(b) *Federal Aviation Administration (FAA).* Except as provided in paragraph (c) of this section, no FAA employee, or spouse or minor child of the employee, may hold stock or have any other securities interest in an airline or aircraft manufacturing company, or in a supplier of components or parts to an airline or aircraft manufacturing company.

(c) *Exception.* The prohibitions in paragraphs (a)(1) and (b) of this section do not apply to a financial interest in a publicly traded or publicly available investment fund, provided that, at the time of the employee's appointment or upon initial investment in the fund, whichever occurs later, the fund does not have invested, or indicate in its prospectus the intent to invest more than 30 percent of its assets in a particular transportation or geographic sector and the employee neither exercises control nor has the ability to exercise control over the financial interests held in the fund.

(d) *Period to divest.* An individual subject to this section who acquires a financial interest subject to this section, as a result of gift, inheritance, or marriage, shall divest the interest within a period set by the agency designee. Until divestiture, the disqualification requirements of 5 CFR 2635.402 and 2635.502 remain in effect.

TITLE 49—[AMENDED]

Subtitle A—Office of the Secretary of Transportation

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

2. The authority citation for part 99 is revised to read as follows:

Authority: 49 U.S.C. 322; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

3. A new subpart A, consisting of § 99.735–1, is added to read as follows:

Subpart A—General

§ 99.735–1 Cross-reference to ethical conduct standards and financial disclosure regulations.

Employees of the Department of Transportation are subject to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, the Department of Transportation regulations at 5 CFR part 6001 which supplement the executive branch-wide standards and the executive branch-wide financial disclosure regulations at 5 CFR part 2634.

[FR Doc. 96–19493 Filed 7–30–96; 8:45 am]

BILLING CODE 4910–62–P

National Highway Traffic Safety Administration

49 CFR Part 571 and 590

[Docket No. 94–70, Notice 4]

RIN 2127–AF35

Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components

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

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This document grants in part and denies in part petitions for reconsideration of a final rule of this agency that extended the performance requirements applicable to vehicle side door latches, hinges, and locks to the back doors of passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating (GVWR) of 4,536 kilograms (10,000 pounds) or less.

The agency is granting two of the requests in the petitions. First, the agency is granting a request for a phase-in of the compliance date of the new requirements and establishing the usual reporting and recordkeeping requirements necessary for enforcement of a phase-in. Secondly, the agency is clarifying the definition of ''trunk lid'' with respect to vehicles in which the seatbacks of rear seats fold down to provide additional cargo space. NHTSA is denying the other two requests in the petitions.

DATES: This final rule is effective September 2, 1997.

Any petition for reconsideration of this rule must be received by NHTSA not later than September 16, 1996.

ADDRESSES: Petitions for reconsideration should refer to the docket and notice numbers noted above for this rule and be submitted to the Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5109, Washington, DC 20590; telephone (202) 366–4949. Docket room hours are from 9:30 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For technical issues: Dr. William Fan, Light Duty Vehicle Division, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590; telephone (202) 366–4922; FAX (202) 366–4329. For legal issues: Walter Myers, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590; telephone (202) 366–2992; FAX (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Background

Federal motor vehicle safety standard (Standard) No. 206, Door locks and door retention components (49 CFR 571.206), specifies performance requirements for side door latches, hinges, locks, and other supporting means. The requirements of the standard, applicable to all passenger cars, multipurpose passenger vehicles (MPV), and trucks, are intended to minimize occupant ejection from the vehicle in the event of a crash.

On September 28, 1995, NHTSA published a final rule in the Federal Register (60 FR 50124) extending the requirements of the standard to the back doors of passenger cars and MPVs that are so equipped and that have a GVWR of 4,536 kilograms (10,000 pounds) or less, including hatchbacks, station wagons, sport utility vehicles, and passenger vans. The effective date of the new requirements was specified in the rule as September 1, 1997.

