

sand applied, and includes recommendations for increasing the effectiveness of street cleaning operations.

3. Section 52.332 is amended by adding paragraph (f) to read as follows:

§ 52.332 Moderate PM₁₀ Nonattainment Area Plans.

(f) On March 30, 1995, and November 17, 1995, the Governor of Colorado submitted the moderate PM₁₀ nonattainment area plan for the Denver area. The March 30, 1995 submittal was made to satisfy those moderate PM₁₀ nonattainment area SIP requirements due for the Denver PM₁₀ nonattainment area on November 15, 1991. The November 17, 1995 submittal was also made to satisfy the PM₁₀ contingency measure requirements which were due for Denver on November 15, 1993.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-14; Notice 116]

RIN 2127-AG14

Federal Motor Vehicle Safety Standards; Occupant Crash Protection Child Restraint Systems

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

ACTION: Interim final rule; request for comments.

SUMMARY: This document amends Standard No. 213, "Child Restraint Systems," to modify the air bag warning label which rear-facing child seats are required to bear beginning May 27, 1997. This document responds to a request from Mercedes-Benz, asking that the standard allow for additional wording in the required text of the label. NHTSA by this document makes final on an interim basis the amendment requested by Mercedes, which would clarify the warning and which would not lessen the safety of child restraints. The agency also solicits comments on this amendment. Because this amendment will clarify the required warning label and will relieve a restriction currently imposed by the standard, NHTSA has determined that it is in the public interest to make the changes effective immediately on an interim basis. Assuming that a final rule

is issued, the final rule would respond to any comments and would be effective upon publication in the **Federal Register**.

DATES: Effective April 11, 1997. Comments must be received by June 2, 1997.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FURTHER INFORMATION CONTACT:

For nonlegal issues: Mary Versailles, Office of Safety Performance Standards, NPS-31, telephone (202) 366-2057.

For legal issues: Deirdre Fujita, Office of the Chief Counsel, NCC-20, telephone (202) 366-2992.

Both can be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

SUPPLEMENTARY INFORMATION: This document amends Standard No. 213, "Child Restraint Systems," on an interim basis to modify the air bag warning label which rear-facing child seats are required to bear beginning May 27, 1997. This document also solicits comments on this amendment. The requirement for the label was adopted by a November 27, 1996 final rule (61 FR 60206),¹ which also adopted new warning label requirements for vehicles with air bags. The labels will help reduce the adverse effects of air bags, especially for children, by increasing the number of people who place child restraints in the rear seat instead of the front.

The requirement for the enhanced child seat label is set forth in S5.5.2(k) of Standard 213. The requirement specifies, among other things, the exact content of the message that must be provided by the label. The message of the label must be preceded by a heading ("WARNING"), with an alert symbol, and state the following:

DO NOT place rear-facing child seat on front seat with air bag.

DEATH OR SERIOUS INJURY can occur.

The back seat is the safest place for children 12 and under. Also required for the label is a pictogram showing a rear-facing child seat being impacted by an air bag, surrounded by a red circle with

a slash across it. Flexibility as to the content of the label is not provided; thus, additional wording is not permitted.

On April 2, 1997, Mercedes asked NHTSA to amend the warning label for child restraints that meet certain criteria. Mercedes has developed a rear-facing child restraint system that has a device that automatically cuts off the passenger-side air bag in vehicles designed to respond to such a device. Mercedes intends to market this child restraint initially to customers purchasing vehicles without rear seats, and that are equipped with the cutoff feature. The cutoff feature makes it possible to safely use a child restraint system on the front seat of these vehicles without subjecting the child to risk of injury from an air bag deployment. While NHTSA recommends that any child be in the rear seat of a vehicle equipped with one, if Mercedes later installs the cutoff feature in vehicles with rear seat, the cutoff feature will avoid the risk of injury from an air bag deployment if a rear-facing child seat is used on the front seat. Mercedes believes that the first statement ("DO NOT place rear-facing child seat on front seat with air bag") is inappropriate for child restraints with a feature to turn off the air bag. It could also be potentially confusing to owners of these vehicles who have such a child restraint, when they have been instructed that the child restraint will automatically deactivate the air bag and thus can be used on the front seat. The amendment requested by Mercedes would amend the sentence stating "DO NOT place rear-facing child seat on front seat with air bag" by adding the phrase "unless air bag is off."

The statements on the air bag warning label were designed to improve the likelihood that people will read the label, understand its message, and place child restraint systems in the rear seat. The required phrase "DO NOT place rear-facing child seat on front seat with air bag" is incomplete and possibly confusing for child restraint systems, such as the Mercedes system, that automatically deactivate the air bag in vehicles, since those child restraints are intended for use on and marketed as appropriate for front seat positions on vehicles equipped with complimentary air bag cutoff devices. Adding the phrase "unless air bag is off" at the end of the statement clarifies the message and tailors it more appropriately for a system such as the one offered by Mercedes. Moreover, NHTSA already permits vehicles that have manual cutoff switches for the passenger-side

¹ Corrected December 4, 1996 (61 FR 64297), December 11, 1996 (61 FR 65187), and January 2, 1997 (62 FR 31).

