concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

IV. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: June 2, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

§ 180.493 [Amended]

2. In § 180.493, by amending paragraph (b) by changing the date ''3/15/99'' to read ''9/15/00''.

[FR Doc. 98–15745 Filed 6–11–98; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–3773]

RIN 2127–AF91

Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages

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

ACTION: Final rule.

SUMMARY: This document responds to a petition from Volvo Cars of North America (Volvo), by amending the seat belt anchorage strength requirements of FMVSS No. 210, ''Seat belt assembly anchorages,'' to require the anchorages of all lap/shoulder belts to meet a 6,000 pound strength requirement, regardless of whether a manufacturer has the option of installing a lap belt or a lap/shoulder belt at that seating position. Two different requirements existed for testing the anchorages of lap/shoulder belts. One requirement, applicable to lap/shoulder belts installed at locations where manufacturers did not have the option of installing any other type of belt, called for all three anchorages of a lap/shoulder belt to withstand a 6,000 pound strength test. The second requirement, applicable to lap/shoulder belts installed at locations where a manufacturer could install either a lap belt or a lap/shoulder belt, required the anchorages of the lap portions of a lap/shoulder belt to withstand the 5,000 pound strength test applied to lap belts. The adoption of this new certification requirement allows manufacturers to test all lap/shoulder belts alike, i.e. according to the 6,000 pound strength test appropriate for lap/shoulder belts, and no longer need also test the anchorages for the lap belt portion to the 5,000 pound test used for belts consisting of just a lap belt.

DATES: *Effective Date:* This final rule is effective June 14, 1999. Manufacturers wishing to comply with the requirements of this final rule may do so before the effective date commencing September 10, 1998.

Petition Date: Any petitions for reconsideration must be received by NHTSA no later than July 27, 1998.

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: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For non-legal issues: Mr. John Lee, Light Duty Vehicle Division, Office of Crashworthiness Standards, NPS–11, National Highway Traffic Safety Administration, telephone: (202) 366–4924, facsimile (202) 493–2739, electronic mail ''jlee@nhtsa.dot.gov''.

For legal issues: Otto Matheke, Office of the Chief Counsel, NCC–20, telephone (202) 366–5263, facsimile (202) 366–3820, electronic mail ''omatheke@nhtsa.dot.gov''.

SUPPLEMENTARY INFORMATION: Under Standard No. 208, ''Occupant crash protection,'' manufacturers have the option of installing a Type 1 seat belt (i.e., lap belt) instead of a Type 2 seat belt assembly (i.e., lap/shoulder belts) at these locations:

- Vehicles, including school buses, with a GVWR of more than 10,000 pounds: all seats, except passenger seats in buses;
- School buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less: the passenger seats; and
- All other vehicles with a GVWR of 10,000 pounds or less: all seats, except forward-facing outboard seats.

Prior to this final rule, the anchorage requirements in Federal Motor Vehicle Safety Standard No. 210, ''Seat belt assembly anchorages,'' required the lap belt anchorages for Type 2 belts installed at these positions to meet the 5,000 pound load requirement applicable to Type 1 belts. However, the anchorages for the shoulder belt portion were not subject to any load requirement. These requirements were established in a final rule published on April 30, 1990 (55 FR 17970) without any explanatory discussion in the preamble to the final rule. Where Type 2 belts were the only configuration allowed at a seating position, the Standard required the anchorages for Type 2 seat belts to withstand the simultaneous application of a 3,000-pound load applied to the lap belt anchorages and a separate 3,000-pound load to the shoulder belt anchorages.