The final rule defined ''back door'' as follows:

> [A] door or door system on the back end of a vehicle through which passengers can enter of depart the vehicle, or cargo can be loaded or unloaded, except—
>
> (1) The trunk lid of a passenger car whose trunk is separated from the passenger compartment by a partition; and
>
> (2) a door or window composed entirely of glazing material whose latches and/or hinges are attached directly onto the glazing material.

The rule required that each back door system have at least one primary latch and that each primary latch not separate when a load of 11,000 Newtons (2,500 pounds) is applied perpendicular to the face of the latch (Load Test One); when a load of 8,900 Newtons (2,000 pounds) is applied in the direction of fork-bolt opening parallel to the face of the latch (Load Test Two); and when a load of 8,900 Newtons (2,000 pounds) is applied in a direction orthogonal to the other two directions (Load Test Three). The rule further specified that auxiliary latches in multiple-latch back door systems must meet the same strength requirements as primary latches on those doors.

The primary latches of the back doors are required by the rule to have both the fully latched and the secondary latched positions. Auxiliary latches are not required to have a secondary latched position.

The Petitions

(a) The American Automobile Manufacturers Association (AAMA) submitted a petition for reconsideration on behalf of its members, Chrysler Corporation (Chrysler), Ford Motor Company (Ford), and General Motors (GM), urging the deletion of ''unnecessary and design restrictive requirements'' and extension of the effective date. Specifically, the AAMA requested reconsideration of the following requirements:

(1) *Auxiliary latch performance requirements.* AAMA asserted that auxiliary latches should not be required to meet the same strength requirements as primary latches. AAMA argued that since the standard does not require auxiliary latches, a door equipped with only a primary latch that met requirements would comply with the standard, while a door with a complying primary latch and an auxiliary latch that did not meet the primary latch strength requirements would not. The AAMA stated that such a situation is neither reasonable nor appropriate since the addition of an auxiliary latch, whatever its performance level, would provide a level of security over and above that required by the standard. In addition, the current requirement could result in a reduction in door system performance if it causes manufacturers not to add auxiliary latches to doors because of the additional costs involved. Finally, AAMA argued that auxiliary latches are often added to prevent water leaks, wind noise, squeaks, and rattles, and the deletion of such latches could cause customer dissatisfaction. Accordingly, when a door system contains multiple latches, only one should be required to meet the requirements of the standard.

(2) *Secondary latching position for hatches.* AAMA stated that requiring a secondary latching position for the hatches of hatchback cars is unnecessary and provides no benefit to customers. AAMA asserted that the benefits of a secondary latching position for side doors are derived from the presence of a seated occupant near those doors. Thus, in the event of occupant misuse, such as a door not fully closed by the occupant, the secondary latch position can retain a door in a closed position until it can be secured in the fully latched position. AAMA stated that in addition to forcing redesign of the latch, requiring a secondary latching position on the back doors of hatchback cars will require redesign of the latch release mechanism because hatch release mechanisms may be key-controlled only. Further, ergonomics may require installation of an exterior release handle where one does not presently exist, thus further increasing resource expenditure with no commensurate safety benefit. Thus, AAMA asked that the latch releases on hatchback cars be required to meet requirements prohibiting component separation in the fully latched position only.

(3) *Lead time.* In the Notice of Proposed Rulemaking (NPRM) of August 30, 1994 (59 FR 44691) in which NHTSA proposed extending the side door requirements to back doors, the proposed effective date was ''the first September 1 that occurs following a two year period beginning with the publication of a final rule.'' AAMA stated that that proposed lead time would have provided a lead time of slightly less than 3 years to slightly more than 2 years, but that the lead time specified in the final rule was less than that proposed in the NPRM. Since some AAMA members' back door and hatch systems do not comply with the new requirements, new latches and locks may have to be designed, tested and validated, then production tooling must be designed and built, all requiring approximately 2 to 3 years lead time. In addition, some members are planning certain phase-outs in model year (MY) 1997 and introduction of new models in MY 1998. Thus, phasing-in the new requirements would allow manufacturers the flexibility to direct resources to products which offer long term impact and be more in accordance with the lead time proposed in the NPRM. AAMA therefore requested a phase-in of 60 percent of production by MY 1998 (September 1, 1997) and 100 percent by MY 1999 (September 1, 1998).