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air bag to add the phrase "unless air bag is off" to the end of a warning about never placing a rear-facing child restraint in the front seat. (S4.5.1(b)(2) of Standard No. 208, as amended November 11, 1996.) Since NHTSA can see no diminution of safety resulting from this change, the agency tentatively amends the standard to accommodate Mercedes' request.

The following restrictions would be placed on the ability to add the words. The phrase "unless air bag is off" may be added to a label on a child restraint, provided that the restraint is equipped with a device that—

- (a) automatically deactivates the passenger-side air bag; and
- (b) activates a telltale light in the vehicle that complies with S4.5.4.3 of Standard 208.

NHTSA believes these conditions are needed to ensure that a rear-facing child restraint will be safely used on a passenger seat with an air bag. These conditions reduce the likelihood that a child restraint would be used with an active air bag.

Because this amendment clarifies a requirement and avoids possible confusion resulting from the required labeling, NHTSA finds for good cause that an immediate amendment of the requirement is in the public interest.

Submission of Comments

Interested persons are invited to submit comments on this rule. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the notice will be considered, and will be available for examination in the docket

at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the notice will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Regulatory Analyses and Notices

A. 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 "nonsignificant" under the Department of Transportation's regulatory policies and procedures. The amendments pertain to optional label changes that are minor in nature. The agency concludes that the impacts of the amendments are so minimal that a full regulatory evaluation is not required.

B. Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this rule does not have a significant economic impact on a substantial number of small entities. The rule will not impose any new requirements or costs on manufacturers, but instead will permit a manufacturer to use an optional label on its child restraint if conditions on the use of the label are met. Further, since no price increases are associated with the rule, small organizations and small governmental units are not be affected in their capacity as purchasers of child restraints.

C. 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 rule.

D. National Environmental Policy Act

NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

E. 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.

F. Civil Justice Reform

This rule has no 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, NHTSA amends 49 CFR Part 571 as set forth below.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 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 571.213 is amended by revising the introductory text of S5.5.2(k), revising the introductory text of paragraph S5.5.2(k)(4), and adding S5.5.2(k)(5), to read as follows:

§ 571.213 Standard No. 213, Child Restraint Systems.

• * * * *
S5.5.2 * * *
(k) At the manufacturer's option, child restraint systems manufactured before May 27, 1997 may comply with

the requirements of S5.5.2(k)(4) or S5.5.2(k)(5) as appropriate, instead of the requirements of S5.5.2(k)(1)(ii) or S5.5.2(k)(2)(ii).

(4) Except as provided in (k)(5) of this section, in the case of each child restraint system that can be used in a rear-facing position and is manufactured on or after May 27, 1997, instead of the warning specified in S5.5.2(k)(1)(ii) or S5.5.2(k)(2)(ii) of this standard, a label that conforms in content to Figure 10 and to the requirements of S5.5.2(k)(4)(i) through S5.5.2(k)(4)(iii) of this standard shall be permanently affixed to the outer surface of the cushion or padding in or adjacent to the area where a child's head would rest, so that the label is plainly visible and easily readable.

(5) If a child restraint system is equipped with a device that automatically deactivates the passenger-side air bag in a vehicle and activates a telltale light in the vehicle that complies with S4.5.4.3 of FMVSS No. 208, the label specified in Figure 10 may include the phrase "unless air bag is off" after "on front seat with air bag."

Issued on April 11, 1997.

Ricardo Martinez,
Administrator.

[FR Doc. 97-9879 Filed 4-11-97; 4:59 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 96126334-7025-02; I.D. 041497A]

Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the second seasonal bycatch allowance of Pacific halibut apportioned to the deep-water species fishery in the GOA has been caught.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), April 14, 1997, until 1200 hrs, A.l.t., July 1, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations

implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The prohibited species bycatch mortality allowance of Pacific halibut for the GOA trawl deep-water species fishery, which is defined at § 679.21(d)(3)(iii)(B), was established by the Final 1997 Harvest Specifications of Groundfish for the GOA (62 FR 8179, February 24, 1997) for the second season, the period April 1, 1997, through June 30, 1997, as 300 mt.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the second seasonal apportionment of the 1997 Pacific halibut bycatch mortality allowance specified for the trawl deep-water species fishery in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery are: all rockfish of the genera *Sebastes* and *Sebastes*, Greenland turbot, Dover sole, Rex sole, arrowtooth flounder, and sablefish.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action is required by 50 CFR 679.21 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 14, 1997.

Bruce C. Morehead,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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