

Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2) of the APA, as amended.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pest, Reporting and recordkeeping requirements.

Dated: March 31, 1997.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a. and 371.

2. By adding § 180.500 to read as follows:

§ 180.500 Imazapyr; tolerances for residues.

Tolerances are being established for residues of the herbicide imazapyr, [2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid], applied as the acid or ammonium salt, in or on the following raw agricultural commodities:

Commodity	Parts per million
Corn, field, forage (silage)	0.05
Corn, field, grain	0.05
Corn, field, stover	0.05

[FR Doc. 97-9091 Filed 4-8-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-286]

Organization and Delegation of Powers and Duties Delegated to the Commandant, United States Coast Guard

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation is delegated to the Commandant, United States Coast Guard, the authority contained in the Antarctic Science, Tourism, and Conservation Act of 1996, to issue such regulations as are necessary and appropriate to implement the Protocol on Environmental Protection to the

Antarctic Treaty relating to the prevention of marine pollution and emergency response action for vessels. In order that the Code of Federal Regulations reflect this delegation, a change is necessary.

EFFECTIVE DATE: April 9, 1997.

FOR FURTHER INFORMATION CONTACT:

LCDR Ray Perry, Environmental Standards Division (G-MSO-4), (202) 267-2714, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593; or Ms. Gwyneth Radloff, Office of the General Counsel, C-50, (202) 366-9305, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Public Law 104-227 is the Antarctic Science, Tourism, and Conservation Act of 1996 (hereafter referred to as the Act). Section 106 of this Act amends section 6 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405) by requiring the Secretary to issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 *et seq.*), to implement Annex IV of the Protocol on Environmental Protection to the Antarctic Treaty. It also requires the Secretary to issue such regulations as are necessary and appropriate, with the concurrence of the Director of the National Science Foundation, to implement Article 15 of the Protocol with respect to vessels. The Secretary of Transportation is delegating his authority under the Act to the Commandant of the Coast Guard.

This rule adds a specific delegation of authority to 49 CFR 1.46, thus amending the codification to reflect the Secretarial delegation of authority to the Commandant of the Coast Guard.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the Coast Guard's ability to implement international treaty obligations, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended to read as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

1.46 [Amended]

2. Section 1.46 is amended by adding a new paragraph (hhh) to read as follows:

1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(hhh) Carry out the functions and exercise the authority vested in the Secretary by 16 U.S.C. 2405 to issue such regulations as are necessary and appropriate to implement the Antarctic Science, Tourism, and Conservation Act of 1996, Pub. L. No. 104-227, 110 Stat. 3034.

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Issued at Washington, DC this 28th day of March, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97-9155 Filed 4-8-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. 96-085; Notice 2]

Passenger Automobile Average Fuel Economy Standards; Final Decision To Grant Exemption

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

ACTION: Final decision.

SUMMARY: This final decision responds to a petition filed by Rolls-Royce Motors, Ltd. (Rolls-Royce) requesting that it be exempted from the generally applicable average fuel economy standard of 27.5 miles per gallon (mpg) for model years (MYs) 1998 and 1999 and that a lower alternative standard be established. In this document, NHTSA establishes an alternative standard for Rolls Royce of 16.3 mpg for MYs 1998 and 1999.

DATES: *Effective date:* May 27, 1997.

This exemption and the alternative standards apply to Rolls Royce for MYs 1998 and 1999.

Petitions for reconsideration: Petitions for reconsideration must be received no later than May 27, 1997.

ADDRESSES: Petitions for reconsideration of this rule should refer to the docket

number and notice number cited in the heading of this notice and must be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. P.L. Moore, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Mr. Moore's telephone number is: (202) 366-5222.

For legal issues: Otto Matheke, Office of the Chief Counsel, NCC-20, telephone (202) 366-5253, facsimile (202) 366-3820.

SUPPLEMENTARY INFORMATION:

Statutory Background

Pursuant to 49 U.S.C. section 32902(d), NHTSA may exempt a low volume manufacturer of passenger automobiles from the generally applicable average fuel economy standards if NHTSA concludes that those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if NHTSA establishes an alternative standard for that manufacturer at its maximum feasible level. Under the statute, a low volume manufacturer is one that manufactured (worldwide) fewer than 10,000 passenger automobiles in the second model year before the model year for which the exemption is sought (the affected model year) and that will manufacture fewer than 10,000 passenger automobiles in the affected model year. In determining the maximum feasible average fuel economy, the agency is required under 49 U.S.C. 32902(f) to consider:

- (1) Technological feasibility,
- (2) Economic practicability,
- (3) The effect of other Federal motor vehicle standards on fuel economy, and
- (4) The need of the United States to conserve energy.