(b) General Motors. GM stated that it participated in and supported the petition of AAMA. GM further commented that a lead time of less than 2 years is unreasonable and requested a 2-model year phasing-in of the new requirements commencing September 1, 1997.

(c) Chrysler Corporation. Chrysler also stated that it participated in and supported the petition of AAMA, and reiterated AAMA's request for a 2-model year phase-in of the new requirements.

(d) Ford Motor Company. Ford stated that it, too, participated in and supported the petition of the AAMA. In addition, Ford stated that the definition of ''back door'' in the rule (quoted above) is ambiguous in that passenger sedans equipped with fold-down rear seats could be construed as not having a trunk ''separated from the passenger compartment by a partition'' since there would be no partition when the seats are folded down.

Agency Analysis and Decision

(a) *Clarifying the definition of ''back door.''* NHTSA recognizes that certain models of passenger sedans are equipped with rear seats on which the seatbacks fold down to provide additional cargo space. Thus, to eliminate any possibility that the exclusion of trunk lids from the definition of ''back door'' might be misapplied with respect to vehicles with fold-down rear seats, the agency is clarifying the exclusion by adding a definition of ''trunk lid.''

(b) *Phase-in of requirements.* The petitioners were unanimous in their assertions that an effective date of September 1, 1997 did not provide sufficient lead time to design, test, and produce new latch systems and to accommodate planned business cycles. Accordingly, to provide manufacturers sufficient time to redesign, build, test, and validate latches that may need to be changed to meet the new requirements, petitioners requested a phase-in of the new requirements so that compliance of 60 percent of production is required beginning September 1, 1997 (MY 1998) and 100 percent beginning September 1, 1998 (MY 1999).

NHTSA proposed an effective date of the first September 1 following 2 years after publication of the final rule in the Federal Register. NHTSA believed that a lead time of 2 to 3 years would be needed by manufacturers to make necessary latch design and tooling changes for some of their vehicles. In addition, the agency was aware of the ability of manufacturers to replace certain add-on components with upgraded parts without having to change existing vehicle body structures. Thus, the agency did not believe it likely that a latch upgrade operation would involve significant vehicle sheet metal or body structure changes. NHTSA believed that the lead time provided in the final rule, a period that is 4 weeks short of 2 years, would be adequate.

As noted above, the petitioners reiterated the arguments they made in response to the NPRM that 2 years was insufficient lead time for certifying the compliance of all vehicles. They also alleged that the agency failed to provide even the minimum lead time (2 years) that it had proposed in the NPRM. Further, some petitioners provided confidential information concerning the time necessary to design new latches, build and test prototypes, assure quality and durability, and conduct certification tests. Based on this new information, as

well as other confidential data submitted regarding product plans, NHTSA has concluded that the short phase-in requested by the petitioners would provide manufacturers with the necessary time needed to comply with the new requirements, while minimizing compliance costs. Compared with requiring 100 percent compliance beginning September 1, 1997, as specified in the final rule, adopting the petitioners' request would result in a compliance delay of a maximum of 40 percent of production for a 1-year period. In view of the agency's belief that many back door latch, hinge, and lock assemblies already comply with the new requirements and that many more manufacturers will comply with the new requirements by the original effective date, the agency believes that the actual difference in the implementation delay between the original effective date and the petitioners' requested phase-in of the effective date would be less than 40 percent of total vehicle production. Accordingly, the effective date of the requirements of the final rule will be phased-in to require 60 percent of affected vehicles to comply with the new requirements by September 1, 1997 (MY 1998), and to require all such vehicles manufactured after September 1, 1998 (MY 1999) to comply with the new requirements.

