

*G. Notice and Comment*

NHTSA finds that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B) because this action requires only that manufacturers provide notice of elections they are making with regard to the inclusion of value added in Mexico. It does not affect a manufacturer's ability to make an election or the timing its election. In view of the negligible impacts of the rule, the agency finds there is good cause to issue the rule without prior notice and opportunity for comment.

**List of Subjects in 49 CFR Part 531**

Energy conservation, Fuel economy, Gasoline, Imports, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

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

**PART 531—PASSENGER  
AUTOMOBILE AVERAGE FUEL  
ECONOMY STANDARDS**

1. The authority citation for Part 531 is revised to read as follows:

**Authority:** 49 U.S.C. 32902, 49 U.S.C. 32904; Delegation of authority at 49 CFR 1.50.

2. Section 531.6(b) is added to read as follows:

**§ 531.6 Measurement and calculation procedures.**

\* \* \* \* \*

(b) A manufacturer that is eligible to elect a model year in which to include value added in Mexico as domestic value, under subparagraphs (B)(i) and (B)(iii) of 49 U.S.C. 32904(b)(3), shall notify the Administrators of the Environmental Protection Agency and the National Highway Traffic Safety Administration of its election not later than 60 days before it begins production of automobiles for the model year. If an eligible manufacturer does not elect a model year before January 1, 2004, any value added in Mexico will be considered domestic value for automobiles manufactured in the next model year beginning after January 1, 2004, and in subsequent model years.

Issued on: May 10, 1999.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety  
Administration**

**49 CFR Part 571**

[Docket No. 99-5682]

**RIN 2127-AG48**

**Federal Motor Vehicle Safety  
Standards; Seat Belt Assemblies**

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

**ACTION:** Final rule.

**SUMMARY:** NHTSA is deleting the provision in Standard No. 209, Seat Belt Assemblies, requiring that the lap belt portion of a safety belt system be designed to remain on the pelvis under all conditions. NHTSA has concluded retention of this requirement is unnecessary since provisions in Standard No. 209, Standard No. 208, Occupant Crash Protection, and Standard No. 210, Seat Belt Assembly Anchorages, together require pelvic restraint. Further, those requirements are more readily enforceable than the requirement being deleted from Standard No. 209. Today's rule responds to a petition for rulemaking from the Association of International Automobile Manufacturers (AIAM). It is also consistent with the President's Regulatory Reinvention Initiative, which directed Federal agencies to identify and eliminate unnecessary Federal Regulations.

**DATES:** This final rule is effective July 19, 1999. Petitions for Reconsideration must be received by July 6, 1999.

**ADDRESSES:** Petitions should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

*For non-legal issues:* Mr. John Lee, Office of Crashworthiness Standards, NPS-11, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366-2264, facsimile (202) 366-4329, electronic mail jlee@nhtsa.dot.gov.

*For legal issues:* Ms. Nicole H. Fradette, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366-2992, facsimile (202) 366-3820, electronic mail nfradette@nhtsa.dot.gov.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Federal Motor Vehicle Safety Standard No. 209, Seat Belt Assemblies, specifies requirements for seat belt assemblies, including the pelvic restraint (i.e., lap belt) and the upper torso restraint (i.e. shoulder belt). Other requirements address the release mechanism, the attachment hardware, the adjustment, the webbing, the strap, and marking and other informational instructions. NHTSA adopted Standard No. 209 in 1967 as one of the initial Federal motor vehicle safety standards (32 FR 2408, February 3, 1967).<sup>1</sup>

S4.1(b) Pelvic restraint of Standard No. 209 states:

A seat belt assembly shall provide pelvic restraint whether or not upper torso restraint is provided, and the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or roll-over of the motor vehicle. Pelvic restraint of a Type 2 seat belt assembly that can be used without upper torso restraint shall comply with requirement for Type 1 seat belt assembly in S4.1 to S4.4.

Although the brief preamble of the notice establishing the standard and paragraph S4.1(b) in 1967 did not discuss the purpose of that paragraph, NHTSA regards the purpose of S4.1 (b) to be the reduction of the likelihood of restrained occupants sliding forward and under a fastened safety belt during a crash (referred to as submarining). It is important that the lap belt remains on the pelvis so that the crash forces transferred by a lap belt are imposed on the strong, bony pelvis instead of the more vulnerable abdominal region.