The Volvo Petition

On May 18, 1995, Volvo Cars of North America, Inc. (Volvo) petitioned NHTSA to amend Standard No. 210. Volvo stated that it subjects the anchorages of its ''voluntarily installed Type 2 seat belts'' to two different tests.[1] Pursuant to Standard No. 210, it tests the anchorages for the lap belt portion of those belts for compliance with the anchorage requirements for a Type 1 seat belt. In addition, for quality control purposes, it tests the anchorages of its voluntarily installed Type 2 seat belts for compliance with the requirements

[1] Volvo's use of the term ''voluntarily installed'' reflects that company's interpretation that Standard No. 208 does not require the installation of Type 2 belts at locations where Standard No. 208 allows manufacturers to meet seat belt requirements by installing either a Type 1 or a Type 2 belt. As the minimum requirement for those locations can be met by installing a Type 1 belt, Volvo adheres to the view that Type 2 belts used where only a Type 1 is required are ''voluntarily installed'' belts.

for the anchorages of mandatorily installed Type 2 seat belts.

To reduce the amount of testing, Volvo requested that the Standard be amended to give manufacturers a choice of certifying the lap belt anchorages of a ''voluntarily installed'' Type 2 seat belt either to the requirements for Type 1 seat belt anchorages or to the requirements for a Type 2 seat belt anchorage. The adoption of this request would allow Volvo to cease separate testing of the lap belt portion of its voluntarily installed Type 2 seat belts.

Notice of Proposed Rulemaking

On May 14, 1996 (61 FR 24265), NHTSA published a Notice of Proposed Rulemaking (NPRM) proposing that FMVSS 210 be amended so that all Type 2 belts are tested alike. Manufacturers that choose to install Type 2 seat belts at positions where they are optional would be required to certify the anchorages according to the requirements for the anchorages for mandatory Type 2 seat belts.

Comments in Response to the NPRM

Six comments were received in response to the NPRM. The commenters included Volvo Cars of North America (Volvo), General Motors Corporation (GM), Insurance Institute for Highway Safety (IIHS), Volkswagen (VW), Truck Manufacturers Association (TMA), and American Automobile Manufacturers Association (AAMA). Additionally, a related letter was received from the National Transportation Safety Board (NTSB). All those submitting comments concurred with the proposal. However, General Motors (GM), Insurance Institute for Highway Safety (IIHS) and American Automotive Manufacturers Association (AAMA) had additional comments.

Although GM agreed with the agency proposal, it suggested that the proposed rule change might be unnecessary. GM commented that because FMVSS 208 expressly provides the vehicle manufacturer with the option of installing ''a Type 1 or a Type 2 seat belt assembly '' at certain designated seating positions, the Standard requires that one or the other be provided. In GM's view, if a vehicle manufacturer decides to provide a Type 2 seat belt assembly at the designated seating position, that Type 2 seat belt assembly becomes the FMVSS 208 required seat belt assembly for that designated seating position and, as such, becomes subject to the requirements for such belt assemblies as specified prior to this final rule.

IIHS made similar arguments. It supported proposed changes in the NPRM, but believes that the term ''voluntarily-installed'' is confusing. IIHS noted that Standard 208 states that either a Type 1 or Type 2 belt must be installed at all non-outboard forward-facing seats. In IIHS' view, nothing in Standard 208 indicates that the installation of a Type 2 belt is a voluntary decision and that the agency should not refer to Type 2 belts installed where they are not required as voluntarily installed seat belts.

AAMA suggested that S4.2.2 include the phrase ''and except for side-facing seats,'' and that the proposed changes become effective 30 days after the final rule.

In a letter dated September 20, 1996, offered in response to the NPRM, the National Transportation Safety Board (NTSB) recommended that NHTSA require installation of center rear lap/shoulder belts in all newly manufactured passenger vehicles for sale in the United States.

Analysis of Comments

The comments submitted by GM and IIHS concern the issue of whether a Type 2 seat belt installed at a seating position for which Standard No. 208 expressly provides the option of installing either a Type 1 or Type 2 seat belt is a voluntarily installed belt. GM contended that if a vehicle manufacturer decides to provide a Type 2 seat belt assembly at such a designated seating position, it is doing so to satisfy Standard 208 and the decision is therefore not a voluntary one. In GM's view, such Type 2 seat belt assemblies are installed to comply with Standard 208 and would be tested to conform to the specifications applicable to Type 2 seat belt assemblies installed where Standard 208 requires such belts.