NHTSA is also establishing the usual reporting and recordkeeping requirements necessary for agency enforcement of a phase-in. These requirements are necessary to enable the agency to identify which vehicles are certified to be in compliance with the new back door requirements. In general, each manufacturer must submit a report to NHTSA within 60 days after the end of the production year ending August 31, 1998 detailing its 60 percent compliance with the back door latch, hinge, and lock requirements of its passenger cars and MPVs produced that production year. The information required for each report is also specified. Finally, each manufacturer must maintain records of the vehicle identification numbers of each passenger car and MPV for which information is reported under this standard until December 31, 1999.

(c) *Auxiliary Latch Performance Requirements.* For the first time, ''auxiliary latch'' was defined in the standard as a latch or latches other than the primary latch (which was also defined in the standard for the first time) installed on a door equipped with more than one latch. The final rule specified that the primary latch is required to have both fully latched and secondary latched positions, while auxiliary latches are required to have only a fully latched position.

Although the amendments to the standard specifically address auxiliary latches, they did not require installation of auxiliary latches on back door systems. There is too much variation in the configurations and designs of those door systems for the agency to be able to specify a practicable and broadly-worded requirement for auxiliary latches that would appropriately distinguish between those door systems needing auxiliary latches and those that do not. More importantly, adopting such a requirement is not necessary to ensure that auxiliary latches are provided on multiple door systems since the vehicle manufacturers already do so. The agency believes, however, that if auxiliary latches are installed, there is a need to ensure that they perform properly.

The agency believes that, in the interest of motor vehicle safety, auxiliary latches on back doors must meet the same strength requirements that primary latches must meet in the fully latched position. While primary and auxiliary latches serve a common purpose in holding the door system closed, they are usually in different locations, oriented in different directions, and subjected to different loading conditions in a crash. In a typical double cargo door system, for example, if the auxiliary latch that attaches a door part to the vehicle floor fails in a crash, the door parts would tend to rotate outward, creating a pulling and twisting loading on the primary latch. Since the primary latch is not required to meet such a rotational load requirement, it may not perform well in such a loading condition. In fact, NHTSA data show that in a rotational load test, many production door latches, whether primary or auxiliary, fail at a much lower load level than the load limits specified in S4.1.1.1 and S4.1.1.2 of the standard. If auxiliary latches meet the same strength requirements as primary latches, however, such additional strength would reduce the likelihood of primary latch failure due to the rotational loading of a crash, thereby reducing the risk of unintentional door opening and consequent occupant ejection.

NHTSA does not agree with AAMA's argument that applying strength requirements to auxiliary latches could cause manufacturers to delete auxiliary latches, thus resulting in reductions in door system performance. As AAMA pointed out in its petition, manufacturers add auxiliary latches for purposes related to consumer satisfaction, such as prevention of water leaks, wind noise, squeaks, rattles, and the like. NHTSA believes that vehicle manufacturers will remain responsive to motor vehicle safety and consumer satisfaction, and that the number of latches fitted to a door system will continue to reflect the manufacturer's assessment of the actual safety needs of the system. Further, the technology of door latch design is well established and commonly used throughout the auto industry. Thus, NHTSA is confident that manufacturers will not delete auxiliary latches merely to avoid making some minor modifications to some latch designs, assuming that any are in fact necessary.

For the reasons discussed above, the agency is convinced that in order to reduce the safety risk of inadvertent door openings in crashes and potential occupant ejection as a result of those openings, all door latches, whether primary or auxiliary, must meet the strength requirements of the standard. Accordingly, this request of the petitioners is denied.

