implementing a policy action. This rule will not affect states. It deals with relations between Federal agencies.

F. National Environmental Policy Act

DOE has concluded that this rule would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.*) (1976) or the Council on Environmental Quality Regulations (40 CFR parts 1500–1508) and, therefore, does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

List of Subjects in 48 CFR Part 903

Government procurement.

Issued in Washington, DC on March 2, 1994.

Richard H. Hopf,

Deputy Assistant Secretary for Procurement and Assistance Management.

For the reasons set out in the preamble, chapter 9 of title 48 of the Code of Federal Regulations is amended as set forth below:

PART 903–IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

1. The authority citation for Part 903 continues to read as follows:

Authority: 42 U.S.C. 7254; 40 U.S.C. 486(c).

2. Subpart 903.1, Safeguards, is amended by adding a new section 903.104–11 to read as follows:

903.104–11 Processing violations or possible violations under procurement integrity.

(a) Except for Headquarters activities, the individual within DOE responsible for fulfilling the requirements of (FAR) 48 CFR 3.104–11(a) (1) and (2) relative to contracting officer conclusions on the impact of a violation or possible violation of the procurement integrity requirements shall be the legal counsel assigned direct responsibility for providing legal advice to the contracting office making the award or selecting the source. The legal counsel is the Chief Counsel for the Operations Offices or the Energy Technology Centers; the Counsel, or the Chief Counsel, for the Support Offices or the Naval Reactors Offices; and the General Counsel for the Power Administrations. For Headquarters activities, the individual designated to perform the responsibilities in (FAR) 48 CFR 3.104–11(a) (1) and (2) regarding questions of disclosure of proprietary or source selection information and certification matters is the Assistant General Counsel for Procurement and Financial Assistance. The designated individual for other questions regarding (FAR) 48 CFR 3.104–11(a) (1) and (2) for Headquarters activities is the Assistant General Counsel for General Law (Designated Agency Ethics Official).

[FR Doc. 94–5437 Filed 3–9–94; 8:45 am]

BILLING CODE 6450–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1807, 1815, 1852, and 1870

Acquisition Streamlining Techniques

AGENCY: Office of Procurement, Procurement Policy Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This notice amends the NASA FAR Supplement to incorporate a number of techniques that will streamline the acquisition planning and competitive source selection processes.

EFFECTIVE DATE: March 31, 1994.

FOR FURTHER INFORMATION CONTACT: Tom O'Toole, NASA Headquarters, Office of Procurement, Procurement Policy Division (Code HP), Washington, DC 20546. Telephone: (202) 358–0478.

SUPPLEMENTARY INFORMATION:

Background

On November 22, 1993, an interim rule to amend the NASA FAR Supplement to streamline the acquisition planning and competitive source selection processes was published in the **Federal Register** for comment (58 FR 61629–61634). Public comments on the interim rule suggested NASA consider revising its policy to address several issues.

The first of these issues concerns the statement in section 1807.103(b)(4) that approval of a procurement plan does not constitute approval of any special conditions or special clauses that may be required unless the plan so specifies and the individual having approval authority is a signatory of the plan. The comment suggests that this approach is of questionable value and recommends that the interim rule be changed to indicate that procurement plans should only be approved by the level that has authority to grant approval to all aspects of the plan.

The policy in the interim rule allows a single document—the procurement plan—to accommodate the approval of special requirements that would normally be processed separately, thereby preventing duplicative effort. NASA believes that this technique is an effective streamlining tool. On the other hand, the public comment recommendation would be counter productive in that it would raise approval of the procurement plan to the highest levels when it is unnecessary to do so. For example, economic price adjustment (EPA) clauses require the approval of NASA Headquarters. If the public comment recommendation were adopted, the entire procurement plan would need to be approved at the Headquarters level rather than just the EPA clause. Under the NASA procedure, the procurement plan would be approved at the lowest appropriate level at the field installation, and only the EPA clause need be submitted for Headquarters approval. NASA does not believe the recommended change is appropriate.

The second issue raised in the public comments concerns the proposal page limitations imposed by the interim rule. The comment noted that section 1815.406(d) does not address whether proposal attachments are included in the page limitations and suggested that the interim rule be changed to exclude attachments such as key personnel resumes and management plans. If these exceptions were not made, the comment argues that NASA would be forced to generate questions during the discussions phase to obtain the information that could not be accommodated by the page limitations.

