

Federal Communications Commission.
Karl A. Kensinger,
Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.
[FR Doc. 90-6945 Filed 3-27-90; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-119; RM-6417]

Radio Broadcasting Services; Stamping Ground, KY

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 256A to Stamping Ground, Kentucky, as that community's first local service. Channel 256A can be allotted to Stamping Ground in compliance with the Commission's minimum distance separation requirements with a site restriction 3.3 kilometers (2.1 miles) north to avoid a short-spacing to Station WHNB(FM), Channel 257A, Harrodsburg, Kentucky. The coordinates are North Latitude 38-18-04 and West Longitude 84-40-52. With this action, this proceeding is terminated.

DATES: Effective May 7, 1990; the window period for filing applications will open on May 8, 1990, and close on June 7, 1990.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-119, adopted March 7, 1990, and released March 22, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Kentucky

by adding Stamping Ground, Channel 256A.

Karl A. Kensinger,
Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.
[FR Doc. 90-6939 Filed 3-27-90; 8:45 am]
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47 CFR Part 73

[MM Docket No. 89-320; RM-6752]

Radio Broadcasting Services; Blackduck, MN

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 252C2 for Channel 252A at Blackduck, Minnesota, in response to a petition filed by Roger Paskvan. We shall also modify the construction permit for Channel 252A (BPH-880426MB) to specify operation on Channel 252C2. Canadian concurrence has been obtained for the allotment of Channel 252C2 at coordinates 47-33-21 and 94-47-59.

EFFECTIVE DATE: May 7, 1990.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-320, adopted March 7, 1990, and released March 22, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota is amended by removing Channel 252A and adding Channel 252C2 at Blackduck.

Federal Communications Commission.
Karl Kensinger,
Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.
[FR Doc. 90-6940 Filed 3-27-90; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-468; RM-6889]

Radio Broadcasting Services; Aberdeen, MS

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 287C3 for Channel 287A at Aberdeen, Mississippi, in response to a petition filed by Tenn-Tom Broadcasting Corporation. We shall also modify the license for Station WWZQ-FM to specify operation on Channel 287C3. The coordinates for Channel 287C3 are 33-50-20 and 88-18-30.

EFFECTIVE DATE: May 7, 1990.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-468, adopted March 7, 1990, and released March 22, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended by revising the entry for Aberdeen, Mississippi, by removing Channel 287A and adding Channel 287C3.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.

[FR Doc. 90-6942 Filed 3-27-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73[MM Docket No. 89-7; RM-6573 and RM-
6603]**Radio Broadcasting Services;
Kimberling City, Cassville, and
Seligman, MO****AGENCY:** Federal Communications
Commission.**ACTION:** Final rule.

SUMMARY: This document substitutes FM Channel 227C2 for Channel 237A at Seligman, Missouri, and response to a counterproposal filed by Elvis Lee Moody. We shall also modify the license for Station KJEM-FM to specify Channel 227C2. The coordinates for Channel 227C2 are 36-26-40 and 94-05-30. To accommodate the upgrade at Seligman, we shall substitute Channel 261A for Channel 227A (vacant) at Cassville, Missouri. One application is on file for the Cassville Channel (BPH-880629MA), and the applicant will be given cut off protection and will be permitted to amend its application to specify the new Class A channel. The coordinates for Channel 261A are 36-37-00 and 93-48-31. The original petition, filed by Arthur C. Morris, requested the allotment of FM Channel 261A to Kimberling City, Missouri. The petition was withdrawn on May 26, 1989.

EFFECTIVE DATE: May 7, 1989.**FOR FURTHER INFORMATION CONTACT:**
Kathleen Scheuerle, Mass Media
Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-7, adopted March 7, 1990, and released March 22, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Missouri by removing Channel 237A and adding Channel 227C2 at Seligman, and by removing Channel 227A and adding Channel 261A at Cassville.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.

[FR Doc. 90-6938 Filed 3-27-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-129, RM-6675]

**Radio Broadcasting Services; Lake
Geneva, WI****AGENCY:** Federal Communications
Commission.**ACTION:** Final rule.

SUMMARY: This document allots Channel 241A to Lake Geneva, Wisconsin, as that community's first local FM service, at the request of Southern Wisconsin Company, Inc. See 54 FR 25744, June 19, 1989. Channel 241A can be allotted to Lake Geneva in compliance with the Commission's minimum distance separation requirements with a site restriction of 2 kilometers (1.3 miles) northwest of the community. The coordinates are 42-36-50 and 88-26-51. With this action, this proceeding is terminated.

