

- (2) Illegal activity or fraud;
- (3) Non-payment or late payment to a foreign administration or agent;
- (4) Failure to follow ITR requirements and procedures;
- (5) Failure to take into account ITU-T Recommendations;
- (6) Failure to follow FCC rules and regulations;
- (7) Bankruptcy; or
- (8) Providing false or incomplete information to the Commission or failure to comply with or respond to requests for information.

(b) Prior to taking any of the enforcement actions in paragraph (a) of this section, the Commission will give notice of its intent to take the specified action and the grounds therefor, and afford a 30-day period for a response in writing; provided that, where the public interest so requires, the Commission may temporarily suspend a certification pending completion of these procedures. Responses must be forwarded to the Accounting Authority Certification Officer. See Section 3.61.

§ 3.73 Waiting period after cancellation.

An accounting authority whose certification has been cancelled must wait a minimum of three years before reapplying to be an accounting authority.

§ 3.74 Ship stations affected by suspension, cancellation or relinquishment.

(a) Whenever the accounting authority privilege has been suspended, cancelled or relinquished, the accounting authority is responsible for immediately notifying all U.S. ship licensees for which it was performing settlements of the circumstances and informing them of the requirement contained in paragraph (b) of this section.

(b) Those ship stations utilizing an accounting authority's AAIC for which the subject accounting authority certification has been suspended, cancelled or relinquished, should make contractual arrangements with another properly authorized accounting authority to settle its accounts.

(c) The Commission will notify the ITU of all accounting authority suspensions, cancellations and relinquishments, and

(d) The Commission will publish a Public Notice detailing all accounting authority suspensions, cancellations and relinquishments.

§ 3.75 Licensee's failure to make timely payment.

Failure to remit proper and timely payment to the Commission or to an accounting authority may result in one or more of the following actions against the licensee:

- (a) Forfeiture or other authorized sanction.
- (b) The refusal by foreign countries to accept or refer public correspondence communications to or from the vessel or vessels owned, operated or licensed by the person or entity failing to make payment. This action may be taken at the request of the Commission or independently by the foreign country or coast station involved.
- (c) Further action to recover amounts owed utilizing any or all legally available debt collection procedures.

§ 3.76 Licensee's liability for payment.

The U.S. ship station licensee bears ultimate responsibility for final payment of its accounts. This responsibility cannot be superseded by the contractual agreement between the ship station licensee and the accounting authority. In the event that an accounting authority does not remit proper and timely payments on behalf of the ship station licensee:

(a) The ship station licensee will make arrangements for another accounting authority to perform future settlements, and

(b) The ship station licensee will settle any outstanding accounts due to foreign entities.

(c) The Commission will, upon request, take all possible steps, within the limits of applicable national law, to ensure settlement of the accounts of the ship station licensee. As circumstances warrant, this may include issuing warnings to ship station licensees when it becomes apparent that an accounting authority is failing to settle accounts. See also Sections 3.70 through 3.74.

[FR Doc. 96-10974 Filed 5-03-96; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95-42; Notice 2]

RIN 2127-AF67

Federal Motor Vehicle Safety Standards; Seat Belt Assemblies; Child Restraint Systems

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

ACTION: Final rule.

SUMMARY: This document rescinds the colorfastness requirements for seat belt assemblies. The purpose of those requirements is to ensure that motorists

are not discouraged from using safety belts out of a concern that the belts will transfer their coloring to the motorists' clothing. NHTSA concludes that manufacturer concerns about public acceptance are sufficient by themselves to ensure that manufacturers will continue to make their belts colorfast. Therefore, retention of the requirements is not necessary.

DATES: Effective Date: The amendments made in this rule are effective June 20, 1996.

Applicability Date: Seat belt assemblies manufactured after June 20, 1996 are not required to meet the colorfastness requirements.

Petition Date: Any petitions for reconsideration must be received by NHTSA no later than June 20, 1996.

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: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For non-legal issues: Clarke Harper, Office of Vehicle Safety Standards, NPS-12, telephone (202) 366-4916, facsimile (202) 366-4329, electronic mail "charper@nhtsa.dot.gov".

For legal issues: Mary Versailles, Office of the Chief Counsel, NCC-20, telephone (202) 366-2992, facsimile (202) 366-3820, electronic mail "mversailles@nhtsa.dot.gov".

SUPPLEMENTARY INFORMATION: 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 all its regulations and directives. During the course of that review, the agency identified several requirements and regulations as being potential candidates for rescission. On June 19, 1995, the agency published an NPRM proposing the rescission of several of those candidate requirements, including the colorfastness requirements in Standard No. 209, "Seat Belt Assemblies" (60 FR 31946).