We do not believe that the public comment recommendation will contribute to streamlining acquisitions. The intent of the page limitation initiative is to streamline the acquisition process by focusing the attention of both the Government and prospective offerors on the key discriminators upon which selection will be based. Once so focused, solicitation requirements can be concisely articulated and proposals can be constructed in a like manner. Furthermore, with less material to evaluate, fewer resources need be committed to the evaluation process. These benefits can be achieved without degradation of the integrity, fairness, or thoroughness of the procurement process.

Section 1815.406(d) lists the specific elements of a proposal that are excluded from the proposal page limitations (title pages, tables of content, and cost/price information). Attachments to the proposal are not included in this list because they are intentionally subject to the page limitations. If they were not, and large sections of a proposal were

excluded from the page limitations, the benefits of this initiative would be largely dissipated.

In addition, the public comment assertion that the Government would generate questions during the discussion phase to obtain information that could not be included in the proposal because the page limitations is speculative at best. Consequently, NASA does not believe a change is appropriate in this instance.

The third issue raised in the public comments addresses the statement in section 1807.170–4(a) that approved Acquisition Strategy Meeting (ASM) minutes satisfy the requirement of a formal procurement plan. The comment expressed concern that the interim rule does not ensure that an ASM will address all the issues required of a procurement plan and recommended that the interim rule be changed to ensure this happens.

This recommended revision is unnecessary since adequate coverage is already in the interim rule. Section 1807.170–4(e) requires that "ASMs, whether held at Headquarters or field installations, shall address the mandatory procurement plan topics specified in 1807.170".

The fourth issue identified in the public comments concerns the accuracy of the statement in section 1815.613–71(b)(4)(i) that cost is "neither scored nor ranked". The public comment suggests that cost is always ranked.

Under NASA's long-standing source selection procedures, four evaluation factors are used. Mission suitability is scored both numerically and assessed an adjectival ranking. Past Performance and Other Considerations are both ranked adjectivally but neither is given a numerical score. Cost, the fourth factor, is neither scored numerically nor ranked adjectivally.

The NASA system is rooted in the best value concept in which selection decisions are made after performing informed trade-offs between most probable cost and the evaluation of the non-cost evaluation factors. Under this system, "ranking" cost is not meaningful. Both numerical evaluations and adjectival ratings are inappropriate, and the relative standing of offerors' evaluated costs in itself has no utility. Accordingly, NASA does not believe a change to indicate that cost is "ranked" is appropriate. However, we are making an editorial change in the final rule to clarify that cost is "neither scored numerically nor ranked adjectivally."

The fifth issue addressed in the public comment is the NASA alternative scoring method described in section 1815.613–71(b)(ii). The comment objects to this policy on the grounds that it deprives the Source Selection Official (SSO) from learning the extent of an offeror's improvement from its initial proposal to its BAFO and that it increases the potential for technical leveling and technical transfusion.

NASA believes that both of the concerns are unfounded. The alternative scoring method requires the identification of strengths and weaknesses of initial proposals, and the Source Evaluation Board (SEB) always presents to the SSO the strengths and weaknesses of both an offeror's initial proposal and its BAFO. Clear traceability between the two is provided and the SSO had full visibility into any improvement (or degradation) of an offeror's proposal during the course of the evaluation. Also, the nature and conduct of written or oral discussions is the same under the alternative scoring method as under the standard method. Either way, under the NASA system of limited discussions, technical leveling and technical transfusion are virtually eliminated. No changes to the interim rule are necessary in this area.

The last issue raised in the public comments questions the statement in section 1815.613–71(b)(4)(iv) that the competitive range may be further narrowed as a result of written or oral discussions.

NASA's policy is that the competitive range consists of all proposals with a reasonable chance of award. Where there is doubt about whether a proposal should be included in the competitive range, it is resolved by including it. If a proposal is included in the competitive range under the latter circumstances, and the written or oral discussions resolve the doubtful issues by clarifying that the proposal should not have been included in the competitive range, the proposal may be eliminated at that point. This procedure is already described in section 1815.613–71(b)(4)(iv), and no change to the interim rule is necessary.

