

B. Notice-and-Comment Under the Administrative Procedures Act (APA)

This document is a final agency action, but may not be subject to the notice-and-comment requirements of the APA, 5 U.S.C. 553(b). EPA believes that because of the limited time provided to make a determination that the deadline for action on the section 126 petitions should be extended, Congress may not have intended such a determination to be subject to notice-and-comment rulemaking. However, to the extent that this determination is subject to notice-and-comment rulemaking, EPA invokes the good cause exception pursuant to the APA, 5 U.S.C. 553(b)(3)(B). Providing notice and comment would be impracticable because of the limited time provided for making this determination, and would be contrary to the public interest because it would divert agency resources from the critical substantive review of the section 126 petitions.

C. Effective Date Under the APA

Today's action will be effective on December 15, 1997. Under the APA, 5 U.S.C. 553(d)(3), agency rulemaking may take effect before 30 days after the date of publication in the **Federal Register** if the agency has good cause to mandate an earlier effective date. Today's action—a deadline extension—must take effect immediately because its purpose is to move back by a three-day period the December 15, 1997 deadline for the section 126 petitions. Moreover, EPA intends to use immediately the new extension period to continue to develop an appropriate schedule for ultimate action on the section 126 petitions, and to continue to develop the technical analysis needed to develop the notice of proposed rulemaking. These reasons support an effective date prior to 30 days after the date of publication.

D. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

E. Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector or to State, local, or tribal governments in the aggregate. In addition, before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, EPA must have developed a small government agency plan. EPA

has determined that these requirements do not apply to today's action because this rulemaking (i) is not a Federal mandate—rather, it simply extends the date for EPA action on a rulemaking; and (ii) contains no regulatory requirements that might significantly or uniquely affect small governments.

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 600 *et seq.*, EPA must propose a regulatory flexibility analysis assessing the impact on small entities of any rule subject to the notice-and-comment rulemaking requirements. Because this action is exempt from such requirements, as described above, it is not subject to RFA.

G. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), EPA submitted, by the date of publication of this rule, a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Paperwork Reduction Act

This rule does not contain any information collection requirements which require OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

I. Judicial Review

Under CAA section 307(b)(1), a petition to review today's action may be filed in the Court of Appeals for the District of Columbia within 60 days of January 2, 1998.

Dated: December 15, 1997.

Carol M. Browner,

Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-97-3145]

RIN No. 2127-AB85

Federal Motor Vehicle Safety Standards; Head Impact Protection

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

SUMMARY: On April 8, 1997, (62 FR 16718) NHTSA published a final rule amending Standard No. 201, "Occupant Protection in Interior Impact," to include another phase-in option, allow manufacturers to carry forward credits for vehicles certified to the free-motion headform impact requirements prior to the beginning of the phase-in period, exclude buses with a GVWR of more than 3,860 kilograms (8,500 pounds), specify that all attachments to the vehicle upper interior components are to remain in place during compliance testing, and make other changes to the test procedure to clarify some areas of confusion. This document corrects minor errors in S2 and S8.12(a)(1) of Standard No. 201 (49 CFR 571.201).

DATES: The amendments are effective on January 2, 1998.

FOR FURTHER INFORMATION CONTACT: The following persons at the NHTSA, 400 Seventh Street, SW, Washington, DC 20590.

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SUPPLEMENTARY INFORMATION:

I. Background

Federal Motor Vehicle Safety Standard No. 201 "Occupant Protection in Interior Impact," is intended to reduce deaths and injuries resulting from occupant impacts with vehicle interiors. On April 8, 1997, NHTSA published a final rule (62 FR 16718) amending Standard No. 201 to (1) include another phase-in option, (2) allow manufacturers to carry forward credits for vehicles certified to the free-motion headform impact requirements prior to the beginning of the phase-in

period, (3) exclude buses with a GVWR of more than 3,860 kilograms (8,500 pounds), (4) specify that all attachments to the vehicle upper interior components are to remain in place during compliance testing, and (5) make other changes to the test procedure to clarify some areas of confusion. This rule corrects minor errors in the previous final rule.

Since the publication of the April 1997 final rule, NHTSA received two petitions for reconsideration from: (1) The American Automobile Manufacturers Association (AAMA) and (2) ASC, Incorporated. NHTSA will respond to those petitions through a notice to be published in the **Federal Register** later this year.

II. Summary of the Corrections

NHTSA has discovered a few discrepancies between the preamble and the regulatory text of the April 1997 final rule that require corrections. NHTSA is making those corrections through this notice.

The corrections are not substantive. The first correction is in the wording of 49 CFR 571.201, S2. "Application" to make the section to be consistent with the statement in the preamble of the final rule. It is clearly stated in the preamble that requirements of S6 do not apply to buses with a GVWR of more than 3,860 kilograms (8,500 pounds). The regulatory text incorrectly indicates, however, that the requirements of S6 do not apply to buses with a GVWR of 3,860 kilograms (8,500 pounds) or less. As indicated by the preamble, NHTSA intended that buses with a GVWR greater than 3,860 kilograms (8,500 pounds) be excluded

from the requirements of S6. The second correction amends 49 CFR 571.201, S8.12(a)(1) to clarify the location of the rearmost head center of gravity for the front outboard seating position (CG-F2) and make the regulatory text consistent with the definition of the seating reference point. As published, S8.12(a)(1) called for locating the head center of gravity with the seat in its rearmost adjustment position. NHTSA notes that a seat may be capable of adjustment to positions both forward and rearward of the normal design positions used for driving or riding. The agency did not intend that an extreme rearward adjustment, which is outside the range of adjustment for normal use by drivers or passengers, be used for locating the head center of gravity. Accordingly, S8.12(a)(1) is being corrected so that location of the head center of gravity may be based on the seat being adjusted to its rearmost normal design position.

As stated above, these amendments are effective upon publication of this notice. These amendments are merely technical corrections of the final rule that was published on April 8, 1997. They impose no new substantive requirements. Therefore, NHTSA finds for good cause that any notice of proposed rulemaking and opportunity for comment on these amendments are not necessary. Because of the non-substantive nature of the amendments, NHTSA also finds for good cause that making the rule effective upon publication is in the public interest.

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Motor vehicles.

Accordingly, 49 CFR Part 571 is corrected by making the following correcting amendments:

PART 571—[AMENDED]

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. S2 and S8.12(a)(1) of 49 CFR 571.201 are corrected to read as follows:

§ 571.201 Standard No. 201; Occupant protection in interior impact.

* * * * *

S2. *Application.* This standard applies to passenger cars and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kilograms or less, except that the requirements of S6 do not apply to buses with a GVWR of more than 3,860 kilograms.

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S8.12 * * *

(a) * * *

(1) *Location of rearmost CG-F (CG-F2).* For front outboard designated seating positions, the head center of gravity with the seat in its rearmost normal design driving or riding position (CG-F2) is located 160 mm rearward and 660 mm upward from the seating reference point.

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Issued on December 4, 1997.

Ricardo Martinez,
Administrator.

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