D. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 3, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: November 14, 1996.

Dennis Grams,

Regional Administrator.

Part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401—7671q.

Subpart B—Nebraska

2. Section 81.328 is amended by revising the lead table to read as follows:

§ 81.328 Nebraska.

* * * * *

NEBRASKA—LEAD

Designated area	Designation		Classification	
	Date	Type	Date	Type
Douglas County (part): Portion of city of Omaha bounded by: Jones Street on the south, Eleventh Street on the west, Avenue H and the Nebraska-Iowa border on the north, and the Missouri River on the east. Rest of State Not Designated	1/6/92	Nonattainment		

* * * * *

[FR Doc. 96–30471 Filed 12–3–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 367

RIN 2125–AD92

Single State Insurance Registration; Receipt Rule

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; continued suspension of effectiveness.

SUMMARY: This document continues the suspension of the effectiveness of the final rule concerning a receipt provision of Single State Insurance Registration which was published at 60 FR 30011 on June 7, 1995. The rule had directed the Base States to make copies of their issued receipts which indicate that a motor carrier has filed the required proof of insurance and has paid the required fees. Affected parties then requested the Interstate Commerce Commission (ICC) to suspend the effectiveness of the final rule and to reinstate the earlier rule allowing the motor carriers to make the copies instead of the Base States. This request was granted. This action continues the extension of the current temporary receipt rule which was reinstated at 60 FR 39874 on August 4, 1995, until the DOT adopts a final rule implementing a new motor carrier registration system.

EFFECTIVE DATE: Effective December 4, 1996, § 367.5, as revised at 60 FR 30011, June 7, 1995, and suspended at 60 FR 39875, August 4, 1995, is further suspended until January 1, 1998. Section 367.5, which was reinstated at 60 FR 39875, August 4, 1995, continues in effect December 4, 1996, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Dixie E. Horton, Office of Motor Carrier Planning and Customer Liaison, (202) 366–4340, or Ms. Grace Reidy, Office of Chief Counsel, (202) 366–0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Since the Motor Carrier Act of 1935, Pub. L. 74-255, 49 Stat. 543, Congress has permitted the States to police unauthorized operations by interstate for-hire motor carriers. In 1965, Congress allowed the States to enforce this activity through a multi-filing system of operating authority registration, the so-called ''bingo stamp'' program. See Pub. L. 89–170, 79 Stat. 648. This program, (formerly 49 U.S.C. 11506, now section 14504), was administered at 49 CFR part 1023. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)(Pub. L. 102–240, 105 Stat. 1914) created the Single State Registration System (SSRS) to replace the ''bingo stamp'' program. Section 4005 of the ISTEA significantly amended 49 U.S.C. 11506 in creating the SSRS. Under the SSRS, a carrier: (a) Files proof of insurance with a single ''registration''(or Base) State; (b) pays the Base State fees that are subject to allocation among all States in which the carrier operates and which participate in the system; and (c) keeps, in each of its commercial vehicles, a copy of the receipt issued by the Base State.

The ISTEA directed the ICC to issue implementing rules under which the SSRS would operate. In a decision in Ex Parte No. MC–100 (Sub-No. 6), *Single State Insurance Registration,* 9 I.C.C.2d 610 (1993), notice published at 58 FR 28932 on May 18, 1993, the ICC adopted final regulations that replaced the ''bingo stamp'' program regulations. These new SSRS regulations were challenged and upheld in court, with one exception concerning who makes the official copies of the Base State-issued receipt. *Nat'l Ass'n of Regulatory Util. Comm'rs* v. *ICC,* 41 F.3d 721 (D.C. Cir. 1994). The court ruled that the States, rather than the motor carriers, should make the copies of the Base State-issued receipt that must be kept in each vehicle. The court remanded this particular rule to the ICC for consideration. In a decision served June 6, 1995, notice published at 60 FR 30011 on June 7, 1995, the ICC adopted a revised final rule requiring the States to issue the official copies of the receipts, effective July 7, 1995.

By a petition filed July 11, 1995, the National Conference of State Transportation Specialists (NCSTS)

requested that the ICC postpone the effectiveness of this revised receipt rule for one year. The American Trucking Associations (ATA) and the American Insurance Association filed letters supporting the petition. The NCSTS indicated that it was working with the motor carrier and insurance industries and the DOT to create a new insurance program. The ICC agreed to maintain the *status quo* while interested parties consider alternatives to the SSRS, suspended the effectiveness of the revised final rule, and reinstated the receipt rule that previously was in effect. Ex Parte No. MC–100 (Sub-No. 6), *Single State Insurance Registration,* served July 31, 1995, and notice published at 60 FR 39874 on August 4, 1995. The reinstated, temporary receipt rule is found at 49 CFR 367.5 and would have remained in effect until December 31, 1996. Carriers continue to make the copies of the Base State-issued receipt to be kept in each vehicle.

Subsequent to this ICC action, Congress passed the ICC Termination Act of 1995 (ICCTA) Pub. L. 104–88, 109 Stat. 803, 888, which eliminated the ICC and transferred the SSRS, in 49 U.S.C. 14504, to the DOT, under standards maintained by the Secretary of Transportation. Congress did not specify in the ICCTA who should make the copies of the receipts; rather, it reiterated that a copy must be retained in each of a carrier's commercial vehicles. Section 204 of the ICCTA preserves the existing ICC SSRS rules at 49 CFR part 367 until the Secretary modifies them, if necessary. In a Federal Register notice (61 FR 14372, April 1, 1996), the FHWA stated, generally, that all of the ICC's existing rules and regulations are to remain in effect until further action is taken. The particular SSRS regulations now in effect in 49 CFR part 367 fall under that notice and will remain in effect until further action is taken. The FHWA anticipates that these rules will govern the operations of the SSRS until further notice.