In the NPRM, NHTSA noted that it had included the colorfastness requirements in Standard No. 209 out of concern that occupants would be less likely to wear their seat belt if a lack of colorfastness of the webbing damaged their clothing. Paragraphs S4.2 (g) and (h) of the Standard require seat belt webbing to resist transferring color to a wet or dry crock cloth and to resist

staining (the colorfastness requirements). Test procedures for determining compliance with the colorfastness requirements are found in S5.1 (g) and (h) of the Standard.

NHTSA tentatively concluded in the NPRM that market forces would be sufficient, in the absence of the current requirements, to induce seat belt manufacturers to use webbing that will not stain clothing. The agency noted that it was not aware of any basis for believing that rescission of the colorfastness requirements would lessen colorfastness or safety.

Therefore, NHTSA proposed to delete the colorfastness requirements from Standard No. 209. NHTSA also proposed to delete references to these requirements in Standard No. 213, "Child Restraint Systems."

The agency received 5 comments in response to the NPRM. The commenters were: the Industrial Fabrics Association International (IFAI), Chrysler, Volkswagen, the Automotive Occupant Restraints Council (AORC), and Ford.

Three commenters (IFAI, Chrysler, and Ford) supported the proposal, indicating that the colorfastness would be maintained voluntarily. Two commenters (Volkswagen and AORC) opposed rescission of the requirements. Volkswagen believed that rescission would not reduce the cost burden on manufacturers as they would have to ensure colorfastness regardless. AORC opposed rescission more adamantly because they believed that, while major manufacturers would continue to comply, smaller, less experienced manufacturers might use non-colorfast webbing. They believed that this would result in increased consumer dissatisfaction, increased non-use of safety belts, and increased injuries.

Because the comments were split, the agency contacted four additional sources not represented by the commenters: a safety belt manufacturer (Indiana Mills and Manufacturing), a child seat manufacturer (Gerry Baby Products Company), a test laboratory (Dayton T. Brown Testing), and a webbing manufacturer (Narricot Industries). The first three agreed that colorfastness would be voluntarily maintained. The webbing manufacturer expressed concern that market pressures could require it to reduce colorfastness to remain cost competitive.

After reviewing this information, the agency has decided to rescind the colorfastness requirements. The majority of the manufacturers who commented or were contacted indicated that they would voluntarily maintain colorfastness, even if they had concerns that some others might not. While

NHTSA understands the concern that market pressures for reducing costs might lead to a lessening of colorfastness, the agency believes that there is a countervailing market force that will minimize the possibility and extent of any such lessening of colorfastness. If a problem with colorfastness were to occur, the affected consumers would complain to the responsible manufacturer and likely insist on having the belt replaced, rather than forgoing use of the belt. Further, this countervailing force is much greater than it was when the colorfastness requirements were originally adopted. The proportion of the driving population likely to notice and complain about lack of colorfastness has grown substantially since the 1970's. Belt use has increased from 18 percent in those years to 67 percent today. In part, this increase is a reflection of consumers' increased interest in safety and understanding of the contribution that seat belt use makes to safety. The increase also reflects the existence now of safety belt use laws in 49 states and of child safety seat use laws in all 50 states. Thus, further increases in belt use are anticipated.

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 action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures. NHTSA believes that there would be no gain or loss of safety benefits from Standards Nos. 209 and 213 as a result of rescission of the colorfastness requirements. NHTSA also believes there will be no cost increases or savings for manufacturers.

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, NHTSA does not anticipate that this proposal will significantly economically impact small manufacturers, or small entities that purchase safety belts or vehicles.

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.

§ 571.209 [Amended]

2. Section 571.209 is amended by removing S4.2(g), S4.2(h), S5.1(g) and S5.1(h).

3. Section 571.213 is amended by revising S5.4.1(b) to read as follows:

§ 571.213 Standard No. 213; Child restraint systems.

* * * * *

S5.4.1 * * *

(b) Meet the requirements of S4.2 (e) and (f) of FMVSS No. 209 (§ 571.209); and

* * * * *

Issued on April 29, 1996.

Ricardo Martinez,
Administrator.

[FR Doc. 96-11026 Filed 5-3-96; 8:45 am]

BILLING CODE 4910-59-P

49 CFR Part 571

[Docket No. 95-48; Notice 2]

RIN 2127-AF71

Federal Motor Vehicle Safety Standards; Wheel Nuts, Wheel Discs, and Hub Caps

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.
ACTION: Final rule.

