

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).

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Issued on June 4, 1998.

Ricardo Martinez,
Administrator.

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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.

This rule has been determined to be not significant under E.O. 12866.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 8, 1998.

Rolland A. Schmitten,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. Section 648.4 is amended by revising paragraphs (a)(5)(i)(B)(I), (a)(5)(ii)(B)(I), (a)(6)(i)(B)(I), and (a)(7)(i)(B)(I) to read as follows:

§ 648.4 Vessel and individual commercial permits.

(a) * * *

(5) * * *

(i) * * *

(B) * * *

(I) August 31, 1998; or

* * * * *

(ii) * * *

(B) * * *

(I) August 31, 1998; or

* * * * *

(6) * * *

(i) * * *

(B) * * *

(I) No one may apply for an initial scup moratorium permit after August 31, 1998.

* * * * *

(7) * * *

(i) * * *

(B) * * *

(I) August 31, 1998; or

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 980212037-8142-02; I.D. 012798A]

RIN 0648-AJ87

Fisheries of the Exclusive Economic Zone Off Alaska; Halibut Donation Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Amendment 50 to the Fishery Management Plan for Groundfish of the Gulf of Alaska and Amendment 50 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs). This rule authorizes the distribution of Pacific halibut taken as bycatch in the specified groundfish trawl fisheries off Alaska to economically disadvantaged individuals through tax-exempt organizations selected by NMFS to be authorized distributors. This rule is applicable only until December 31, 2000, so that management agencies may assess the program prior to determining whether or not to continue it under a future regulatory amendment. This action is necessary to promote the goals and objectives of the FMPs. The intended effect of this action is to reduce the amount of regulatory discards in the groundfish fisheries by processing dead halibut for human consumption.

DATES: Effective July 13, 1998.

ADDRESSES: Copies of Amendments 50/50 and the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for this action are available from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau AK 99802, Attn: Lori J. Gravel, or by calling the Alaska Region, NMFS, at 907-586-7228. Send comments regarding burden estimates or any other aspect of data requirements, including suggestions for reducing burdens to NMFS and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attn: NOAA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone off Alaska are managed by NMFS under the FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the Alaska groundfish fisheries appear at 50 CFR parts 600 and 679. Fishing for Pacific halibut in waters in and off Alaska is governed by the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention) and by regulations

adopted by the International Pacific Halibut Commission (IPHC) and approved by the Secretary of State of the United States pursuant to section 4 of the Northern Pacific Halibut Act (16 U.S.C. 773-773k). Regulations of the IPHC are published as annual management measures in the **Federal Register** each year pursuant to regulations at 50 CFR 300.62.

A Notice of Availability of Amendments 50/50 was published in the **Federal Register** on February 4, 1998 (63 FR 5777), with comments invited through April 6, 1998. A proposed rule to implement Amendments 50/50 was published in the **Federal Register** on March 4, 1998 (63 FR 10583), with comments invited through April 20, 1998. Four comments were received, and they are summarized and responded to in the Comments and Responses section. No changes were made from the proposed rule to the final rule.

The regulations implementing Amendments 50/50 expand the existing Salmon Donation Program by creating a Prohibited Species Donation (PSD) program that includes Pacific halibut as well as salmon. The regulations authorize the voluntary distribution of halibut taken as bycatch in the groundfish trawl fishery to needy individuals by tax-exempt organizations through a NMFS-authorized distributor.

The program is limited to dead halibut landed by trawl catcher vessels to shoreside processors. Many of the halibut taken in the groundfish fishery are discarded alive. However, dead halibut are sometimes landed shoreside by trawl catcher vessels because at-sea sorting of catch is not practicable. This action will not have any impact on the halibut resource because the groundfish fisheries operate with a halibut prohibited species catch limit that requires closure of a fishery when that limit has been reached.

The regulations implementing Amendments 50/50 are applicable until December 31, 2000. This sunset provision was advocated by the Council and the IPHC so that management agencies could assess the effectiveness of the halibut donation program, relative to the program's objectives, before the Council took action to extend the program beyond the year 2000 by regulatory amendment.

Additional information on this action is contained in the preamble to the proposed rule and in the EA/RIR (see **ADDRESSES**). Upon reviewing Amendments 50/50, the Administrator, Alaska Region, NMFS has determined that Amendments 50/50 are necessary for the conservation and management of