**II. NHTSA Response and Proposal**

In a notice of proposed rulemaking (NPRM) published on July 7, 1997 (62 FR 36251)<sup>2</sup> NHTSA proposed to delete S4.1(b). NHTSA tentatively concluded that S4.1(b) was unclear and should either be clarified or deleted. The agency explained that it was unclear how it would determine that a lap belt complied with the Standard and was in fact "designed" to remain on the pelvis. NHTSA raised the issue of whether a

<sup>1</sup> Standard No. 209 was adopted from a Department of Commerce standard (32 FR 2408, February 3, 1967), which was adopted from a Society of Automotive Engineers (SAE) standard. (29 FR 16973, December 11, 1964).

<sup>2</sup> The NPRM was issued in response to a May 24, 1996 petition for rulemaking from the Association of International Automobile Manufacturers, Inc. (AIAM). AIAM petitioned NHTSA to delete S4.1(b) of Standard No. 209. AIAM stated that the phrase "designed to remain on the pelvis under all conditions" was redundant of other, more specific and more stringent requirements in Standard No. 208, Occupant Crash Protection, Standard No. 209, and Standard No. 210, Seat Belt Assembly Anchorages, which already provide specific requirements that affect pelvic restraint.

lap belt's failure to remain on the pelvis during a crash could be sufficient to establish that the belt was not "designed" to remain on the pelvis under all conditions. In addition, NHTSA noted that the meaning of the words, "remain on the pelvis," was unclear. The agency also stated its belief that Standard No. 208, other provisions in Standard No. 209, and Standard No. 210 contained more specific requirements that collectively have the effect of requiring pelvic restraint and thereby reducing the likelihood of occupants submarining during a crash. NHTSA tentatively concluded the requirement appeared to be unnecessary and unenforceable and was an appropriate candidate for deletion.

### III. Response to the NPRM

NHTSA received nine comments in response to the NPRM. General Motors Corporation (GM), Mercedes Benz, Automotive Occupant Restraint Council (AORC), Association of International Automobile Manufacturers (AIAM), Chrysler Corporation (Chrysler), Ford Motor Company (Ford), and Volkswagen of America, Inc. (VW) all favored the agency's proposal to delete S4.1(b) from Standard 209. Advocates for Highway Safety (Advocates) and the National Transportation Safety Board (NTSB) opposed it.

General Motors stated that it is unclear how compliance with S4.1 (b) is to be evaluated as no test has ever been conceived for this purpose. GM also stated that Standards No. 208, 209 and 210 provide adequate and more readily enforceable requirements for pelvic restraint. Mercedes Benz stated that its crash data demonstrate that other requirements in Standards No. 209 and 210 cause the lap belt to be designed to remain on the pelvis in real world crashes and thus reduce the likelihood of occupant submarining. AORC argued that S4.1 (b) is redundant and has little effect in comparison to other more specific and more stringent requirements in Standards No. 210, 208 and 209. AIAM also argued that there is no need for S4.1(b) in light of other provisions in other standards. Chrysler stated that deleting S4.1(b) would not adversely affect safety. Ford argued that S4.1(b) is not stated in objective terms and, as GM did, stated that there was no means to measure performance under that paragraph. Ford suggested that NHTSA cooperate with Transport Canada in developing a computer model for belt fit evaluation or harmonization. Volkswagen also stated that S4.1 (b) is redundant, unclear and lacks objectivity.

Advocates opposed deleting S4.1(b) from Standard 209. Advocates stated that it did not believe that the pelvic restraint requirement is unclear or that other provisions in the safety standards render S4.1(b) redundant. Advocates argued that rather than deleting the provision, NHTSA should clarify it by deleting the words "be designed to" from S4.1(b). The NTSB expressed concern that deleting S4.1(b) would adversely affect safety by deleting, what it believed to be, the only performance standard for seat belt restraint systems covering occupants other than 50th percentile adult males. NTSB argued that S4.1(b) should be retained until a more effective performance standard is in place to protect a larger segment of the traveling public.

### IV. Agency Decision and Response to Comments

NHTSA adopted Standard No. 209 in 1967 along with several other standards as part of the initial Federal motor vehicle safety standards. As stated earlier in this notice, NHTSA regards S4.1(b) of the standard as being intended to reduce the risk of occupant submarining by requiring that the lap belt remains on the pelvis during a crash.

NHTSA has concluded that S4.1(b) is unnecessary because subsequently adopted provisions in Standard No. 208 and Standard No. 210, and other provisions in Standard No. 209, contain more specific requirements that collectively achieve the same objective for a broad category of vehicle occupants. These provisions regulate the primary aspects of lap belt design and performance that affect the likelihood of occupant submarining. Specifically, they regulate belt angle, adjustment, fit, and the amount of slack in the belt.