Section 13908 of title 49, U.S.C., under section 103 of the ICCTA directs the Secretary, in a rulemaking to be completed by December 31, 1997, to replace four existing motor carrier registration/information systems with a single replacement system. One of the four systems to be replaced is the SSRS, provided certain conditions are met. Therefore, it is possible that the current SSRS will be altered or eliminated in that rulemaking. The FHWA issued an advance notice of proposed rulemaking (ANPRM) seeking comments from the States, representatives of the motor carrier and insurance industries, and the public on the single, replacement system (61 FR 43816, August 26, 1996). Interested parties may file comments on alternatives to the SSRS in relation to that ANPRM.

On April 22, 1996, the ATA filed a request with the FHWA that the former ICC order, suspending the effectiveness of its June 6, 1995 decision and reinstating the earlier rule, be extended until the Secretary has issued new regulations in the section 13908 rulemaking, which may potentially replace the SSRS in its entirety. The ATA argues that without the extension motor carriers and States would otherwise have to develop expensive and cumbersome systems that may be in effect for only one year. It asserts that the States will not be harmed by the extension of the suspension which will continue the current, smooth operations of SSRS. On April 26, 1996, the North Dakota Department of Transportation wrote in support of the ATA's request. On May 8, 1996, the NCSTS also wrote in support of the extension of the suspension of the ICC's July 7, 1995, receipt rule. The NCSTS states that it is not worthwhile to make significant changes in the SSRS program that may last only for one or two registration years. These requests seek to continue the reinstated, temporary rule allowing motor carriers to make the copies of the Base State-issued receipts, instead of the States, until the future of the SSRS program is resolved.

Given the likely transitory nature of the SSRS, the support of the major parties affected by the rule, and the lack of specific congressional direction to the contrary, the FHWA has decided to continue the suspension of the effectiveness of the revised final rule and keep in effect the reinstated, temporary receipt rule at 49 CFR 367.5, Registration Receipts. This suspension of effectiveness will continue until the future of SSRS is resolved in the pending rulemaking, which has a December 31, 1997, deadline for completion. The petitioning parties have submitted adequate justification for their requests. Because it is unclear whether the SSRS will continue in existence beyond the next year, preserving the *status quo* will prevent unnecessary disruptions in the day-to-day operations of the SSRS. The interested parties will have ample opportunity to comment on the future of the SSRS in the section 13908 rulemaking. This action will also alert the SSRS States so that they will avoid incurring substantial, unnecessary copying expenses for the next registration year. While there is no evidence of any pattern of abuse, the SSRS rules do provide for penalties if violations of the rules should occur, 49 CFR 367.7.

Regulatory Analyses and Notices

The FHWA finds that prior notice and opportunity for comment are unnecessary and contrary to the public interest under 5 U.S.C. 553 (b)(3)(B) because the issue of who should make the copies of Base State-issued SSRS receipts has already been the subject of a notice-and-comment rulemaking in a May 11, 1992, advance notice of proposed rulemaking (57 FR 20072), a January 25, 1993, notice of proposed rulemaking (58 FR 5951), a May 18, 1993, notice of final rulemaking (58 FR 28932), and a June 7, 1995, notice of revised final rulemaking (60 FR 30011). In addition, this final rule simply extends the effective date of the existing temporary rule in order to ensure the smooth operation of the SSRS for the next year, after which it may not even be in existence, and prevents SSRS States from incurring substantial, unnecessary copying and transition-related expenses. Finally, the FHWA believes that further notice and opportunity for comment are not required under the regulatory policies and procedures of the DOT. In light of the earlier opportunities to comment on this subject, the FHWA does not anticipate that providing an additional comment period on this action would result in the receipt of useful information.

The FHWA also believes that good cause exists to dispense with the 30-day delayed effective date requirement of 5 U.S.C. 553(d) due to the nature of this rulemaking. This final rule preserves the *status quo* until the 13908 rulemaking is completed and the future of the SSRS is determined. Continuing the effectiveness of the reinstated, temporary rule also relieves the motor carrier industry of the requirement and expense of converting to a new and more burdensome process for copying receipts for only a brief period.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is neither a significant regulatory action under Executive Order 12866 nor significant under the Department of Transportation's regulatory policies and procedures. In this action, the FHWA continues the suspension of the effectiveness of a final rule, and thereby, continues the effectiveness of the reinstated, temporary rule now in place for nearly one year. It is anticipated that the economic impact of this action will not be substantial because the *status*

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

Regulatory Flexibility Act

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

Executive Order 12612 (Federalism Assessment)

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

Executive Order 12372 (Intergovernmental Review)

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

Paperwork Reduction Act

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

National Environmental Policy Act

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

Regulatory Identification Number

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

List of Subjects in 49 CFR Part 367

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

Issued on: November 25, 1996.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 96–30835 Filed 12–3–96; 8:45 am]

BILLING CODE 4910–22–P

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–14; Notice 105]

RIN 2127–AG14

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

ACTION: Final Rule, correcting amendment.

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

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

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

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

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

SUPPLEMENTARY INFORMATION: On November 27, 1996, NHTSA published a final rule amending 49 CFR 571.208 to require vehicles with air bags to have three new warning labels (61 FR 60206). One of these labels, a sun visor label, includes two warnings concerning the adverse effects of passenger-side air bags for infants and children. The warnings are ''Children 12 and under can be killed by the air bag'' and ''Never put a rear-facing child seat in the front.'' These warnings are not necessary for vehicles that do not have passenger-side air bags. In addition, both sun visor labels include a pictogram that depicts a passenger-side air bag striking a rear-facing child seat. Again, this pictogram would be confusing in a vehicle that does not have a passenger-side air bag.

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

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

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

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

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