

39th ITC Report in the Federal Register and amend the TSCA section 8(a) and 8(d) reporting rules for the nonylphenol ethoxylates in order to eliminate any ambiguities in those rules.

List of Subjects in 40 CFR Parts 712 and 716

Environmental protection, Chemicals, Hazardous substances, Health and safety data, Reporting and recordkeeping requirements.

Dated: December 5, 1996.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR Chapter I is amended as follows:

**PART 712—[AMENDED]**

1. In part 712:

a. The authority citation for part 712 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

**§ 712.30 [Amended]**

b. In § 712.30, the table in paragraph (e) is amended by staying the entire category "Nonylphenol ethoxylates."

**PART 716—[AMENDED]**

2. In part 716:

a. The authority citation for part 716 continues to read as follows:

Authority: 15 U.S.C. 2607(d).

**§ 716.120 [Amended]**

b. In § 716.120, the table in paragraph (d) is amended by staying the entire category "Nonylphenol ethoxylates."

[FR Doc. 96-31432 Filed 12-10-96; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

[Docket No. 74-14; Notice 106]

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 new

warning labels. Two labels include language that children are safest in the back seat. Automobile manufacturers have asked whether this language is appropriate in vehicles which do not have a back seat. This notice corrects the language of the final rule to allow manufacturers of vehicles with no back seat to omit these sentences. This notice also corrects a typographic error in a December 4, 1996 correcting amendment which changed the dates in the regulatory text from 1997 to 1996.

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

**Petition Dates:** Any petitions for reconsideration must be received by NHTSA no later than January 27, 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 new warning labels. One of these labels, a sun visor label, includes the statement "The back seat is the safest place for children." Another label, a temporary label on the dash, includes the statement "The back seat is the safest place for children 12 and under." The regulatory language of the final rule does not allow manufacturers of vehicles with no back seat to omit these statements. This notice adds language allowing manufacturers of vehicles with no back seat to omit these statements.

On December 4, 1996, NHTSA published a correcting amendment to the November 27 final rule. The regulatory language in that rule inadvertently changed dates from 1997 to 1996. This notice also corrects that error.

NHTSA finds for good cause that this final rule can be made effective in less than 30 days. This rule makes minor corrections to 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 a typographic error and allows some manufacturers the option of omitting two statements from warning labels.

**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. Further, this final rule will not alter the economic impacts of the November 1996 final rule. As explained above, this rule will not have an economic impact on any manufacturers.

**Paperwork Reduction Act:** In accordance with the Paperwork Reduction Act of 1980 (P.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), S4.5.1(c)(2) and S4.5.1(e) and by adding new S4.5.1(b)(2)(v) and S4.5.1(e)(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, 1997.* 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)(v).

\* \* \* \* \*

(v) If the vehicle does not have a back seat, the label shown in Figure 6a or 6b may be modified by omitting the statement: "The BACK SEAT is the SAFEST place for children."

\* \* \* \* \*

(c) *Air bag alert label.*

\* \* \* \* \*

(2) *Vehicles manufactured on or after February 25, 1997.* 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).

\* \* \* \* \*

(e) *Label on the dash.* Each vehicle manufactured on or after February 25, 1997 that is equipped with an inflatable restraint for the passenger position shall have a label attached to a location on the dashboard or the steering wheel hub that is clearly visible from all front seating positions. The label need not be permanently affixed to the vehicle. This label shall conform in content to the label shown in Figure 7 of this standard, and shall comply with the requirements of S4.5.1(e)(2)(i) through S4.5.1(e)(2)(iii).

\* \* \* \* \*

(iii) If the vehicle does not have a back seat, the label shown in Figure 7 may be modified by omitting the statement: "The back seat is the safest place for children 12 and under."

\* \* \* \* \*

Issued on: December 5, 1996.

L. Robert Shelton,

*Associate Administrator for Safety Performance Standards.*

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