Standards No. 208 and 209 address seat belt fit and adjustment by requiring seat belts to fit a wide range of vehicle occupants. In 1971, NHTSA amended the fitting provisions in Standard No. 208 to specify that the lap belt portion of the safety belt must fit persons from a six-year-old child to a 95th percentile adult male.<sup>3</sup> NHTSA also amended Standard No. 209 in 1971 to specify that lap and shoulder belts must be capable of fitting persons from a fifth percentile

adult female to a 95th percentile adult male.<sup>4</sup> NTSB is, therefore, incorrect when it states that S4.1(b) is the only requirement for seat belt restraint systems covering occupants other than 50th percentile adult males. Both Standard No. 208 and Standard No. 209 require seat belt restraint systems to fit occupants other than 50th percentile adult males.

In order to improve belt performance and reduce the potential of submarining, NHTSA amended S4.3.1 of Standard No. 210 in 1990 to increase the minimum lap belt angle from 20 degrees to 30 degrees. (55 FR 17970, April 30, 1990) As amended, S4.3.1 requires that the lap belt angle, measured from the seating reference point to either the anchorage or the point where the safety belt contacts the seat frame, must be between 30 and 75 degrees. NHTSA amended the requirement after agency research using test dummies demonstrated that increasing the angle of the lap belt reduced the potential for occupant submarining.<sup>5</sup> The possibility of submarining increases as the line of the lap belt approaches the horizontal (i.e., as the belt angle decreases). Too shallow a belt angle results in insufficient downward force to resist the upward motion of the lap belt that occurs in a crash.

The potential for occupant submarining is also affected by the amount of slack in a lap belt. An occupant is at a greater risk of submarining if a lap belt fits loosely around the occupant. The potential for occupant submarining, therefore, rises as the amount of slack in the belt increases. To help prevent belt webbing from playing out in a crash, NHTSA amended Standard No. 209 in 1971 to require that an emergency-locking retractor lock before the webbing extends one inch when the retractor is subjected to an acceleration of 0.7g.<sup>6</sup> This provision lowers the risk of occupant submarining by controlling

<sup>3</sup> S4.1 of Standard No. 209 states:

"(g) Adjustment. (1) A Type 1 or Type 2 seat belt assembly shall be capable of adjustment to fit occupants whose dimensions and weight range from those of 5th percentile adult female to those of 95th-percentile adult male."

<sup>5</sup> "Rear Seat Submarining Investigation," DOT HS 807-347, May 1988.

<sup>6</sup> S4.3 (j) of Standard No. 209 states:

"(j) Emergency-locking retractor. An emergency-locking retractor of a Type 1 or Type 2 seat belt assembly, when tested in accordance with the procedures specified in paragraph S5.2(j)—

(1) Shall lock before the webbing extends 1 inch when the retractor is subjected to an acceleration of 0.7g."

<sup>3</sup> S7.1 of Standard No. 208 states:

"Adjustment. S7.1.1 Except as specified in S7.1.1.1 and S 7.1.1.2, the lap belt of any seat belt assembly furnished in accordance with S4.1.2 shall adjust by means of any emergency-locking retractor or automatic locking retractor that conforms to § 571.209 to fit persons whose dimensions range from those of a 50th percentile 6-year-old to those of a 95th percentile adult male . . ."

the amount of slack that may be introduced into the belt.

NHTSA has concluded that the comfort and fit provisions in Standards No. 208 and 209, together with the lap belt angle in Standard No. 210, and the emergency-locking retractor provisions in Standard No. 209 provide assurance that the lap belt limits the likelihood of occupant submarining. NHTSA believes that these provisions collectively provide the necessary specifications to assure pelvic restraint and that retention of S4.1(b) is therefore unnecessary.

Manufacturers are required to certify that their products conform to NHTSA's safety standards before they can be offered for sale. Compliance with the safety standards is required up to the first sale for purposes other than resale. NHTSA conducts vehicle testing of new vehicles to determine a manufacturer's compliance with the safety standards. Manufacturers must exercise due care to assure that any vehicle or equipment item will comply with the safety standards when tested by NHTSA. Manufacturers must know how NHTSA plans to test compliance with a particular standard if they are to ensure that their vehicles comply.

Since NHTSA does not have a test procedure to determine a manufacturer's compliance with S4.1(b), the provision is not readily enforceable. Further, NHTSA does not agree with Advocates that a repeatable, practicable test could be devised to determine compliance with the provision. The provision makes no specific reference to a particular test speed or type of collision. Even if it were feasible to develop dynamic tests that incorporated all crash conditions, for example, from a 90 mph head-on collision to a 20 mph rollover, NHTSA does not believe that such a requirement would be practicable. More importantly, in light of the provisions cited above in Standard Nos. 208, 209, and 210 that collectively provide the necessary specifications to assure effective pelvic restraint, NHTSA does not believe that developing a test procedure for S4.1(b) would yield benefits.