(d) *Secondary latching position requirement for hatchbacks.* AAMA suggested that the secondary latching position is not necessary for the back door latches of hatchback cars since such doors are designed solely for loading and unloading cargo. AAMA contended that the secondary latching requirement for such doors serves no safety purpose and provides no benefits to occupants. AAMA further contended that such a requirement will require redesign of the latch release mechanisms since hatch release mechanisms may be key-controlled only. AAMA stated that ergonomics may require the addition of an outside door handle where one does not now exist, thus increasing costs without any commensurate safety benefit.

NHTSA disagrees with AAMA on this issue. The purpose of the secondary latching position requirement is to prevent door opening in the event that the fully latched position fails, for whatever reason, to retain the door in the closed position. Latch disengagement from the fully latched position can occur from many dynamic factors, notably impact or inertia forces generated in a crash. Although the hatches of hatchback cars are typically designed for the loading and unloading of cargo and have no interior door handle that can inadvertently cause the door to open, they are particularly susceptible to opening in crashes. NHTSA pointed out in the final rule that agency data show that hatches on hatchback cars have a significantly

higher opening rate in crashes than back doors in other types of vehicles, making them a major source of occupant ejections. Accordingly, requiring a secondary latching position on these latches is an added element of security in preventing door opening and consequent occupant ejection in crashes.

The agency also does not agree that requiring a secondary latching position for latches on hatchbacks will necessitate extensive redesign of those latches. The agency believes that key-controlled latches can be designed to have secondary latching positions, with perhaps only very minor modifications. Further, the agency continues to believe that a large variety of such latches, whether key-controlled or otherwise, already comply with the requirements of the standard. The agency pointed out in the final rule that the production cost of a latch is nearly the same with or without the secondary latching position, and that the incremental cost for latch improvement, if needed, is not more than $1.00 per latch. The final rule referred to a 1994 engineering evaluation of the back door latches of 8 minivans conducted by the agency in which it was found that 7 of those vehicles already had 2 latching positions on their back door latches. The agency also considers it likely that many existing side or back door latch systems that now comply with the standard can be used for hatch doors. Accordingly, this request in the AAMA petition for reconsideration is denied.

Rulemaking Analyses and Notices

(a) *Executive Order No. 12866 and DOT Regulatory Policies and Procedures.*

This rulemaking document was not reviewed under E.O. 12866, *Regulatory Planning and Review*. NHTSA has considered the impact of this rulemaking action under the DOT's regulatory policies and procedures and has determined that it is not ''significant'' within the meaning of those policies and procedures.

The amendments promulgated by this document are intended to clarify the applicability of Standard No. 206 in terms of what latches, hinges and locks are not covered by the requirements of the standard (trunk lids), and to permit a phase-in of the effective date of the amendments to the standard published in the final rule of September 28, 1995 (60 FR 50124). The cost impacts of the amendments to the standard were analyzed at length in the 1995 final rule and determined to be so minor as not to require a final regulatory evaluation. The petitioners submitted no data or information showing any cost impacts not considered in the 1995 final rule. Further, slight delay in the implementation of the 1995 final rule does not alter the agency's conclusions about the rule's cost impacts. Accordingly, NHTSA reaffirms the cost estimates discussed in the 1995 final rule and has not prepared a full regulatory evaluation for this response to the petitions for reconsideration.

(b) *Regulatory Flexibility Act.*

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act. For the reasons explained above, I hereby certify that the amendments promulgated by this rule will not have a significant impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared.

(c) *Executive Order 12612 (Federalism).*

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

(d) *National Environmental Policy Act.*

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act and has determined that implementation of this rulemaking action will not have any significant impact on the quality of the human environment.

(e) *Paperwork Reduction Act.*

The reporting requirements associated with this rule will be submitted to the Office of Management and Budget for approval in accordance with Chapter 35 of Title 44, United States Code, prior to the effective date of such reporting requirements. *Administration:* National Highway Traffic Safety Administration; *Title:* Back Door Latch, Hinge, and Lock Phase- in Reporting Requirements; *Need for Information:* To report manufacturers' production for the first year of the phase-in period; *Proposed Use of Information:* To determine compliance with 'phase-in requirements; *Frequency:* One report; *Burden Estimate:* 1,260 hours; *Respondents:* 35; *Forms*(s): Written reports; *Average Burden Hours Per Respondent:* 24.