In contrast, Volvo's petition for rulemaking is premised on the view that Type 2 belts installed in lieu of Type 1 belts are ''voluntarily installed.'' This view is based on NHTSA's prior interpretation supporting the concept of ''voluntarily installed'' belts and language previously found in S4.2.1(b) specifying that the lap belt portion of a Type 2 seat belt that is ''voluntarily installed at a designated seating position'' must withstand a 5,000 pound force.

Although GM and IIHS differ from Volvo about whether the standard would have required the 3,000 pound test load to be applied to the lap belt portion of the seat belt assembly simultaneously with a 3,000 pound test load applied to the shoulder belt portion uniformly to all Type 2 seat belt anchorages, they agree that uniformity is desirable. The agency concurs in this view. In proposing to amend the standard, the agency accepted Volvo's view that an amendment was necessary. Upon considering the comments from GM and IIHS, NHTSA concedes that the former language of the standard could support the interpretation those commenters gave it. However, Volvo's position also has support in the record and is in accord with earlier agency interpretations. To avoid future uncertainty, NHTSA concludes that the better course is to amend the standard as proposed. It accordingly amends S4.2.1. by deleting the reference to ''voluntarily installed'' Type 2 seat belts, thereby making the lap and shoulder anchorages for all such belts each subject to the 3,000 pound test requirements of S4.2.2. IIHS also suggested that S4.2.2 (b), as proposed in the NPRM, be removed on the basis that this text was superfluous. NHTSA agrees that S4.2.2(b) is superfluous and should be deleted.

The agency has also concluded that it is appropriate to follow AAMA's suggestion that the phrase ''and except for side-facing seats'' be incorporated into S4.2.2. Such an amendment makes the section consistent with the existing side-facing seat requirements of Standard 210. NHTSA does not agree, however, that the amendments incorporated in this final rule should be effective 30 days after publication.

NHTSA recognizes that these amendments simplify testing and lessen compliance burdens for many manufacturers. An early effective date would therefore benefit some members of the industry. However, since the amendment to S4.2.1 reverses an earlier NHTSA interpretation regarding Type 2 belts and their anchorages, the agency is concerned that some manufacturers who have relied on this prior interpretation to locate the upper anchorages for Type 2 belts be afforded sufficient time to implement changes to bring existing or planned vehicles into compliance with the anchorage location requirements of S4.3.2.

The agency has consistently maintained that systems or components installed in addition to required safety systems are not required to meet Federal safety standards, provided the additional components or systems do not impair the performance of required systems. In the case of Type 2 belts, NHTSA has said that manufacturers are permitted to locate the anchorage for the upper end of voluntarily installed shoulder belts outside of the area specified in S4.3.2 of Standard No. 210, provided that the voluntarily installed anchorages and shoulder belts do not destroy the ability of the required anchorages and lap belts to comply with

the requirements of the safety standards. The effect of the amendment made by this final rule is that anchorages for all Type 2 seat belts will be required to meet the location requirements as well as the strength requirements of Standard No. 210. To permit manufacturers who need to relocate their Type 2 anchorages to do so, the agency is providing that the rule will take effect one year from the date of its publication.

Section 30111(d) of Chapter 329, 49 U.S.C. 30111(d) prohibits establishment of an effective date for a seat standard less than 180 days or more than one year after the standard is prescribed. This restriction does not apply if, for good cause shown, that a different effective date is in the public interest.

NHTSA believes that setting the effective date one year after promulgation will not have a negative impact on safety. The principal effect of this rule will be to simplify testing requirements and harmonize anchorage strength criteria for Type 2 belts. Volvo and other manufacturers wishing to test the anchorages of Type 2 belts to the Type 2 requirements may do so before the effective date of this rule. It is expected that these manufacturers will do so, in order to avoid the costs of duplicative testing.