Although the comments addressed the first sentence of S4.1(b), the NPRM also proposed to delete the entire subsection, including the requirement in the second sentence for the pelvic restraint portion of a Type 2 seat belt assembly that can be used without the upper torso restraint. This type of seat belt assembly is no longer permitted; therefore, the requirement is no longer necessary and is being rescinded.

In summary, NHTSA concludes that Standard No. 208, other provisions in Standard No. 209, and Standard No. 210

contain more specific requirements than S4.1(b) that collectively promote pelvic restraint and reduce the likelihood of occupants submarining during a crash. Further, these provisions all have established test procedures to determine compliance and are readily enforceable. NHTSA concludes that S4.1(b) is unnecessary and unenforceable and should be deleted. This amendment will not adversely affect safety and is consistent with the President's Regulatory Reinvention Initiative.

## V. 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. There are no apparent cost savings or added costs. Deletion of this section is not expected to result in any changes to seat belt system design or in any change in the amount of testing by manufacturers. There are no apparent benefits (other than the deletion of a requirement that does not add to safety) or any negative results. Deletion of this section will not result in any design or performance changes for motor vehicle restraints.

### *Regulatory Flexibility Act*

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). I hereby certify that the final rule will not have a significant economic impact on a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. 605(b)). The final rule primarily affects passenger car, light truck, and multipurpose passenger vehicle manufacturers. The Small Business Administration's size standards (13 CFR part 121) are organized according to Standard Industrial Classification Codes (SIC). SIC Code 3711 "Motor Vehicles and Passenger Car Bodies" has a small business size standard of 1,000 employees or fewer.

This final rule applies to the previously described vehicle manufacturers regardless of size. This final rule does not require and will not result in any vehicle design changes. This final rule deletes certain

requirements and does not require any changes to the seat belt system. The changes will not affect the cost of new vehicles.

### *Paperwork Reduction Act*

NHTSA has analyzed this rule under the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and determined that it will not impose any information collection requirements as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320.

### *The National Environmental Policy Act*

NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that it will have no significant impact on the human environment.

### *The Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (Public Law 104-4) requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. However, the incremental manufacturer costs for this final rule are estimated to be zero.

### *Executive Order 12612 (Federalism)*

The agency has analyzed this rule in accordance with the principles and criteria set forth in Executive Order 12612. NHTSA has determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### *Civil Justice Reform*

This rule does not have any retroactive effect. NHTSA is not aware of any state law that is preempted by this rule. This rule does not repeal any existing Federal law or regulation. It modifies existing law only to the extent that it deletes the requirement which specifies that the lap belt portion of a safety belt system be designed to remain on the pelvis under all conditions. This rule does not require submission of a petition for reconsideration or the initiation of other administrative proceedings before a party 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.

### § 571.209 [Amended]

2. Section 571.209 is amended by removing and reserving S4.1(b).

Issued on: May 14, 1999.

**Ricardo Martinez,**  
*Administrator.*

[FR Doc. 99-12628 Filed 5-18-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 222 and 223

[Docket No. 950427117-9133-07;  
I.D.051299D]

RIN 0648-AH97

### Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone

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

**ACTION:** Temporary rule.

**SUMMARY:** NMFS is extending for 1 week its existing closure of all inshore waters and offshore waters out to 10 nautical miles (nm) (18.5 km) seaward of the COLREGS demarcation line (as defined at 33 CFR part 80), bounded by 32° N. lat. and 33° N. lat. within the Leatherback conservation zone, to fishing by shrimp trawlers required to have a turtle excluder device (TED) installed in each net that is rigged for fishing, unless the TED has an escape opening large enough to exclude leatherback turtles, as specified in the regulations. The existing closure was scheduled to expire at 11:59 p.m. (local time) on May 21, 1999 (published in the *Federal Register* on May 12, 1999). The closure of the area will now expire at 11:59 p.m. (local time) on May 28, 1999. This continued closure is necessary to reduce mortality of endangered leatherback sea turtles incidentally captured in shrimp trawls.

**DATES:** This action is effective from May 14, 1999 through 11:59 p.m. (local time) on May 28, 1999.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Oravetz, (727) 570-5312, or

Barbara A. Schroeder (301) 713-1401. For assistance in modifying TED escape openings to exclude leatherback sea turtles, fishermen may contact gear specialists at the NMFS, Pascagoula, MS laboratory by phone (228) 762-4591 or by fax (228) 769-8699.