DATES: Effective May 14, 1990; The window period for filing applications will open on May 15, 1990, and close on June 14, 1990.

FOR FURTHER INFORMATION CONTACT:
Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-129, adopted February 22, 1990, and released March 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Wisconsin, by adding Lake Geneva, Channel 241A.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.

[FR Doc. 90-6943 Filed 3-27-90; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety
Administration****49 CFR Part 591**

[Docket No. 89-5; Notice 6]

RIN 2127-AD00

**Importation of Motor Vehicles and
Equipment Subject to Federal Safety,
Bumper, and Theft Prevention
Standards**

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

SUMMARY: The purpose of this notice is to amend the recently adopted regulation of the National Highway Traffic Safety Administration governing importation of motor vehicles and equipment subject to the Federal motor vehicle safety standards. The first amendment adds the agency's bumper and theft prevention standards to those Federal standards for which conformity is necessary for permanent importation of a motor vehicle into the United States. Although conformity of imported cars with these standards is required by statute, current importation regulations have never been amended to include them. The second amendment extends coverage of the bond required by NHTSA for a demonstration of conformity with the safety standards, to vehicles imported between January 31, 1990, and October 31, 1992, by importers who owned the vehicle as of October 31, 1988, and whose assigned place of employment was outside the U.S. at times from that date until the time of importation. This bond supersedes the current equivalent Customs bond. The

third amendment specifies the terms and conditions of the two NHTSA bonds. The final amendment adopts procedures for submitting petitions for remission and mitigation of bond forfeiture.

EFFECTIVE DATE: The effective date of the final rule is March 28, 1990.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA, (202-366-5263).

SUPPLEMENTARY INFORMATION: On October 31, 1988, the President signed Public Law 100-562, the Imported Vehicle Safety Compliance Act of 1988 ("the 1988 Act"). A notice of proposed rulemaking to establish part 591 was published on April 25, 1989 (54 FR 17772), and a final rule on September 29, 1989 (54 FR 40069). As the notices states, the 1988 Act amends those provisions of the National Traffic and Motor Vehicle Safety Act of 1966 ("the Vehicle Safety Act") that relate to the importation of motor vehicles subject to the Federal motor vehicle safety standards (section 108(b), 15 U.S.C. 1397(b)). The importation of motor vehicles subject to the Federal motor vehicle bumper standard (15 U.S.C. 1916), and the Federal motor vehicle theft prevention standard (15 U.S.C. 601) was not included in these changes. Importation of passenger motor vehicles subject to the bumper standard is to be governed by joint regulations of both NHTSA and the Secretary of the Treasury (15 U.S.C. 1916(b)(3)), under terms and conditions (including the furnishing of a bond) sufficient to ensure their conformance, or their exportation or abandonment to the United States. Importation of vehicles and equipment subject to the theft prevention standard is flatly prohibited unless vehicles and equipment conform at time of entry. In reviewing agency programs, NHTSA and Customs have agreed that regulatory simplicity requires that all vehicles subject to NHTSA's standards should be imported pursuant to a NHTSA regulation. Accordingly, a notice was published on November 29, 1989, proposing amendments of part 591 to add the Federal bumper and theft prevention standards to its coverage (54 FR 49098). Comments on the notice were received from Ford Motor Co., Mercedes-Benz of North America, and National Automobile Dealers Association. The comments were non-substantive in nature, and supported the proposal. Because of the importance of this matter, the agency is repeating the preamble of the proposal.