(f) *Executive Order 12778 (Civil Justice Reform).*

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state or political subdivision thereof may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle only if such standard is identical to the Federal standard. A state may, however, prescribe a standard for a motor vehicle or item of equipment obtained for its own use that imposes a higher performance requirement than the Federal standard. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. A petition for reconsideration or other administrative proceeding is not required before parties may file suit in court.

List of Subjects

49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

49 CFR Part 590

Reporting and recordkeeping requirements.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

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

2. Section 571.206 is amended in S.3 by revising the definition of ''back door'' first published at 60 FR 50124, September 28, 1995, to become effective September 1, 1997; by adding the definition of ''trunk lid;'' and by revising S4 to read as follows:

§ 571.206 Standard No. 206, Door locks and door retention components.

* * * * *

S3. * * *

Back door means a door or door system on the back end of a motor vehicle through which passengers can enter or depart the vehicle, or cargo can be loaded or unloaded; but does not include:

(a) A trunk lid; or

(b) A door or window that is composed entirely of glazing material and whose latches and/or hinges are attached directly to the glazing material.

* * * * *

Trunk lid means a movable body panel that provides access from outside the vehicle to a space wholly partitioned from the occupant compartment by a permanently attached partition or a fixed or fold-down seat back.

* * * * *

S4. *Requirements.*

(a) *Components on side doors.* Components on any side door that leads directly into a compartment that contains one or more seating accommodations shall conform to this standard.

(b) *Components on back doors.* Components on any back door of a passenger car or multipurpose passenger vehicle with a gross vehicle weight rating (GVWR) of 4,536 kilograms (10,000 pounds) or less that leads directly into a compartment that contains one or more seating accommodations shall conform to this standard, subject to the following compliance schedule:

(1)(i) For those affected passenger cars and multipurpose passenger vehicles manufactured on or after September 1, 1997, and before September 1, 1998, the amount of such vehicles complying with this standard shall be not less than 60 percent of the combined total production of passenger cars and multipurpose passenger vehicles, based on:

(A) The manufacturer's average annual production of such vehicles manufactured on or after September 1, 1996 and before September 1, 1998; or

(B) The manufacturer's production of such vehicles on or after September 1, 1997 and before September 1, 1998.

(ii) For calculating average annual production of affected passenger cars and multipurpose passenger vehicles for each manufacturer and the number of such vehicles manufactured by each manufacturer, a vehicle produced by more than one manufacturer shall be attributed to a single manufacturer as follows:

(A) A vehicle that is imported shall be attributed to the importer;

(B) A vehicle manufactured in the United States by more than one manufacturer, one of which also markets the vehicle, shall be attributed to the manufacturer that markets the vehicle.

(C) A vehicle produced by more than one manufacturer shall be attributed to any one of the vehicle's manufacturers specified by an express written contract between the manufacturer so specified and the manufacturer to which the vehicle would otherwise be attributed under paragraph (b)(1)(ii) (A) or (B) of this section.

(2) Components on the back doors of affected passenger cars and multipurpose passenger vehicles manufactured on and after September 1, 1998 shall conform to all applicable requirements of this standard.

(c) Components on folding doors, roll-up doors, doors that are designed to be easily attached to or detached from motor vehicles manufactured for operation without doors, and doors that are equipped with wheelchair lifts and that are linked to an alarm system consisting of either a flashing visible signal located in the driver's compartment or an alarm audible to the driver that is activated when the door is open, need not conform to this standard.

(d) A particular latch or hinge assembly utilized as a test specimen need not meet further requirements after having been subjected to and having met any one of the requirements of S4 or S5.1 through S5.4.

