does not exist, a value based on a comparable test or analysis, and calculated in the same manner as base level and model type fuel economy values are calculated for use under Subpart F of 40 CFR part 600.

(b) Average fuel economy. Average fuel economy must be based upon fuel economy values calculated under paragraph (a) of this section for each model type and must be calculated in accordance with 40 CFR 600.506, using the configurations specified in 40 CFR 600.506(a)(2), except that fuel economy values for running changes and for new base levels are required only for those changes made or base levels added before the average fuel economy is required to be submitted under this part.

§ 537.10 Incorporation by reference.

(a) A manufacturer may incorporate by reference in a report required by this part any document other than a report, petition, or application, or portion thereof submitted to any Federal department or agency more than two model years before the current model year.

(b) A manufacturer that incorporates by references a document not previously submitted to the National Highway Traffic Safety Administration shall append that document to the report.

(c) A manufacturer that incorporates by reference a document shall clearly identify the document and, in the case of a document previously submitted to the National Highway Traffic Safety Administration, indicate the date on which and the person by whom the document was submitted to this agency.

§ 537.11 Public inspection of information.

Except as provided in § 537.12, any person may inspect the information and data submitted by a manufacturer under

this part in the docket section of the National Highway Traffic Safety Administration. Any person may obtain copies of the information available for inspection under this section in accordance with the regulations of the Secretary of Transportation in Part 7 of this title.

§ 537.12 Confidential information.

(a) Information made available under § 537.11 for public inspection does not include information for which confidentiality is requested under § 537.5(c)(7), is granted in accordance with section 32910(c) of Chapter 329 and section 552(b) of Title 5 of the United States Code, and is not subsequently released under paragraph (c) of this section in accordance with section 32910 of Chapter 329.

(b) Denial of confidential treatment. When the Administrator denies a manufacturer's request under § 537.5(c)(7) for confidential treatment of information, the Administrator gives the manufacturer written notice of the denial and reasons for it. Public disclosures of the information is not made until after the ten-day period immediately following the giving of the notice.

(c) Release of confidential information. After giving written notice to a manufacturer and allowing ten days, when feasible, for the manufacturer to respond, the Administrator may make available for public inspection any information submitted under this part that is relevant to a proceeding under the Act, including information that was granted confidential treatment by the Administrator pursuant to a request by the manufacturer under § 537.5(c)(7).

Issued on: May 7, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96-11720 Filed 5-10-96; 8:45 am]

BILLING CODE 4910-59-P

Surface Transportation Board

49 CFR Part 1185

[STB Ex Parte No. 543]

Revision of Regulations for Interlocking Rail Officers

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (the Board) is seeking comments on proposed revisions to the regulations for authorization of interlocking rail officers and directors.

DATES: Comments on the proposed revisions are due June 3, 1996.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 543 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-7513. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the ICCTA) abolished the Interstate Commerce Commission (ICC) and established within the Department of Transportation the Board. Section 204 of the ICCTA provides that "[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act."

Under the prior statute at 49 U.S.C. 11322, a person wishing to hold a position of officer or director of more than one rail carrier of any size was required to seek prior ICC authorization. The ICC, however, exercising its general exemption authority under former 49 U.S.C. 10505, adopted rules at 49 CFR 1185 exempting from regulation as a class requests to assume the position of director or officer of a rail carrier while holding the position of director or officer of another rail carrier, except where both carriers are Class I railroads. *Exemption—Certain Interlocking Directorates*, 5 I.C.C.2d 7 (1988) (*Interlocking Directorates*). The class exemption does not apply to an individual who is an officer or director of a Class I carrier and who wishes to become an officer or director of another Class I railroad; that individual is required to file either an application (or petition for an individual exemption).

The ICCTA revised the statute so that, under new 49 U.S.C. 11328, individuals seeking to hold the position of officer or director only of Class III railroads are no longer required to seek Board authorization, either through exemption or through affirmative approval. We propose to revise 49 CFR part 1185 to reflect this statutory change and to eliminate other unnecessary and redundant provisions. The changes would clarify that the class exemption applies exclusively to interlocking directorates that (a) Do not involve an officer or director of a Class I rail carrier who seeks to become an officer or director of another Class I rail carrier, and (b) do not involve only Class III rail