The Federal Bumper Standard

Title I of the Motor Vehicle Information and Cost Savings Act (15

U.S.C. 1901 *et seq.*) was enacted in 1972, and required NHTSA to promulgate bumper standards applicable to all passenger motor vehicles imported into the United States. In implementation of this requirement, NHTSA issued 49 CFR Part 581, *Bumper Standard*, effective September 1, 1978. The importation provisions in the Cost Saving Act for vehicles subject to the bumper standards were substantially similar to those for vehicles subject to the safety standards. No standard was to apply to a vehicle intended solely for export and so labeled or tagged. No person was to import a passenger motor vehicle manufactured on or after the effective date of a bumper standard unless it was in conformity with such a standard. However, it could be admitted under the joint regulations of the Secretaries of Treasury and Transportation under such terms and conditions (including the furnishing of a bond) as appeared appropriate to ensure conformity, or exportation or abandonment to the United States. The joint regulations could also provide for the "importation" (as contrasted with the "temporary importation" allowed by the Vehicle Safety Act) of any passenger motor vehicle after its first purchase for purposes other than resale.

However, the joint regulation that applied to the importation of vehicles subject to the Federal safety standards, 19 CFR 12.80, was never amended to incorporate the bumper standard, although NHTSA enforced it as part of its importation compliance procedures. With the advent of NHTSA's own vehicle importation regulation, 49 CFR part 591, this notice adds bumper standard importation requirements to the declarations required for entry, and amends the bond provisions to include compliance with the bumper standard. To fulfill the statutory requirement for joint issuance, the final rule is jointly issued under the authority of both regulatory agencies.

The bumper declarations and requirements are virtually identical with those required for the safety standards. There is one exception, however. NHTSA has interpreted the 1988 Act as requiring a showing of total compliance with the safety standards, or exportation or abandonment of the motor vehicle to the United States. NHTSA does not read the Cost Savings Act as imposing the same punishment in the absence of such a showing regarding the bumper standard. Therefore, in the event that a passenger motor vehicle demonstrates compliance with the safety standards, but not the bumper standard, the agency may choose to levy

a penalty upon the bond instead of demanding export or abandonment of the vehicle, if the facts appear to justify it.

The Theft Prevention Standard

Title VI of the Cost Savings Act (15 U.S.C. 601 *et seq.*) requires NHTSA to issue a vehicle theft prevention standard that applies to "cover major parts which are installed by manufacturers into passenger motor vehicles in lines designated * * * as high theft lines", and the major replacement parts for those major parts. In implementation of this requirement, NHTSA issued 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard*, effective April 24, 1986. Conformance with this standard requires the marking of certain original and replacement parts in the manner specified in the standard. Unlike the statutory importation requirements for safety and bumper standards, title VI contains a flat prohibition against the importation of vehicles and parts which are subject to the theft prevention standard, but are not marked in accordance with it. Therefore, vehicles and parts covered by the theft prevention standard must comply before their importation into the United States, whether the marking is affixed by the importer, or original manufacturer. In terms of part 591, this means that an importer must declare that his vehicle meets the theft prevention standard, even if it is accompanied by a declaration of nonconformance with the safety and bumper standards. If, in the first instance, the vehicle does not meet the theft prevention standard, it will not be allowed entry under bond or otherwise for the eventual production of a conformity statement. Admission under a false declaration may constitute a violation of the regulations of the Customs Service, and result in seizure of the vehicle.

This notice adopts appropriate changes in the language of the declarations, and also a new paragraph 591.5(k) that applies to replacement parts. It requires a declaration of conformity with the theft prevention standard by the importer of any major part covered by the standard.

Bonds for those eligible to import under present regulation. Under certain circumstances, and for a limited time, section 108(g) of the Vehicle Safety Act permits a nonresident (including any member of the Armed Forces) to continue to import a vehicle under the present regulation, that is, the Administrator need not have made a determination that it is capable of conformance, and conformance work

need not be performed by a registered importer. This exception applies to a single vehicle imported, for personal use and not for resale, between January 31, 1990, and October 31, 1992, by an individual whose assigned place of employment was outside the United States for the total period between October 31, 1988, and the date of importation, provided that the vehicle was acquired (or was subject to a binding contract to acquire) before October 31, 1988, and that the individual has not previously imported a nonconforming motor vehicle. Importation under this amendment is reflected in § 591.5(g).

NHTSA and Customs have agreed that as of January 31, 1990, all bonds given for conformance with the safety standards should be those of NHTSA. Therefore, appropriate inclusory language is adopted in this notice.