In regard to the suggestion provided by the NTSB that NHTSA require the installation of Type 2 seat belts at all designated seating positions, NHTSA believes that such a requirement is beyond the scope of this rulemaking. The instant action concerns the requirements for seat belt anchorages rather than what types of seat belts are required at different seating positions. NHTSA acknowledges that mandating the installation of Type 2 belts at all seating positions may have safety benefits. The agency has not, in the course of this rulemaking, examined those benefits or potential risks and costs of such a requirement. Accordingly, the agency is therefore respectfully declining to take the actions suggested by NTSB.

Final Rule

NHTSA is making several changes to the proposal outlined in the NPRM. The phrase ''and except for side-facing seats'' is added to S4.2.2. As discussed above, S4.2.2(b) is being deleted in its entirety.

Effective Date

In response to the NPRM, AAMA suggested that the agency establish an early effective date for the new anchorage requirements. As noted above, the rule will become effective one year from the date of publication in the **Federal Register**. Manufacturers wishing to comply prior to that date may do so commencing 90 days after publication.

Rulemaking Analyses and Notices

A. 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. This final rule will result in reduced testing costs for manufacturers who had previously been testing Type 2 belt anchorages to two different strength standards. The cost savings will vary depending on the test procedure being used by the manufacturer. The agency believes that the impact of this final rule does not warrant the preparation of a full regulatory analysis.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Public Law 96–354) requires each agency to evaluate the potential effects of a final rule on small businesses. Modifications to standards for seat belt anchorages affect motor vehicle manufacturers, few of which are small entities. The Small Business Administration (SBA) has set size standards for determining if a business within a specific industrial classification is a small business. The Standard Industrial Classification code used by the SBA for Motor Vehicles and Passenger Car Bodies (3711) defines a small manufacturer as one having 1,000 employees or less.

I hereby certify that this final rule will not have a significant economic impact on a substantial number of small businesses. Very few single stage manufacturers of motor vehicles within the United States have 1,000 or fewer employees. Those that do are not likely to perform testing of seat belt anchorages and would be much more likely to contract with a larger manufacturer or a test facility to perform such testing. Furthermore, this rule reduces test burdens for manufacturers by eliminating any perceived need to test the anchorages of certain Type 2 seat belts to two different strength requirements. For this reason, NHTSA believes that this final rule will not have a significant impact on any small business.

C. 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.

D. National Environmental Policy Act

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

E. Executive Order 12612 (Federalism)and Unfunded Mandates Act

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

In issuing this final rule modifying seat belt anchorage strength requirements, the agency notes, for the purposes of the Unfunded Mandates Act, that it is pursuing the least cost alternative. This rulemaking does not impose new costs but reduces compliance test costs by eliminating potentially duplicative requirements.

F. 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. 571.210 is amended by revising sections S4.2.1 and S4.2.2 to read as follows:

§ 571.210 Standard No. 210, Seat Belt Assembly Anchorages.

* * * * *

S4.2.1 Except as provided in S4.2.5, and except for side-facing seats, the anchorages, attachment hardware, and attachment bolts for any of the following seat belt assemblies shall withstand a 5,000 pound force when tested in accordance with S5.1 of this standard:

(a) Type 1 seat belt assembly; and

(b) Lap belt portion of either a Type 2 or automatic seat belt assembly, if such seat belt assembly is equipped with a detachable upper torso belt.

S4.2.2 Except as provided in S4.2.5, and except for side facing seats, the anchorages, attachment hardware, and attachment bolts for any of the following seat belt assemblies shall withstand a 3,000 pound force applied to the lap belt portion of the seat belt assembly simultaneously with a 3,000 pound force applied to the shoulder belt portion of the seat belt assembly, when tested in accordance with S5.2 of this standard:

(a) Type 2 and automatic seat belt assemblies that are installed to comply with Standard No. 208 (49 CFR 571.208); and

(b) Type 2 and automatic seat belt assemblies that are installed at a seating position required to have a Type 1 or Type 2 seat belt assembly by Standard No. 208 (49 CFR 571.208).

* * * * *

Issued on June 4, 1998.

Ricardo Martinez,

Administrator.

