

amendment's effective date to January 1, 1998 for vehicles with a GVWR between 8,500 and 10,000 pounds. In the NPRM, NHTSA noted that, due to the demographics of the occupants of the affected trucks, the benefits from applying the belt fit requirement to those trucks would be less than the benefits of applying it to lower GVWR vehicles. NHTSA also noted in the NPRM that the economic impact of requiring Ford to go ahead and comply with the September 1, 1997 effective date would be much greater than the costs anticipated by the agency for compliance with the belt fit requirement. In the NPRM, NHTSA tentatively decided that since the safety benefits for the affected trucks was likely to be very small, and the costs accentuated, a four-month extension of leadtime was reasonable. Interested persons are encouraged to read the July 29, 1996 NPRM for a detailed explanation of the agency's reasoning (61 FR 39432).

NHTSA received only one comment on the proposal to extend the compliance date for trucks with a GVWR of more than 8,500 pounds. In that comment, Ford supported the extension, citing the reasons included in its original petition and the NPRM. Accordingly, NHTSA has decided to adopt the proposed rule without change.

Rulemaking Analyses and Notices

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 not "significant" under the Department of Transportation's regulatory policies and procedures. As explained earlier, the agency estimates a cost savings of \$4.8 to \$4.9 million.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this final rule has no significant economic impact on a substantial number of small entities. As explained above, NHTSA does not anticipate a significant economic impact on any manufacturer from this proposal. For consumers, granting this extension will slightly reduce the cost of these trucks, especially the Ford trucks, compared to their cost if the extension is not granted.

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 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 proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this final rule has no significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This final rule will not have 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, 49 CFR Part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.208 is amended by revising S7.1.2 and adding a new S7.1.2.3 to read as follows:

§ 571.208 Standard No. 208; Occupant crash protection.

* * * * *

S7.1.2 Except as provided in S7.1.2.1, S7.1.2.2, and S7.1.2.3, for each Type 2 seat belt assembly which is

required by Standard No. 208 (49 CFR 571.208), the upper anchorage, or the lower anchorage nearest the intersection of the torso belt and the lap belt, shall include a movable component which has a minimum of two adjustment positions. The distance between the geometric center of the movable component at the two extreme adjustment positions shall be not less than five centimeters, measured linearly. If the component required by this paragraph must be manually moved between adjustment positions, information shall be provided in the owner's manual to explain how to adjust the seat belt and warn that misadjustment could reduce the effectiveness of the safety belt in a crash.

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S7.1.2.3 The requirements of S7.1.2 do not apply to any truck with a gross vehicle weight rating of more than 8,500 pounds manufactured before January 1, 1998.

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Issued on December 16, 1996.

Ricardo Martinez,
Administrator.

[FR Doc. 97-388 Filed 1-9-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 940553-4223; I.D. 010697B]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

ACTION: Closure.

SUMMARY: NMFS closes the commercial run-around gillnet fishery for king mackerel in the exclusive economic zone (EEZ) in the Florida west coast sub-zone. This closure is necessary to protect the overfished Gulf king mackerel resource.

EFFECTIVE DATE: The closure is effective 12:00 noon, local time, January 7, 1997, through June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-570-5305.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish

(king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, NMFS implemented a commercial quota for the Gulf of Mexico migratory group of king mackerel in the Florida west coast sub-zone of 865,000 lb (392,357 kg). That quota was further divided into two equal quotas of 432,500 lb (196,179 kg) for vessels in each of two groups by gear types—vessels fishing with run-around gillnets and those using hook-and-line gear (50 CFR 622.42 (c)(1)(i)(A)(2)).

In accordance with 50 CFR 622.43(a)(3), NMFS is required to close any segment of the king mackerel commercial fishery when its allocation or quota is reached, or is projected to be reached, by publishing a notification in the Federal Register. NMFS has determined that the commercial quota of 432,500 lb (196,179 kg) for Gulf group king mackerel for vessels using run-around gillnets in the Florida west coast sub-zone was reached on January 7. Hence, the commercial fishery for king mackerel for such vessels in the Florida west coast sub-zone is closed effective 12:01 noon, local time, January 7, 1997, through June 30, 1997, the end of the fishing year.