* * * * *

1. Part 590 is added to read as follows:

PART 590—BACK DOOR LATCH, HINGE, AND LOCK PHASE-IN REPORTING REQUIREMENTS

Sec.
590.1 Scope.
590.2 Purpose.
590.3 Applicability.
590.4 Definitions.
590.5 Response to inquiries.
590.6 Reporting Requirements.
590.7 Records.
590.8 Petition to extend period to file report.

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

§ 590.1 Scope.

This part establishes requirements for manufacturers of passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less to respond to NHTSA inquiries, to submit reports, and maintain records related to such reports, concerning the number of such vehicles that meet the back door latch, hinge, and lock requirements of Standard No. 206, *Door locks and door retention components* (49 CFR 571.206).

§ 590.2 Purpose.

The purpose of these reporting requirements is to aid the NHTSA in determining whether a manufacturer of passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less has complied with the back door latch, hinge, and lock requirements of Standard No. 206.

§ 590.3 Applicability.

This part applies to manufacturers of passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less. However, this part does not apply to those motor vehicles excluded from the requirements of Standard No. 206.

§ 590.4 Definitions.

(a) All terms defined in 49 U.S.C. 30102 are used in their statutory meanings.

(b) Gross vehicle weight rating, multipurpose passenger vehicle, and passenger car are used as defined in § 571.3 of this chapter.

(c) *Production year* means the 12-month period between September 1 of one year and August 31 of the following year, inclusive.

§ 590.5 Response to inquiries.

During the production year ending August 31, 1998, each manufacturer shall, upon request from the Office of Vehicle Safety Compliance, this agency, provide information regarding which vehicle makes/models are certified as complying with the provisions of S4 and S5, Standard No. 206.

§ 590.6 Reporting requirements.

(a) *General reporting requirements.* Within 60 days after the end of the production year ending August 31, 1998, each manufacturer shall submit a report to NHTSA concerning the manufacturer's compliance with the latch, hinge, and lock requirements of this standard for the back doors of its passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds or less) produced in that year. Each report shall:

(1) Identify the manufacturer;

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

(3) Identify the production year being reported on;

(4) Contain a statement regarding whether or not the manufacturer complied with the back door latch, hinge, and lock requirements of this standard in the percentages specified in S4 for the period covered by the report and the basis for that statement;

(5) Provide the information specified in § 590.7;

(6) Be written in the English language; and

(7) Be submitted to: Administrator, National Highway Traffic Safety Administration, ATTN: NSA–01, 400 Seventh Street, SW., Washington, DC 20590.

(b) *Report content.*—(1) *Basis for phase-in production goals.* Each manufacturer shall provide the number of passenger cars and multipurpose passenger vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less manufactured for sale in the United States for each of the two previous production years or, at the manufacturer's option, for the current

production year. A new manufacturer that has not previously manufactured passenger cars and multipurpose passenger vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less for sale in the United States must report the number of such vehicles manufactured during the current production year.

(2) *Production*. Each manufacturer shall report for the production year for which the report is filed the number of passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less that meet the back door latch, hinge, and lock requirements of this standard.

§ 590.7 Records.

Each manufacturer shall maintain records of the vehicle identification number of each passenger car and multipurpose passenger vehicle for which information is reported in accordance with § 590.6 until December 31, 1999.

§ 590.8 Petition to extend period to file reports.

A petition for extension of time to file a report required by S6.1 must be received not later than 15 days before expiration of the time specified in § 590.5(a). The petition must be submitted to: Administrator, National Highway Traffic Safety Administration, ATTN: NSA–01, 400 Seventh Street, SW., Washington, DC 20590. The filing of a petition does not automatically extend the time for filing a report. A petition will be granted only if the petitioner shows good cause for the extension and the extension is consistent with motor vehicle safety.

Issued on July 23, 1996.