**SUPPLEMENTARY INFORMATION:** The taking of sea turtles is governed by regulations implementing the Endangered Species Act (ESA) at 50 CFR parts 222 and 223 (see 64 FR 14051, March 23, 1999, final rule consolidating and reorganizing ESA regulations). Generally, the taking of sea turtles is prohibited. However, the incidental take of turtles during shrimp fishing in the Atlantic Ocean off the coast of the southeastern United States and in the Gulf of Mexico is excepted from the taking prohibition pursuant to sea turtle conservation regulations at 50 CFR 223.206, which include a requirement that shrimp trawlers have a NMFS-approved TED installed in each net rigged for fishing. The use of TEDs significantly reduces mortality of loggerhead, green, Kemp's ridley, and hawksbill sea turtles. Because leatherback turtles are larger than the escape openings of most NMFS-approved TEDs, use of these TEDs is not an effective means of protecting leatherback turtles.

Through a final rule (60 FR 47713, September 14, 1995), NMFS established regulations to protect leatherback turtles when they occur in locally high densities during their annual, spring northward migration along the Atlantic seaboard. Within the Leatherback conservation zone, NMFS is required to close an area for 2 weeks when leatherback sightings exceed 10 animals per 50 nm (92.6 km) during repeated aerial surveys pursuant to 50 CFR 223.206(d)(2)(iv)(A) through (C).

An aerial survey conducted on April 27, 1999, along the South Carolina coast documented 70 leatherback turtles over a total survey trackline of 327 nm (606 km). The highest concentrations were noted in waters off the southern half of the state along two, parallel 46 nm (85.2 km) tracklines beginning at approximately 32°07' N. lat., 080°41' W. long. (offshore Hilton Head Island, SC) and ending at approximately 32°35' N. lat., 079°59' W. long. (offshore Kiawah Island, SC), where 35 leatherbacks were sighted along the trackline parallel to the coast at approximately 1.5 nm (2.8 km), and 17 leatherbacks were sighted along the trackline paralleling the coast at approximately 3.0 nm (5.6 km). On May 3, 1999, a survey along the same tracklines documented 1 leatherback on the 1.5 nm (2.8 km) and 11 leatherbacks

on the 3.0 nm (5.6 km) from shore tracklines.

On May 7, 1999, the Assistant Administrator for Fisheries, NOAA (AA), based on high observed concentrations of leatherback sea turtles off the South Carolina coast (64 FR 25460, May 12, 1999) during these surveys, closed, from May 7, 1999, through 11:59 p.m. (local time) on May 21, 1999, all inshore waters and offshore waters within 10 nm (18.5 km) seaward of the COLREGS demarcation line, bounded by 32° N. lat. and 33° N. lat., within the Leatherback conservation zone, to fishing by shrimp trawlers required to have a TED installed in each net that is rigged for fishing, unless the TED installed has an escape opening large enough to exclude leatherback turtles, meeting the specifications at 50 CFR 223.207(a)(7)(ii)(B) or 223.207(c)(1)(iv)(B). These regulations specify modifications that can be made to either single-grid hard TEDs or Parker soft TEDs to allow leatherbacks to escape.

NMFS has continued to monitor the presence of leatherback turtles along the Georgia and South Carolina coasts. A May 11, 1999, aerial survey along the South Carolina coast confirmed the continued high abundance of leatherback sea turtles in the currently closed area. Over the same portion of trackline, 14 leatherback turtles were sighted approximately 1.5 nm (2.8 km) from shore. Three more leatherbacks were sighted on the continuation of the survey, off of Folly Island immediately to the north. Low clouds and poor visibility prevented the survey of the parallel trackline 3 nm (5.6 km) from shore. Because this repeat aerial survey confirmed the continued presence of leatherback sea turtles, the AA has determined that under the regulations all inshore waters and offshore waters within 10 nm (18.5 km) seaward of the COLREGS demarcation line, bounded by 32° N. lat. and 33° N. lat., within the Leatherback conservation zone, are closed for 2 weeks to fishing by shrimp trawlers required to have a TED installed in each net that is rigged for fishing, unless the TED installed has an escape opening large enough to exclude leatherback turtles, meeting the specifications at 50 CFR 223.207(a)(7)(ii)(B) or 223.207(c)(1)(iv)(B).

This closure will be filed with the Office of the Federal Register on or about Friday May 14, 1999. The effect is the same as extending the existing closure for a 1-week period. The same restrictions apply during the entire period the area is closed.