in a small decrease in the cost of complying with the standard. Since the economic impact of this rule is minimal, a regulatory evaluation is not required for this amendment.

The agency has also considered the effect of this rule in relation to the Regulatory Flexibility Act and certifies that it would not have a significant economic impact on a substantial number of small entities. The only economic impact might be a reduction in bus prices. There would similarly be no significant impact on a substantial number of small government jurisdictions and small organizations.

Finally the agency has analyzed this rule for purposes of the National Environmental Policy Act and has determined that it would have no significant impact on the human environment.

The principal authors of this notice are Robert Williams of the Crashworthiness Division and Roger Tilton of the Office of Chief Counsel.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 202, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1392); delegation of authority at 49 CFR 1.50)

Issued on February 10, 1982.

Diane K. Steed,

Acting Administrator.

[FR Doc. 82–4063 Filed 2–11–82; 4:52 pm]

BILLING CODE 4910-59-M

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49 CFR Part 575

[Docket NO. 79–02; Notice 5]

Consumer Information Regulations

AGENCY: National Highway Traffic Safety Administration DOT.

ACTION: Final rule.

SUMMARY: This notice amends the Consumer Information Regulations to permit amendment of previously submitted motor vehicle performance information at any time up to 30 days prior to new model introduction. This amendment is intended to reduce regulatory burdens on industry by allowing greater flexibility in the implementation of pre-introduction product changes.

EFFECTIVE DATE: This amendment is effective June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Steven Zaidman, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington D.C. 20590, 202–426–1740.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act—Information collection requirements contained in this regulation (49 CFR § 575.6) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #2127–0049. The Consumer Information Regulations (49 CFR Part 575) require that manufacturers of motor vehicles and tires provide prospective purchasers and first purchasers with information on the performance of their products in the areas of vehicle stopping ability (49 CFR 575.101), vehicle tire reserve load (49 CFR 575.102), truck camper loading (49 CFR 575.103), and uniform tire quality grading (49 CFR 575.104). In addition to the requirements that information be furnished directly to consumers, manufacturers are required to submit information to the National Highway Traffic Safety Administration (NHTSA) prior to the introduction of new vehicle models and tire lines or modification of existing lines. This advance submission requirement is intended to permit the agency to compile the information supplied by various manufacturers in a comparative format for distribution to consumers.

As originally issued, and presently in force, the regulation requires that all information be submitted to NHTSA at least 30 days prior to the date on which the information is made available to prospective purchasers (49 CFR 575.6(d)). The regulation requires that information must be made available to prospective purchasers not later than the day on which the manufacturer first authorizes the subject product to be put on public display and sold to consumers (49 CFR 575.6(c)).

To enable NHTSA to compile the information in a comparative booklet for distribution early enough in the model year to be useful to most consumers, the agency amended the regulations to require that motor vehicle manufacturers submit information at least 90 days in advance of new model introduction (45 FR 47152; July 14, 1980). The 30-day period was retained for post-introduction vehicle changes and for tire quality grading information. The amendment was originally scheduled to take effect June 1, 1981, but the effective date was postponed until June 1, 1982 (46 FR 29269; June 1, 1981), to allow consideration of a petition from Ford Motor Company requesting greater flexibility in the requirement.

Ford contended that the 90-day advance submission requirement could create hardships for manufacturers when last minute pre-introduction product changes, resulting from component supply difficulties or other factors, affect the performance characteristics covered by Part 575. In such a situation, a manufacturer could be forced to delay introduction of a vehicle model until a new 90-day advance notice period had been completed. To avoid this result, Ford recommended that manufacturers be permitted to amend initial pre-introduction submissions at any time prior to 30 days before model introduction. NHTSA responded with a notice of proposed rulemaking to permit such revisions in the event of unforeseeable pre-introduction modifications in vehicle design or equipment (46 FR 40541); August 10, 1981; Docket 79–02; Notice 4). This proposal was among the deregulatory measures discussed in the Administration's notice of intent on measures to aid the auto industry.