NASA is adopting as a final rule the text set out in the interim rule with minor changes to parts 1815, 1852, and 1870 that have no significant effect on the substance of the interim rule. These changes either correct errata and inconsistencies or provide further clarification of the published interim rule. No changes are made to part 1807.

Impact

NASA certifies that this regulation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. *et seq.*). This rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1807, 1815, 1852, 1870

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR parts 1807, 1815, 1852, and 1870 are amended as follows:

1. The authority citation for 48 CFR parts, 1815, 1852, and 1870 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1815—CONTRACTING BY NEGOTIATION

1815.406 [Amended]

2. Section 1815.406 is amended by revising the fourth sentence of paragraph (c) to read as follows:

1815.406 Preparing requests for proposals (RFP's) and requests for quotations (RFQ's).

* * * * *

(c) * * * In determining page counts, a page is defined as one side of a sheet, 8½" × 11", with at least one inch margins on all sides, using not smaller than 12 characters per inch or equivalent type. * * *

* * * * *

1815.613–71 [Amended]

3. Section 1815.613–71 is amended by revising the fourth sentence of paragraph (b)(4)(i) to read as follows:

1815.613–71 Evaluation and negotiation of procurements conducted in accordance with source evaluation board (SEB) procedures.

* * * * *

(b) * * *

(4) * * *

(i) * * * This evaluation will be fully documented, including scoring or ranking proposals in accordance with the numerical and adjectival standards identified in the RFP and this handbook, except cost which is neither scored numerically nor ranked adjectivally. * * *

* * * * *

4. Section 1815.613–71 is amended by revising the parenthetical reference "(e.g., two or three)" in the third sentence of paragraph (b)(4)(ii) to read "(e.g., five or fewer)".

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1852.215–81 [Amended]

5. In section 1852.215–81, the reference "(October 1993)" after the

clause title is revised to read "(January 1994)", and the first sentence of paragraph (b) is revised to read as follows:

1852.215–81 Proposal Page Limitations.

* * * * *

(b) A page is defined as one side of a sheet, 8½" x 11", with at least one inch margins on all sides, using not smaller than 12 characters per inch (or equivalent) type. * * *

* * * * *

PART 1870—NASA SUPPLEMENTARY REGULATIONS

1870.303 Appendix I—[Amended]

6. In section 1870.303, Appendix I, chapter 4, paragraph 404 is amended by revising the third sentence of paragraph 2.m. to read as follows:

Appendix I to 1870.303, NASA Source Evaluation Board Procedures (Handbook)

* * * * *

CHAPTER 4—SEB OPERATING PROCEDURES FOR SOLICITATION AND EVALUATION

* * * * *

404 Request for Proposals (RFPs)—Review and Approval

* * * * *

2. * * *

m. * * * Firm page limitations shall also be established for BAFOs, if requested. * * *

* * * * *

7. In section 1870.303, appendix I, chapter 4, paragraph 407.6.d is amended by revising the parenthetical reference "(e.g., two or three)" in the second sentence to read "(e.g., five or fewer)" and by removing the language "and complete" in the last sentence.

[FR Doc. 94–5143 Filed 3–9–94; 8:45 am]

BILLING CODE 7510–01–M

48 CFR Part 1807

Procurement Plan Contents Regarding Strategies to Encourage Cost Realism

AGENCY: Office of Procurement, Procurement Policy Division, National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: NASA has revised the NASA FAR Supplement to address how cost realism will be included in procurement plans. Procurement plans should included how the offeror will be advised of the importance of cost realism, how cost realism will factor into the evaluation and selection decision, how cost realism will be monitored, and how incentives will be offered through contract provisions.

DATES: *Effective Date:* This interim rule is effective March 31, 1994. *Comments:* Comments are due no later than May 9, 1994.

ADDRESSES: Comments should be addressed to Ms. Deborah O'Neill, NASA Headquarters, Office or Procurement, Procurement Policy Division (Code HP), Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah O'Neill, telephone: (202) 358–0440.