Conditions of the Conformance Bond

In its response to the proposal of part 591, General Motors commented that part 591 did not state the conditions of the bond. With the determination by Customs and NHTSA that the bond will be that of NHTSA, it is now possible for this agency to state those conditions. In general, they include the acts that the statute requires importers or registered importers to perform after entry of a vehicle and before its release. The bond is given to secure compliance with the Federal motor vehicle safety standards, and, if the vehicle has been imported under section 108(c) of the Vehicle Safety Act, no mitigation of the bond is contemplated for vehicles that appear to conform only partially with the safety standards. If full conformance with the safety standards is not achieved, the vehicle must be exported, or abandoned to the U.S. If none of these actions occur, the bond is forfeited. If a vehicle has been brought into full conformance with the safety standards, but not the bumper standard, NHTSA may not demand export or abandonment, but only a partial forfeiture of the bond. This differs from the practice under the present bond (in effect until January 31, 1990), which will continue until October 31, 1992, for vehicles imported pursuant to section 108(g). Under this condition, the principal submits a statement identifying the conforming party, and discussing the nature and extent of the work performed in the conformance process, within 120 days after entry (or longer, if the Administrator allows it). It has been the practice of Customs to release vehicles under a partial forfeiture of the bond when complete compliance has not been documented, and the vehicle has not been returned

for export. A further condition of the bond for vehicles imported pursuant to section 108(c) is that the principal will make the vehicle available for inspection upon demand by NHTSA, and will not release it from custody before 30 days has passed after its submission of conformance certification to NHTSA. A further condition of the bond for vehicles imported pursuant to section 108(g) is that the principal will not sell the vehicle, or offer it for sale, until a statement had been issued by NHTSA that it is acceptable to do so.

These conditions are not set forth in § 591.8 (f) and (g). The bond that will apply to importers of vehicles pursuant to section 108(c) of the Act is depicted at Annex A. The bond that will apply to importers of vehicles pursuant to section 108(g) is depicted at Appendix B.

Petitions for Remission or Mitigation

In the event a bond is forfeited, a principal and/or surety may petition the Administrator for remission of the forfeiture. If the Administrator finds that all conditions of the bond have been, in fact, fulfilled, the forfeiture is remitted.

A petition may also be submitted for mitigation of the forfeiture. However, given the intent of the 1988 Act that the Federal motor vehicle safety standards be enforced more strictly than before, the agency has concluded that mitigation of forfeiture is inappropriate if a vehicle has been imported pursuant to new section 108(c) of the Vehicle Safety Act, and is not brought into compliance with all safety standards. Arguably, failure to conform should occur infrequently in the future. This is because a vehicle will not be admitted unless the agency has determined that it is capable of conformance, and the conformance work will be performed by those who have registered with NHTSA as undertaking to provide certifications that vehicles have been brought into conformity.

This restriction will not apply to importers of vehicles under section 108(g). Vehicles imported pursuant to this provision are exempt from eligibility determinations and need not be conformed by registered importers. If these vehicles fail to comply fully with the standards, and are not exported or abandoned, the bond will be forfeited, but the Administrator will entertain petitions for mitigation, just as the Customs Service does under the existing regulations.

Nor will the restriction apply to either category of importer if the condition of the bond that is not met relates to compliance with part 581, the Federal bumper standard. The primary purpose of this standard is the preservation of

property, rather than the prevention of deaths and injuries. The fact that Congress draws a distinction is found in the permissive authority of the two Secretaries that allows importation of used passenger motor vehicles whether or not they comply with the bumper standard (15 U.S.C. 1916(b)(4)), but forbids the importation of vehicles that do not comply with safety standards unless the vehicles are brought into compliance with them.

These provisions are adopted as § 591.9.

Impacts

NHTSA has considered the impacts of this rule, and has determined that it is not major within the meaning of Executive Order 12291 "Federal Regulation". It is intended to formalize existing statutory obligations of importers of motor vehicles not originally manufactured to comply with the Federal bumper standard, and to ensure that motor vehicles comply with the Federal theft prevention standard before their entry into the United States. It is not significant under Department of Transportation regulatory policies and procedures. Less than 2500 nonconforming motor vehicles a year are currently imported, and it is anticipated that this number will not increase. There is no substantial impact upon a major transportation safety program, and the action does not involve any substantial public interest or controversy. There is no substantial effect on state and local governments. The impact upon the Federal government is that the bonding obligation of the U.S. Customs Service with respect to motor vehicle compliance with Federal standards is transferred to the Department of Transportation.