NHTSA received comments from seven motor vehicle manufacturers and importers in response to the notice of proposed rulemaking. All commenters agreed that the proposed amendment would be an improvement over the established 90-day requirement, in that greater flexibility would be provided in the introduction of necessary product changes. As noted by Ford, the amendment would facilitate implementation of product development and marketing schedules, while still providing information adequate for NHTSA's purposes. NHTSA agrees and has determined that the proposed amendment should be adopted with one modification.

General Motors and Volkswagen of America, Inc. commented that limiting changes in performance information to those resulting from "unforeseeable" product changes is inappropriate. Volkswagen argued that only the manufacturer can adequately judge whether product changes are unforeseeable, and that agency attempts to enforce such a requirement could lead to undesirable consequences. Moreover, a manufacturer acting in good faith could be faced with a dilemma if the manufacturer is unable to conclude that a needed product change was unforeseeable, although in fact it had not been anticipated in a particular instance. (Docket 79–02, Notice 4, No. 004). General Motors argued that cost factors alone are a sufficient incentive to manufacturers to avoid last minute product changes and therefore no foreseeability standard is necessary to insure that changes are made in good faith. General Motors suggested that if any qualifier is thought necessary, "unforeseen" or "unanticipated" would be preferable. (Docket 79–02, Notice 4, No. 007).

NHTSA continues to believe that some provision is necessary to assure that only good faith product changes form the basis for modifications of pre-introduction submissions. However, NHTSA does not wish to inhibit product changes which the agency may believe could have been foreseen, but honestly were not. To avoid this result, the agency has concluded that "unforeseen" rather than "unforeseeable" is a more appropriate description of the types of product changes which would justify amendments of pre-introduction consumer information submissions.

Volkswagen and General Motors also commented that the 90-day advance submission requirement is unnecessary and that the original 30-day period should be retained. Volkswagen contended that the agency could not use the manufacturers' submissions until 30 days prior to model introduction in any case because the data would be subject to change. Volkswagen also suggested that manufacturers could circumvent the 90-day requirement by making minimal performance claims in their initial submissions and amending the information at a later date. General Motors commented that the further in advance information is submitted, the less accurate it will be, and that the successful publication of the Environmental Protection Agency's fuel economy guide establishes the feasibility of publishing comparative information with a brief advance submission period.

NHTSA's past experience indicates that 30 days is inadequate for this agency to compile, publish and distribute a useful comparative booklet. Moreover, any design or equipment related inaccuracies inherent in a 90-day advance submission can be corrected under the amendment adopted in this notice. While it is true that the agency could not publish and distribute the information until the period for amendment of initial submissions expired, the agency could compile the information and begin the publishing process, incorporating any necessary changes prior to printing. Comments submitted by Yamaha Motor Corporation, U.S.A. (Docket 79–02, Notice 4, No. 001), suggest that the number of required changes will be small. Finally, the type of abuse noted by Volkswagen would be precluded under the amended regulation because the type of revision described would not have been necessitated by unforeseen product changes.

Commenters also suggested rescinding the advance submission requirement completely or rescinding the stopping distance and tire reserve load provisions. Still other commenters recommended that the agency reassess the costs and benefits of the Consumer Information Regulations as a whole. The rationale for these recommendations centered on the alleged lack of consumer interest in the information and the limited amount of information provided under the program.

As noted by commenters, NHTSA has proposed rescission of the requirement that auto manufacturers provide tire reserve load information to the public and the agency (46 FR 47100; September 24, 1981). However, in conjunction with the Administration's efforts to ease regulatory burdens on the auto industry, the agency wishes to maintain a functioning consumer information program as a possible substitute for mandatory safety regulations. As part of the agency's ongoing program to identify and eliminate unnecessary regulatory burdens, NHTSA plans to review the benefits of and need for the Consumer Information Regulations as a component of the agency's total regulatory program. If this review indicates that the consumer information program is not useful and cost-beneficial, the future of the regulation will be addressed in a later rulemaking proceeding.