SUPPLEMENTARY INFORMATION:

Background

Submission by competing proposers of unrealistically low estimated costs in proposals is a common occurrence in acquisitions where cost is a factor in the selection decision. Proposers may hope to gain selection over others by submitting cost proposals which are unrealistically low. This results in probable cost adjustments being made, during the source selection process, to the offeror's proposal based on assumptions by the Government which may or may not be totally accurate. The probable cost estimate is included in the report to the Source Selection Official for consideration in making a selection decision. Subsequently, selected proposals are negotiated upward based upon the cost adjustments, or else cost overruns are experienced on the ensuing contracts. The additional guidance on procurement plan preparation is provided to encourage NASA acquisition planners to address efforts to promote the submission of realistic cost proposals.

Availability of NASA FAR Supplement

The NASA FAR Supplement, of which this proposed coverage will become a part, is codified in 48 CFR, chapter 18, and is available in its entirety on a subscription basis from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Cite GPO Subscription Stock Number 933–003–00000–1. It is not distributed to the public, wither in whole or in part, directly by NASA.

Regulatory Flexibility Act

NASA certifies that this interim rule will not have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601, et seq.).

Paperwork Reduction Act

This interim rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR 1807

Government procurement.

Thomas S. Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR part 1807 is amended as follows:

1. The authority citation for 48 CFR part 1807 continues to read as follows:

Authority: 42 U.S.C. 2373 (c)(1).

PART 1807—ACQUISITION PLANNING

1807.170–1 [Amended]

2. In section 1807.170–1, paragraph (d)(4) is added to read as follows:

1807.170–1 Procurement plans requiring approval by NASA Headquarters.

* * * * *

(d) * * *

(4) *Cost realism.* To promote the submission of realistic cost proposals, discuss the following factors—

(i) How the offeror will be advised of the importance of cost realism (e.g., address cost realism in solicitation provisions);

(ii) How cost realism will factor into the evaluation and selection decision (e.g., include cost realism in evaluation factors and evaluation plan (reduce mission suitability scores));

(iii) How cost realism will be monitored and how incentives will be offered through contract provisions (e.g., recognize cost realism in award fee provisions).

[FR Doc. 94–5145 Filed 3–9–94; 8:45 am]

BILLING CODE 7510–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–14; Notice 84]

RIN 2127–AF15

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

ACTION: Final rule; Response to petitions for reconsideration.

SUMMARY: On September 2, 1993, NHTSA published a final rule specifying that manufacturers must install air bags to satisfy automatic crash protection requirements. The final rule also required that labels bearing specified information be placed in vehicles equipped with air bags and that additional, more detailed information about air bags be provided in the owner's manual.

In response to two petitions for reconsideration, NHTSA is amending the labeling requirements to allow a consumer information label regarding utility vehicles to continue to be placed on the sun visor. In addition, in response to three requests for interpretation, NHTSA is amending the labeling to clarify that the air bag maintenance label can be combined with the air bag warning and to allow the use of either the word "Caution" or the word "Warning" at the beginning of the air bag warning label. Finally, this notice explains that translations of the labels are permitted as long as the required English language versions are provided.

DATES: *Effective Date:* The amendments made in this rule are effective March 1, 1994. *Compliance dates*: Mandatory air bag requirements: See the Compliance Dates section at the beginning of the "Supplementary Information" section of the final rule (58 FR 46551; September 2, 1993). Vehicle label requirements: September 1, 1994. Owner's manual requirements: March 1, 1994.

Petitions for reconsideration: Any petitions for reconsideration must be received by NHTSA no later than April 11, 1994.

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: Mr. Daniel Cohen, Chief, Frontal Crash Protection Division, Office of Vehicle Safety Standards, NRM–12, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–2264.

SUPPLEMENTARY INFORMATION: On September 2, 1993, NHTSA published a final rule specifying that manufacturers must install air bags to satisfy automatic crash protection requirements. The final rule also required that labels bearing specified information be placed in vehicles equipped with air bags and that additional, more detailed information about air bags be provided in the owner's manual.

General Motors Corporation (GM) and Ford Motor Company (Ford) submitted petitions for reconsideration of the September 2 final rule. Volkswagen of America, Inc. (VW), Nissan Research and Development, Inc. (Nissan), and American Suzuki Motor Corporation (Suzuki) wrote to the agency requesting clarification of certain aspects of the September 2 final rule. All of the issues raised by the petitions and the letters concern the labeling requirements of the September 2 final rule. A discussion of each issue and the agency's response follows.