The agency has also considered the effects of this rule in relation to the Regulatory Flexibility Act. I certify that this rule will not have a significant economic impact upon a substantial number of small entities. Because importers of vehicles that do not conform to the Federal motor vehicle safety standards currently must post conformance bonds of up to 300% of the entered value of the vehicle, the specification that they pay a bond of only 150% of such value should result in a lesser economic impact upon vehicle importers. Further, small organizations and governmental jurisdictions will not be significantly affected as they are not generally importers and purchasers of nonconforming motor vehicles.

NHTSA has analyzed this rule for purposes of the National Environmental

Policy Act. The rule will not have a significant effect upon the environment because it is anticipated that the annual volume of motor vehicles imported under the rule will not vary significantly from that existing before promulgation of the rule.

The declaration and bond requirements in this rule are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. Although they are modifications of declarations presently existing in agency form HS-7, the declarations have been submitted to OMB for its approval, pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). They will become effective upon approval by OMB.

The agency has analyzed the rule in accordance with the principles and criteria contained in Executive Order 12612 "Federalism", and has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Miscellaneous

The signature of the Assistant Secretary of the Treasury on this notice represents that Department's exercise of its share of the joint authority provided for implementation of importation provisions of title I (relating to bumpers) of the Motor Vehicle Information and Cost Savings Act. It is understood that implementation of title VI (relating to theft) of that Act is under the sole authority of the Department of Transportation.

List of Subjects in 49 CFR Part 591

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, title 49 Code of Federal Regulations part 591 is amended as follows:

PART 591—[AMENDED]

1. The authority citation for part 591 is revised to read:

Authority: Pub. L. 100-562, 15 U.S.C. 1401, 1407, 1912, 1916, 2022, 2027; delegation of authority at 49 CFR 1.50.

2. The title of part 591 is revised to read "PART 591—IMPORTATION OF VEHICLES AND EQUIPMENT SUBJECT TO FEDERAL SAFETY, BUMPER AND THEFT PREVENTION STANDARDS".

3.-4. Sections 591.1, 591.2, and 591.3 are revised to read:

§ 591.1 Scope.

This part establishes procedures governing the importation of motor

vehicles and motor vehicle equipment subject to the Federal motor vehicle safety, bumper, and theft prevention standards.

§ 591.2 Purpose.

The purpose of this part is to ensure that motor vehicles and motor vehicle equipment permanently imported into the United States conform with theft prevention standards issued under part 541 of this chapter and that they conform with, or are brought into conformity with, all applicable Federal motor vehicle safety standards issued under part 571 of this chapter and bumper standards issued under part 581 of this chapter. The purpose of this part is also to ensure that nonconforming vehicles and equipment items imported on a temporary basis are ultimately either exported or abandoned to the United States.

§ 591.3 Applicability.

This part applies to any person offering a motor vehicle or item of motor vehicle equipment for importation into the United States.

5. The introductory text of § 591.4 is revised to read:

§ 591.4 Definitions.

All terms used in this part that are defined in section 102 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391), and section 2 and section 601 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 and 2021), are used as defined in the Acts, except that the term "model year" is used as defined in part 593 of this chapter.

6. Sections 591.5 (a), (b), and (c) are revised and the introductory text of the section is republished to read:

§ 591.5 Declarations required for importation.

No person shall import a motor vehicle or item of motor vehicle equipment into the United States unless, at the time it is offered for importation, its importer files a declaration, in duplicate, which declares one of the following:

(a)(1) The vehicle was not manufactured primarily for use on the public roads and thus is not a motor vehicle subject to the Federal motor vehicle safety, bumper, and theft prevention standards; or

(2) The equipment item is not a system, part, or component of a motor vehicle and thus is not an item of motor vehicle equipment subject to the Federal motor vehicle safety, bumper, and theft prevention standards.

(b) The vehicle or equipment item conforms with all applicable safety standards (or the vehicle does not conform solely because readily attachable equipment items which will be attached to it before it is offered for sale to the first purchases for purposes other than resale are not attached), and bumper and theft prevention standards, and bears a certification label or tag to that effect permanently affixed by the original manufacturer to the vehicle, or to the equipment item or its delivery container, in accordance with, as applicable, parts 541, 555, 567, 568, and 581, or 571 (for certain equipment items) of this chapter.