NHTSA has evaluated this relieving of a restriction and found that its effect will be to provide minor cost savings for motor vehicle manufacturers. Accordingly, the agency has determined that the action is not a major rule within the meaning of Executive Order 12291 and is not significant for purposes of Department of Transportation policies and procedures for internal review of regulatory actions. The agency has further determined that the cost savings are so minimal as to not warrant preparation of a regulatory evaluation under the procedures. The agency certifies pursuant to the Regulatory Flexibility Act that the action will not have a significant economic impact on a substantial number of small entities because the cost savings will be modest and few, if any, motor vehicle manufacturers can be considered small entities within the meaning of the statute. Finally, the agency has concluded that the environmental consequences of the proposed change will be of such limited scope that they clearly will not have a significant effect on the quality of the human environment.

In order to coincide with the effective date of the 90-day advance submission requirement, this amendment is effective June 1, 1982.

PART 575—CONSUMER INFORMATION REGULATIONS

§ 575.6 [Amended]

In consideration of the foregoing, 49 CFR 575.6(d) is amended:

1. By designating the first sentence as paragraph (d)(1)(i) and adding "Except as provided in paragraph (d)(1)(ii) of this section," to the beginning of the sentence.

2. By addition of a new paragraph designator "(2)" before the second sentence of paragraph (d).

3. By addition of a new paragraph (d)(1)(ii) to read as follows:

* * * * *

(d) * * *

(1) * * *

(ii) Where an unforeseen pre-introduction modification in vehicle design or equipment results in a change in vehicle performance for a characteristic included in Subpart B of this part, a manufacturer of motor vehicles may revise information previously furnished under paragraph (d)(1)(i) of this section by submission to the Administrator of 10 copies of revised information reflecting the performance changes, at least 30 days before information on the subject vehicles is first provided to prospective purchasers pursuant to paragraph (c) of this section.

* * * * *

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50)

Issued on: February 11, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82–4085 Filed 2–11–82; 4:51 pm]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Car Service Order; Burlington Northern Railroad Company and Fort Worth and Denver Railway Co. and Chicago, Rock Island and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Seventh Revised Service Order No. 1495.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes the Burlington Northern and Fort Worth and Denver to provide interim service over the Chicago, Rock Island and Pacific

Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., February 15, 1982, and continuing in effect until 11:59 p.m., May 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840, 275–1559.

SUPPLEMENTARY INFORMATION:

Decided: February 10, 1982.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254, (RITEA), the Commission is authorizing Burlington Northern Railroad Company (BN) and Fort Worth and Denver Railway Company (FWD) to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits BN and FWD to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A, of the previous order, is revised by deleting the following:

Item 1. B. Mossville, Illinois to Peoria, Illinois, including the Keller Branch.
C. Phillipsburg, Kansas to Caruso, Kansas.

BN's request to limit its operations, granted herein, is effective at 12:01 a.m., February 15, 1982, and permits time for a phased transition of service at both locations. The remaining authorities are relettered accordingly.

It is the opinion of the Commission that an emergency exists requiring that the BN and FWD, as indicated in the attached appendix, be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1495 Car Service Order No. 1495.

(a) *Burlington Northern Inc. and Fort Worth and Denver Railway Company authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee).* Burlington Northern Inc. (BN) and Fort Worth and Denver Railway Company (FWD) are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the BN and FWD to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the BN and FWD; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least thirty (30) days notice to the Railroad Service Board and affected shippers.

(e) BN and FWD, as authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of operations over the RI lines authorized in paragraph (a), BN and FWD shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties, or failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by BN and FWD over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, the interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, the carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., February 15, 1982.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254)

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland.

Bernard Gaillard, and John H. O'Brien. J. Warren McFarland not participating.

James H. Bayne,

Acting Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operator

1. *Burlington Northern Railroad Company (BN):*

A. Burlington, Iowa (milepost 0 to milepost 2.06).

*B. At Okeene, Oklahoma.

*C. At Lawton, Oklahoma.

2. *Fort Worth and Denver Railway Company (FWD):*

A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.

B. North Fort Worth, Texas (milepost 603.0 to 611.4).

*Changed.

[FR Doc. 82-4315 Filed 2-17-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 33
Thursday, February 18, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CIVIL AERONAUTICS BOARD

14 CFR Part 250

[EDR-436A; Economic Regulations Docket 39932]

Denied Boarding Compensation Rules; Comprehensive Review; Extension of Comment Period

AGENCY: Civil Aeronautics Board.

ACTION: Extension of comment period.