Utility Vehicle Label

The September 2 final rule required various types of labels concerning air bags to be placed on the sun visor. Section S4.5.1(b)(2) of Standard No. 208, as amended by the September 2 final rule, states: Except for an air bag alert label placed on the visor pursuant to S4.5.1(c) of this standard, no other information about air bags or the need to wear seat belts shall appear anywhere on the sun visor.

Both GM and Ford petitioned the agency to amend S4.5.1(b)(2) of Standard No. 208 to permit the utility vehicle label on the sun visor. Since September 1, 1984, utility vehicles with a wheel-base of 110 inches or less have been required to be labeled with information to inform drivers that the handling and maneuvering characteristics of those vehicles require special driving practices (49 CFR part 575.105). Included in the language required by § 575.105(c)(1) is the statement "WEAR YOUR SEATBELTS AT ALL TIMES." The label is required to be affixed to one of several locations in the vehicle interior, including the driver's side sun visor.

Ford also stated that it voluntarily affixes the utility vehicle label on some vehicles with wheel-bases larger than 110 inches, and requested that S4.5.1(b)(2) permit the utility vehicle label in those instances also. This issue was also raised by Suzuki and Nissan.

The prohibition against other air bag or seat belt information on the sun visor in the final rule was intended to prevent "information overload" regarding air bags and seat belts. Additional information could blunt the impact of the required information. The main emphasis of the utility vehicle label is the possibility of rollover. Further, the required statement concerning belt use is incidental to that message. Finally, in view of the similarity of the statements about seat belt use in the utility vehicle label and air bag labels, the former label poses no threat of information overload about belt use. Therefore, NHTSA is amending the final rule to allow the installation of a utility label that contains the language required by 49 CFR 575.105(c)(1).

Dual Language Label

The September 2 final rule specified requirements for three air bag labels: A maintenance label, a warning label, and an alert label. Section S4.5.1(a) requires the air bag maintenance label to be in English. The specific wording which must be on the air bag warning label and the air bag alert label is specified in S4.5.1(b)(1) and S4.5.1(c) respectively. Section S4.5.1(b)(2) prohibited any "other information" on the same side of the sun visor as the air bag warning label and prohibited any "other information about air bags or the need to wear seat belts" on the sun visor.

VW requested an interpretation of the labeling requirements to allow dual language labels. VW stated that Canada requires these labels, if provided, to be in both English and French. VW stated that manufacturers would be able to produce vehicles at lower cost if one label could be used for vehicles sold in both countries. Nissan also asked whether French translations were allowed on the labels.

As explained above, section S4.5.1(a) requires the air bag maintenance label to be "in English." The air bag warning label and air bag alert label are not expressly required to be in English. However, S4.5.1(b)(1) and S4.5.1(c) do expressly require that those labels read as specified in the standard. For each label, those provisions specify, in English, the exact wording of a required message.

The agency addressed a related matter in a May 24, 1993 letter to Mr. Steve Flint of Century Products Co. In that letter, the agency determined that Spanish and French versions of the registration form required by Standard No. 213 were permitted, "as long as the English form complies with S5.8 and does not bear any information or writing beyond that required to be on the form * * * if the information * * * is presented in a manner that is not likely to confuse consumers in this country about the meaning of the English form or the importance of owner registration."

NHTSA interprets the labeling requirements of the September 2 final rule as requiring manufacturers to supply the information in English. Once this requirement is met, manufacturers may supply the same information in other languages, so long as it does not confuse consumers. As long as the non-English language label is a translation of the required information, NHTSA does

not interpret it to be "other information." However, manufacturers are not permitted to include additional information in the non-English label.

NHTSA intends to monitor the provision of foreign language translations of the English language label on the sun visor. NHTSA would initiate corrective rulemaking in the future if it appeared that the presence of non-English labels was in any way creating confusion or other problems. For example, the agency notes that the September 2 final rule did not include a minimum type size requirement for the labels required by S4.5.1 (b) or (c). Since sun visors have limited space, NHTSA is concerned that the addition of multiple language versions of the required information could result in use of a type size that would make the label difficult to read.