SUMMARY: In this final rule document, NHTSA rescinds the Federal motor vehicle safety standard on wheel nuts, wheel discs, and hub caps. This action is part of the agency's efforts to implement the President's Regulatory Reinvention Initiative to either eliminate regulations, if determined to be unnecessary, or to make them easier to understand and to apply. The agency takes this action based on several conclusions. It concludes that there is no safety problem. Further, the standard is unavoidably overly design-restrictive. Moreover, to the extent that there are any safety concerns regarding the practices of motorists in installing wheel nuts, wheel discs, and hub caps that have winged projections, the agency believes those concerns are more appropriately addressed by State laws which regulate vehicle use than by a Federal motor vehicle safety standard, which regulates the performance of new motor vehicles and motor vehicle equipment as manufactured.

DATES: *Effective Date:* This final rule is effective June 5, 1996.

Petitions for Reconsideration: Any petitions for reconsideration of this final rule must be received by NHTSA no later than June 20, 1996.

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

FOR FURTHER INFORMATION CONTACT: For technical issues: Mr. Clarke Harper, Office of Crashworthiness, NHTSA, telephone (202) 366-4916, FAX number

(202) 366-4329. Mr. Harper's e-mail address is charper@nhtsa.dot.gov.

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. Comments should not be sent or faxed to these persons, but should be sent to the Docket Section.

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 certain regulations that could be rescinded as unnecessary. Among these regulations is Federal Motor Vehicle Safety Standard No. 211, *Wheel Nuts, Wheel Discs, and Hub Caps* (49 CFR § 571.211). In the following section, NHTSA describes how it reviewed the background of the standard, and explains why it came to the conclusion that the safety problem is a minor one, that Standard No. 211 is unavoidably overly design-restrictive, and that wheel nuts, wheel discs, and hub caps having winged projections are more appropriately addressed by State laws which regulate vehicle use than by a Federal motor vehicle safety standard, which regulates new motor vehicles and motor vehicle equipment. For these reasons, NHTSA rescinds Standard No. 211.

Background

Standard No. 211 was issued in 1967 (32 FR 2408) as one of the initial Federal Motor Vehicle Safety Standards. Since Standard No. 211 applies to motor vehicles and motor vehicle equipment, both vehicle manufacturers and manufacturers of motor vehicle equipment must meet the requirements of Standard No. 211. For many years, Standard No. 211 prohibited all wheel nuts, wheel discs, and hub caps (referred to generically hereafter as "hub caps") that incorporate "winged projections," based on a concern that such projections can pose a hazard to pedestrians and cyclists.

On January 15, 1993, NHTSA published in the Federal Register (58 FR 4582) a final rule amending Standard No. 211 to permit "winged projections" on hub caps if, when the hub caps are installed on a wheel rim, the projections

do not extend beyond the plane of the wheel rim. NHTSA amended Standard No. 211 after concluding that "winged projections" that do not extend beyond the plane of the wheel do not compromise pedestrian or cyclist safety. Persons who are interested in a more detailed explanation for that conclusion are referred to the January 1993 final rule and the preceding notice of proposed rulemaking (57 FR 24207, June 8, 1992).

The January 1993 amendment was the culmination of a rulemaking proceeding initiated in response to a petition for rulemaking submitted by several hub cap manufacturers. After the amendment was published, however, NHTSA received information from John Russell Deane III, an attorney representing the petitioners, indicating that the amendment did not provide the regulatory relief that had been requested by the petitioners and anticipated by the agency in issuing the amendment.

Mr. Deane stated that certain preambular language in the January 1993 final rule suggested that manufacturers may manufacture and distribute hub caps incorporating winged projections only if the manufacturer is sure the product does not fit "any other combinations" of axles and wheel rims which would result in the projections extending beyond the plane of the wheel. He stated, however, that a typical decorative hub cap incorporating winged projections has a standardized attachment design which is identical to wingless hexagonal cap attachment designs. In other words, the method of attaching adapters to wheels is essentially standardized. Thus, the winged hub caps could be installed on any wheels, not only on deep wheels on which they would not extend beyond the plane of the wheel, but also shallower wheels on which the projections would protrude beyond such plane. Mr. Deane therefore concluded that ensuring compliance of decorative hub caps incorporating winged projections on all wheels would be virtually impossible, and that the practical effect of the amendment is to continue to prevent the manufacture and distribution of hub caps incorporating winged projections.

After reexamining the regulatory language, NHTSA concluded Mr. Deane was correct. The regulatory language requires that each hub cap with winged projections, as used in any *physically compatible* combination of axle and wheel rim, may not extend beyond the plane of the wheel. NHTSA determined the dilemma could be addressed only by amending the regulatory language, not,