The Florida west coast sub-zone extends from 87°31'06" W. long. (due south of the Alabama/Florida boundary) to: (1) 25°20.4' N. lat. (due east of the Dade/Monroe County, FL, boundary) through March 31, 1997; and (2) 25°48' N. lat. (due west the Monroe/Collier County, FL, boundary) from April 1, 1997, through October 31, 1997.

Classification

This action is taken under 50 CFR 622.43(a)(3) and is exempt from review under E.O. 12866.

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

Dated: January 6, 1997.

Gary C. Matlock,
Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

[FR Doc. 97-610 Filed 1-7-97; 3:07 pm]

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50 CFR Parts 648 and 649

[Docket No. 9609262275-6372-02; I.D. 091196A]

RIN 0648-A183

Fisheries of the Northeastern United States; Amendments to the Northeast Multispecies, Atlantic Sea Scallop, and American Lobster Fishery Management Plans

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 8 to the Northeast Multispecies, Amendment 6 to the Atlantic Sea Scallop, and Amendment 6 to the American Lobster Fishery Management Plans (FMPs) to provide a framework abbreviated rulemaking process to address gear conflicts in the New England and Mid-Atlantic regions. These amendments: Add an objective to the Atlantic Sea Scallop and Northeast Multispecies FMPs to allow management of gear conflicts in these fisheries (the American Lobster FMP currently has an objective sufficiently broad in scope to allow management of gear conflicts), adapt the framework process currently in place for the Northeast multispecies and Atlantic sea scallop conservation management programs to allow implementation of a gear conflict management program for all three FMPs, and add a list of management measures to each FMP from which the Council could select future solutions to gear conflicts through the framework adjustment process. The intent of this action is to provide mechanisms to reduce the economic loss caused by gear conflicts.

EFFECTIVE DATE: February 10, 1997.

ADDRESSES: Copies of the amendments, their regulatory impact review and the environmental assessment are available from Christopher Kellogg, Acting Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 508-281-9273.

SUPPLEMENTARY INFORMATION: Amendment 8 to the Northeast Multispecies, Amendment 6 to the Atlantic Sea Scallop, and Amendment 6 to the American Lobster FMPs were prepared by the New England Fishery Management Council (Council) in

consultation with the Mid-Atlantic Fishery Management Council. A notice of availability for the proposed amendment was published on September 20, 1996 (61 FR 49430), and a proposed rule was published on October 9, 1996 (61 FR 52903). Details of this action are described in the proposed rule and will not be repeated here.

Approved Management Measures

These amendments add an objective to the Atlantic Sea Scallop and Northeast Multispecies FMPs to allow management of gear conflicts in these fisheries. This final rule amends the fisheries' framework process to allow implementation of a gear conflict management program for the FMPs and adds the following list of management measures to each FMP from which the Council could select future solutions to gear conflicts through the framework adjustment process: (1) Designation of restricted areas in one degree square increments (2700 nm), (2) mandatory monitoring of a radio channel by fishers, (3) fixed gear location reporting and plotting requirements, (4) standards of operation when gear conflicts occur, (5) fixed gear marking and setting practices, (6) gear restrictions for specific areas (including time and area closures), (7) vessel monitoring systems, (8) restrictions on the number of fishing vessels or amount of gear, and (9) special permit conditions.

Each framework adopted and submitted by the Council under this process would be an individual action to be reviewed under the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other applicable law. Approval of these amendments implements a process and provides a list of measures as potential options that may be used to resolve gear conflicts. This final rule does not implement any of the measures listed above. To implement one or more of the measures listed, an individual framework action would require documentation and analyses sufficient to determine consistency with all applicable laws.

A framework action would only be used to address gear conflicts occurring in Federal waters. The Council determined, and NMFS agrees, that the gear conflict framework procedure is principally designed to address true gear conflicts and not as a proxy for addressing what may be an allocation issue between users.

For the purpose of these amendments, the definition of gear conflict (at 50 CFR 600.10) is any incident at sea involving