[FR Doc. 98–15558 Filed 6–11–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980529141–8141–01; I.D. 052198A]

RIN 0648–AL34

Fisheries of the Northeastern United States; Final Rule for the Loligo Squid/Butterfish, Scup, Black Sea Bass, and Illex Squid Fisheries; Moratorium Vessel Permit Eligibility

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to amend the regulations implementing Amendment 5 to the Fishery Management Plan (FMP) for the Atlantic mackerel, squid, and butterfish fisheries (Amendment 5), and Amendments 8 and 9 to the FMP for the summer flounder, scup, and black sea bass fisheries (Amendments 8 and 9). The purpose of this final rule is to comply with the intent of Amendments 5, 8, and 9 regarding the application restrictions for initial moratorium permits.

DATES: Effective June 9, 1998.

FOR FURTHER INFORMATION CONTACT: Tom Warren, Fishery Management Specialist, (978) 281–9347.

SUPPLEMENTARY INFORMATION: The final rule that implemented the commercial vessel moratorium for the *Loligo* squid/butterfish fishery in Amendment 5 was published on April 2, 1996 (61 FR 14465). The measures implementing the *Illex* squid moratorium were revised and approved in resubmitted Amendment 5 on May 27, 1997 (62 FR 28638). The final rules that implemented Amendments 8 and 9 were published on August 23, 1996 (61 FR 43420), and November 15, 1996 (61 FR 58461), respectively and established moratoria on entry into the scup and black sea bass fisheries, respectively.

Application restrictions for moratorium vessel permits were specified for each of these fisheries. The regulations implementing Amendments 5, 8, and 9 specified that no one may apply for an initial commercial moratorium permit 12 months after the effective date of the final rule implementing each amendment. The application deadlines as specified in the final rule of each amendment are: *Loligo* squid/butterfish, May 2, 1997; scup, September 23, 1997; black sea bass, December 15, 1997; and *Illex* squid, June 26, 1998.

The intent of the regulations was to provide 12 months of opportunity for vessel owners to apply for initial moratorium permits. However, logistical problems developed in coordinating the availability of the initial application forms with the effective dates of the final regulations. As a consequence, notification to potential applicants of the application requirements, including the deadlines, was delayed. Since forms were not available for vessel owners to apply for a moratorium fishery, the actual time frame in which they could apply was truncated. As a result, applicants for the *Loligo* squid/butterfish fishery received 8 months to apply; scup applicants received 11 months; and black sea bass applicants received 8 months. The intent of the regulations to provide 12 months in which to apply was thus not fulfilled. By reopening the permit application period for these fisheries, NMFS is providing additional time for applicants to apply for initial moratorium permits, as was originally intended.

Since the application periods for these three fisheries have expired, they must be reopened. Reopening the application periods for initial moratorium permits for the *Loligo* squid/butterfish, scup, and black sea bass fisheries for the period from June 9, 1998, through August 31, 1998, will result in additional opportunity, though not continuous, for applicants to apply for an initial moratorium permit. Therefore, the intent of this rule is to allow a more equitable opportunity to apply for these moratorium permits.

This final rule also adjusts the deadline for submittal of applications for the *Illex* squid moratorium permit so that it coincides with the August 31, 1998, deadline implemented by this final rule for *Loligo* squid/butterfish, scup, and black sea bass. Revising the date of the application deadline for the *Illex* squid moratorium permit (August 31, 1998) will result in a uniform deadline and reduce confusion in the industry.

Classification

Pursuant to authority at 5 U.S.C. 553(b)(B), the Assistant Administrator, NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for public comment for this rule as such procedures are unnecessary and contrary to the public interest. A proposed rule informing the public of the application limitation for these fisheries was previously published for the original application deadlines. An additional comment period is unnecessary and will protract the permitting process for these fisheries without any concomitant benefit. The rule operates to relieve an unintended restriction and to avoid confusion in the industry by providing a uniform extension of the permit application deadline and the shortest hiatus in the permitting process. Because this rule relieves a restriction under 5 U.S.C. 553(d)(1), it is not subject to a 30-day delay in effective date.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.