Section 32902(d)(2) permits NHTSA to establish alternative average fuel economy standards applicable to exempted low volume manufacturers in one of three ways: (1) A separate standard for each exempted manufacturer; (2) a separate average fuel economy standard applicable to each class of exempted automobiles (classes would be based on design, size, price, or other factors); or (3) a single standard for all exempted manufacturers.

Proposed Decision and Public Comment

This final decision was preceded by a proposal announcing the agency's tentative conclusion that Rolls Royce should be exempted from the generally applicable MYs 1998 and 1999

passenger automobile average fuel economy standard of 27.5 mpg, and that an alternative standard of 16.3 mpg be established for Rolls Royce for MYs 1998 and 1999 (61 FR 46756; September 5, 1996). The agency did not receive any comments in response to the proposed decision.

NHTSA Final Determination

The agency is adopting the tentative conclusions set forth in the proposed decision as its final conclusions, for the reasons set forth in the proposed decision. Based on the conclusions that the maximum feasible average fuel economy level for Rolls Royce is 16.3 mpg for MY 1998 and 16.3 mpg for MY 1999, that other Federal motor vehicle standards will not affect achievable fuel economy beyond the extent considered in the proposed decision, and that the national effort to conserve energy will not be affected by granting this exemption, NHTSA hereby exempts Rolls Royce from the generally applicable passenger automobile average fuel economy standard for the 1998 and 1999 model years and establishes an alternative standard of 16.3 mpg for MYs 1998 and 1999 for Rolls Royce.

Regulatory Impacts

NHTSA has analyzed this decision, and determined that neither Executive Order 12866 nor the Department of Transportation's regulatory policies and procedures apply, because this decision is not a "rule," which term is defined as "an agency statement of general applicability and future effect." This exemption is not generally applicable, since it applies only to Rolls Royce. If the Departmental policies and procedures were applicable, the agency would have determined that this action is not "significant." The principal impact of this exemption is that Rolls Royce will not be required to pay civil penalties if they achieve a CAFE level equivalent to the alternative standard established in this notice. Since this decision sets an alternative standard at the level determined to be Rolls Royce's maximum feasible average fuel economy, no fuel would be saved by establishing a higher alternative standard. The impacts for the public at large will be minimal.

The agency has also considered the environmental implications of this decision in accordance with the National Environmental Policy Act and determined that this decision will not significantly affect the human environment. Regardless of the fuel economy of a vehicle, it must pass the emissions standards which limit the

amount of emissions per mile traveled. Thus, the quality of the air is not affected by this exemption and alternative standard. Further, since Rolls Royce's 1998 and 1999 model year automobiles cannot achieve better fuel economy than 16.3 mpg for MYs 1998 and 1999, granting this exemption will not affect the amount of gasoline consumed.

Since the Regulatory Flexibility Act may apply to a decision exempting a manufacturer from a generally applicable standard, I certify that this decision will not have a significant economic impact on a substantial number of small entities. This decision does not impose any burdens on Rolls Royce. It relieves the company from having to pay civil penalties for noncompliance with the generally applicable standard for MY 1998 and 1999. Since the price of 1998 and 1999 Rolls Royce automobiles will not be affected by this decision, the purchasers will not be affected.

List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR part 531 is amended as follows:

PART 531—[AMENDED]

1. The authority citation for part 531 continues to read as follows:

Authority: 49 U.S.C. 32902, delegation of authority at 49 CFR 1.50.

2. In 49 CFR § 531.5, the introductory text of paragraph (b) is republished and paragraph (b)(2) is revised to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(2) Rolls-Royce Motors, Inc.

Model year	Average fuel economy standard (miles per gallon)
1978	10.7
1979	10.8
1980	11.1
1981	10.7
1982	10.6
1983	9.9
1984	10.0
1985	10.0
1986	11.0
1987	11.2
1988	11.2
1989	11.2
1990	12.7

Model year	Average fuel econ- omy stand- ard (miles per gallon)
1991	12.7
1992	13.8
1993	13.8
1994	13.8
1995	14.6
1996	14.6
1997	15.1
1998	16.3
1999	16.3

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Issued on: April 2, 1997.

L. Robert Shelton,
*Associate Administrator for Safety
Performance Standards.*
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