Ricardo Martinez,

Administrator.

[FR Doc. 96–19354 Filed 7–30–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 960216032–6197–06; I.D. 052196A]

RIN 0648–AH70

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Amendment 7; Open Access Nonregulated Multispecies Permit

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement a measure that was disapproved in the preliminary evaluation of Amendment 7 to the Northeast Multispecies Fishery Management Plan (FMP) and has been revised and resubmitted by the New England Fishery Management Council (Council). This revision recreates and renames the possession limit permit under Amendment 5 to the FMP and allows certain fisheries to continue under this permit category that would otherwise be prohibited by Amendment 7. The intended effect of this action is to continue to allow fishing for nonregulated multispecies (silver hake, red hake and ocean pout) by vessels that do not qualify for a limited access multispecies permit.

EFFECTIVE DATE: July 31, 1996.

ADDRESSES: Copies of Amendment 7, its regulatory impact review (RIR) and the initial regulatory flexibility analysis contained within the RIR, the Final Supplemental Environmental Impact Statement, and copies of the resubmitted measure and its supporting documents, are available from Douglas Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (US Rte. 1), Saugus, MA 01906–1097.

FOR FURTHER INFORMATION CONTACT: Peter W. Christopher, Fishery Management Specialist, 508–281–9288.

SUPPLEMENTARY INFORMATION: The Council submitted Amendment 7 to the FMP on February 5, 1996. After a preliminary evaluation, three measures in the amendment were disapproved on February 14, 1996, including the establishment of a limited access category for qualified vessels that fished in the open access possession limit category under Amendment 5. The remainder of Amendment 7, including the other two previously disapproved measures, were resubmitted to NMFS and implemented, pursuant to the Magnuson Fishery Conservation and Management Act (Magnuson Act), by a final rule published on May 31, 1996 (61 FR 27710).

Pursuant to section 304(b)(3)(A) of the Magnuson Act, the Council resubmitted the measure that would implement a possession limit permit category by revising it to allow any vessel of the United States to obtain the permit and fish for and possess nonregulated multispecies, defined to be silver hake, red hake, and ocean pout.

Details of the resubmission are described in the proposed rule, published on June 13, 1996 (61 FR 30029), and will not be repeated here.

This final rule implements an open access permit category that is now named the ''open access nonregulated multispecies permit.'' The new permit category allows fishing for nonregulated multispecies by vessels that do not qualify for a limited access multispecies permit and eliminates any inequity or administrative burden associated with the need to qualify for a limited access permit.

Comments and Responses

Written comments were submitted by two individuals. While both individuals opposed the elimination of the Amendment 5 possession limit permit category and/or the 500–lb (226.8–kg) allowance of regulated species associated with this permit, they did support the implementation of a nonregulated multispecies permit category.

Comment: Two individuals supported the implementation of a nonregulated multispecies permit that would allow them to fish for, possess, and land nonregulated multispecies on their vessels. One individual requested immediate implementation of this rule, or an extension of the possession limit permit, to prevent fish from being discarded. Both individuals opposed elimination of the 500–lb (226.8–kg) possession limit allowance of regulated species.

Response: This rule implements the nonregulated multispecies permit that will allow these types of fishing operations to continue. In order to implement this rule, NMFS must follow regulated rulemaking procedures, including prior notice and an opportunity for public comment. For this reason, the implementation of this resubmitted measure could not have been implemented with the remainder of Amendment 7. Further, the possession limit permit could not have been extended because of its explicit elimination under Amendment 7. However, to relieve a restriction, the required 30-day delayed effectiveness period has been waived and the new permit category is effective with today's publication in the Federal Register.

The 500–lb (226.8–kg) regulated species possession allowance was eliminated by the rule implementing Amendment 7. The control date for entry into the multispecies fishery was February 21, 1991, at which time the public was put on notice that future entry into the fishery could be limited and that those investing in the fishery