Maintenance Label Location

Section S4.5.1(a) of Standard No. 208, as amended by the September 2 final rule, allows the air bag maintenance label to "be combined with the label required by S4.5.1(b) of this standard to appear on the sun visor." However, S4.5.1(b)(2), as amended by the September 2 final rule, states "No other information shall appear on the same side of the sun visor to which the label is affixed."

Both VW and Nissan stated that the language of these two sections appeared contradictory, and requested clarification that it was permitted to combine the air bag maintenance and warning labels.

NHTSA agrees that the two sections are contradictory. NHTSA intended to allow the combination of the air bag maintenance and warning labels, and is amending S4.5.1(b)(2) to clarify that no information other than that in the maintenance label is allowed on the same side of the sun visor as the air bag warning label.

Signal Word "Caution"

Section S4.5.1(b)(1) requires the following information on the sun visor for every seating position with an air bag:

Caution to Avoid Serious Injury

For maximum safety protection in all types of crashes, you must always wear your safety belt.

Do not install rearward-facing child seats in any front passenger seat position.

Do not sit or lean unnecessarily close to the air bag.

Do not place any objects over the air bag or between the air bag and yourself.

See the owner's manual for further information and explanations.

Suzuki requested an interpretation of this section to allow the use of the word "WARNING" rather than the word "CAUTION." Suzuki stated that the American National Standards Institute Standard Z535.4–1991, Product Safety Signs and Labels, specifies that the signal words "Warning," "Caution," and "Danger" be used to signify different degrees of risk of personal injury. Suzuki stated that this standard would require use of the word "Warning" for the type of label required by S4.5.1(b)(1), and that allowing this word in place of "Caution" would be consistent with "a national effort toward uniformity in safety labeling of products."

NHTSA added the phrase "CAUTION, TO AVOID SERIOUS INJURY" in the final rule to "attract occupants' attention to the label and provide a brief statement of the risks of improper use and consequences." NHTSA concludes that substitution of the word "WARNING" would also achieve these goals, and is therefore permitting its use.

Miscellaneous Corrections

NHTSA is also correcting two errors made in the regulatory language in the final rule. The fifth sentence of S4.5.1(e) read: The owner's manual shall also explain that no objects should be placed over or near the label identifying the air bag on the steering wheel and instrument panel, because any such objects could cause harm if the vehicle is in a crash severe enough to cause the air bag to inflate.

NHTSA is deleting the words "the label identifying" since this label is no longer required.

The first sentence of S12.6(a) read: NHTSA will process any application for temporary exemption that contains the information specified in S21.4 and S12.5.

NHTSA is correcting the reference to S21.4 to read S12.4.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under Executive Order 12866, "Regulatory Planning and Review." This action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures. A final regulatory evaluation was prepared for the September 2 final rule since it was significant within the meaning of the Department of Transportation's regulatory policies and procedures. NHTSA has determined that there will be no additional economic impacts from this final rule because the changes simply either clarify the previous final rule, or allow manufactures additional flexibility.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As explained above, NHTSA has determined that there will be no significant economic impacts from this final rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), NHTSA notes that there are no requirements for information collection associated with this final rule.

National Environmental Policy Act

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

Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This final rule does not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (Safety Act; 15 U.S.C. 1392(d)), 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. Section 105 of the Safety Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicles 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.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

1. The authority citation for part 571 of title 49 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407, delegation of authority at 49 CFR 1.50.

2. Section 571.208 is amended by revising S4.5.1(b)(1), S4.5.1(b)(2), S4.5.1(e) and S12.6(a) to read as follows:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

S4.5 *Other general requirements.*

S4.5.1 *Labeling and owner's manual information.*

* * * * *

(b) *Label on sun visor above front outboard seating positions equipped with inflatable restraint.* (1) For vehicles manufactured on or after September 1, 1994, each front outboard seating position that provides an inflatable restraint shall have a label permanently affixed to the sun visor for such seating position on either side of the sun visor, at the manufacturer's option. Except as provided in S4.5.1(b)(3), and except that the word "WARNING" may be used instead of "CAUTION," this label shall read:

Caution to Avoid Serious Injury

For maximum safety protection in all types of crashes, you must always wear your safety belt.

Do not install rearward-facing child seats in any front passenger seat position.

Do not sit or lean unnecessarily close to the air bag.