SUMMARY: The CAB is extending for 2 weeks the period to file comments and reply comments in its rulemaking proceeding concerning oversales and denied boarding compensation. The Aviation Consumer Action Project requested a 30-day extension because more time is needed to evaluate the proposed changes.

DATES: Comments: March 8, 1982. Reply Comments: March 23, 1982.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In EDR-436, 46 FR 62285, December 23, 1981, the Board proposed either to eliminate or to significantly amend its oversales and denied boarding compensation rules as part of its examination of consumer protection rules prior to sunset. Interested persons were invited to file comments by February 22, 1982, and reply comments by March 9, 1982.

On February 5, 1982, the Aviation Consumer Action Project requested the Board to extend the deadline for comments and reply comments for 30 days. ACAP stated that because of the large number of important public policy and economic issues raised, both ACAP and other commenters needed additional time to evaluate the proposal and to consult with outside parties as to its merits.

The Board recognizes the importance and complexity of the issues involved. Although the issues raised in the oversales rulemaking should be addressed as soon as possible in order to provide a smooth transition to deregulation, we want interested persons to have sufficient time to prepare their comments. Because a short delay will not cause significant harm, a 2-week extension for submission of both comments and reply comments will be granted.

Accordingly, good cause is found to extend the time for preparation of comments and reply comments. Under authority delegated by the Board in 14 CFR 385.20(d), the time for filing comments and rely comments is extended to March 8, 1982, and March 23, 1982, respectively.

(Secs. 204, 403, 411, and 1002 of Pub. L. 85-726, as amended; 72 Stat. 743, 758, 769, 788; 49 U.S.C. 1324, 1373, 1381, 1482)

By the Civil Aeronautics Board.

Richard B. Dyson,

Associate General Counsel, Rules & Legislation.

[FR Doc. 82-4362 Filed 2-17-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

[Reg. Nos. 4 and 16]

Experiment To Improve the Hearing Process by Having SSA Represented at the Hearing

AGENCY: Social Security Administration, HHS.

ACTION: Notice of reinstatement of NPRM.

SUMMARY: SSA is reconsidering its earlier proposal to experiment with SSA representation at a limited number of social security disability hearings. The plans for this experiment were published as a Notice of Proposed Rulemaking (NPRM) on January 11, 1980 (45 FR 2345). Public hearings regarding the experiment were conducted at four sites during February 1980. The NPRM was later withdrawn by a notice published on July 14, 1980 (45 FR 47162).

We are hereby notifying the public that the NPRM noted above is reinstated. We will provide the public with a 30-day comment period following publication of this notice. We will consider all comments which were received on the January 1980 proposed regulations and any additional comments in deciding whether to publish a final regulation. For more information about the experiment, the reader is referred to the NPRM and subsequent withdrawal notice cited above.

DATE: We will consider additional comments about the experiment if these comments are received by March 22, 1982.

ADDRESS: Send your written comments to: Executive Secretariat, Office of Hearings and Appeals, Room 408 Braedon Building, P.O. Box 2518, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Joy Loving, Director, Division of Program Development, Office of Hearings and Appeals, (703) 235-8524.

SUPPLEMENTARY INFORMATION: The January 1980 proposed regulations for the SSA representative experiment elicited many written comments from claimants, claimant representatives and other interested parties. In addition, a number of individuals and organizations presented testimony at four public hearings which were held at various sites in February 1980.

Briefly, the regulations proposed that in a limited number of disability cases under title II and title XVI of the Social Security Act, SSA would be represented at the hearing when the claimant was represented in order to present SSA's views on the case. In addition, the SSA representative would prepare the record for hearing. Many commenters opposed the concept of SSA representation and partly for this reason SSA published its notice withdrawing the proposed rules.

In the July 1980 withdrawal notice, we cited the adverse public reaction and SSA's own interest in making improvements at lower levels of the adjudicatory process as the reasons for withdrawing the proposed rules. SSA has since undertaken the Disability Appeals Reform Experiments (DARE) to test alternative methods for improving the quality of State agency disability determinations.

Since publication of our proposed rules and subsequent withdrawal notice, SSA has reexamined the premises of the SSA representative experiment. It is increasingly clear that despite any improvements that might be made at the