Do not place any objects over the air bag or between the air bag and yourself.

See the owner's manual for further information and explanations.

(2) The color of the lettering on the label shall contrast with the background of the label. Except for the information on an air bag maintenance label placed on the visor pursuant to S4.5.1(a) of this standard, no other information shall appear on the same side of the sun visor to which the label is affixed. Except for the information in an air bag alert label placed on the visor pursuant to S4.5.1(c) of this standard, or in a utility vehicle label that contains the language required by 49 CFR 575.105(c)(1), no other information about air bags or the need to wear seat belts shall appear anywhere on the sun visor.

* * * * *

(e) *Information to appear in owner's manual.* The owner's manual for any vehicle equipped with an inflatable restraint system shall include a description of the vehicle's air bag system in an easily understandable format. The owner's manual shall include a statement to the effect that the vehicle is equipped with an air bag and a lap/shoulder belt at one or both front outboard seating positions, and that the air bag is a supplemental restraint at those seating positions. The information shall emphasize that all occupants, including the driver, should always wear their seat belts whether or not an air bag is also provided at their seating position to minimize the risk of severe injury or death in the event of a crash. The owner's manual shall also provide any necessary precautions regarding the proper positioning of occupants, including children, at seating positions equipped with air bags to ensure maximum safety protection for those occupants. The owner's manual shall also explain that no objects should be placed over or near the air bag on the steering wheel or on the instrument panel, because any such objects could cause harm if the vehicle is in a crash severe enough to cause the air bag to inflate.

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S12.6 *Processing an application for a temporary exemption.* (a) NHTSA will process any application for temporary exemption that contains the information specified in S12.4 and S12.5. If an application fails to provide the information specified in S12.4 and S12.5, NHTSA will not process the application, but will advise the manufacturer of the information that must be provided if the agency is to process the application.

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Issued on March 4, 1994.

Christopher A. Hart,

Deputy Administrator.

[FR Doc. 94–5485 Filed 3–9–94; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

RIN 1018 AB45

Migratory Bird Permits; Determination That Kansas, New Hampshire, and Rhode Island Meet Federal Falconry Standards

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service adds Kansas, New Hampshire, and Rhode Island to the list of States whose falconry laws have been determined by the Director to meet or exceed minimum standards. As a result, Kansas, New Hampshire and Rhode Island are participants in the cooperative Federal-State permit application program and falconry may be practiced by those States. Also, the asterisk preceding Missouri in 50 CFR 21.29(k) is removed as there is no longer a cooperative Federal-State permit application program in Missouri.

DATES: This rule is effective on March 10, 1994.

ADDRESSES: Comments and material concerning this rule should be sent to the Director, U.S. Fish and Wildlife Service, P.O. Box 3247, Arlington, Virginia 22203–3247. Comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, 4401 N. Fairfax Drive, room 500, Arlington, Virginia, between the hours of 8 a.m. and 4 p.m., Monday though Friday.

FOR FURTHER INFORMATION CONTACT: Frank S. Shoemaker, Special Agent in Charge, Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, Washington, DC 20240, Telephone Number (703) 358–1949.

SUPPLEMENTARY INFORMATION:

Background

Regulations in 50 CFR Part 21 provide for review and approval of State falconry laws by the Service. A list of States whose falconry laws have been approved by the Service is found in 50 CFR 21.29(k). Falconry is permitted in the those States. As provided by 50 CFR 21.29(c), the Director has reviewed certified copies of the falconry regulations adopted by the States of New Hampshire (New Hampshire Fish and Game Laws Chapter 209–A, effective January 1, 1988). Rhode Island (Chapter 20–17, General Laws of Rhode Island incorporating 50 CFR 21.27 through 21.30, effective December 15, 1992), and Kansas (K.A.R. 23–21–1 through 23–21–14, effective May 1, 1988). These regulations meet or exceed the minimum restrictions, conditions and requirements contained in 50 21.29(d) through (i) prescribed for permit requirements, classes of permits, examination procedures, facilities and equipment standards, raptor marking, and raptor taking restrictions. The Kansas, New Hampshire and Rhode Island regulations also meet or exceed all restrictions or conditions found in 50 CFR 21.29(j). Based on the review, the Director has determined that the