(c) The vehicle or equipment item does not comply with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but is intended solely for export, and the vehicle or equipment item, and the outside of the container of the equipment item, if any, bears a label or tag to that effect.

7. The introductory text of § 591.5(d) is revised to read:

(d) The vehicle does not conform with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but the importer is eligible to import it because:

8. Section 591.5(e) is revised to read:

(e) The vehicle or equipment item requires further manufacturing operations to perform its intended function, other than the addition of readily attachable equipment items such as mirrors, wipers, or tire and rim assemblies, or minor finishing operations such as painting, and any part of such vehicle that is required to be marked by part 541 of this chapter is marked in accordance with that part.

9. Sections 591.5(f) introductory text and (f)(1) are revised to read:

(f) The vehicle does not conform with all applicable Federal motor vehicle safety and bumper standards (but does conform with all applicable Federal theft prevention standards), but the importer is eligible to import it because:

(1) The importer has furnished a bond, which is attached to the declaration, in an amount equal to 150% of the dutiable value of the vehicle, containing the terms and conditions specified in section 591.8; and

10. The introductory text of § 591.5(g) is revised to read:

(g) The vehicle does not conform with all applicable Federal motor vehicle safety and bumper standards (but it does conform with all applicable Federal theft prevention standards), but the importer is eligible to import it because:

11. In § 591.5, new paragraphs (g)(5), (g)(6), and (g)(7) are added to read:

(5) The importer has furnished a bond, which is attached to the declaration, in an amount equal to 150% of the entered value of the vehicle as determined by the Secretary of the Treasury, containing the terms and conditions specified in section 591.8;

(6) The vehicle was not manufactured in conformity with all applicable safety and bumper standards, but it has been or will be brought into conformity; furthermore, within 120 days after entry or such additional time not to exceed 180 days after entry as the Administrator may allow, the importer will submit a true and complete statement to the Administrator, identifying the manufacturer, contractor, or other person who has brought the vehicle into conformity, describing the exact nature and extent of the work performed, and certifying that the vehicle or equipment item has been brought into conformity; and

(7) The importer will not sell the vehicle, or offer it for sale, until the Administrator issues a statement that the conditions of the bond required by § 591.6(c) have been satisfied.

12. The introductory text of § 591.5(h) is revised to read:

(h) The vehicle does not conform with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but the importer is eligible to import it because:

13. Section 591.5(i)(2) is revised to read:

(2) The equipment item was manufactured on a date when no applicable safety or theft prevention standard was in effect.

14. The introductory text of section 591.5(j) is revised to read:

(j) The vehicle or equipment item does not conform with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but is being imported solely for the purpose of:

15. A new section 591.5(k) is added to read:

(k) The equipment item is subject to the theft prevention standard, and is marked in accordance with the requirements of Part 541 of this chapter.

16. Section 591.6(c) is revised to read:

§ 591.6 Documents accompanying declarations.

(c) A declaration made pursuant to § 591.5(f) or section 591.5(g) shall be accompanied by a bond in the form shown in Appendix A or Appendix B of this part, respectively, in an amount equal to 150% of the dutiable value of the vehicle for the conformance of the vehicle with all applicable Federal motor vehicle safety and bumper standards, or, if conformance with the safety standards is not achieved, for the delivery of such vehicle to the Secretary of the Treasury for export at no cost to the United States, or for its abandonment.

17. New §§ 591.8 and 591.9 are added to read:

§ 591.8 Conformance bond and conditions.

(a) The bond required under section 591.6(c) for importation of a vehicle not originally manufactured to conform with all applicable standards issued under part 571 and part 581 of this chapter shall cover only one motor vehicle, and shall be in an amount equal to 150% of the dutiable value of the vehicle.

(b) The principal on the bond shall be the importer of the vehicle.

(c) The surety on the bond shall possess a certificate of authority to underwrite Federal bonds. (See list of certificated sureties at 54 FR 27800, June 30, 1989)

(d) In consideration of the release from the custody of the U.S. Customs Service or the withdrawn from a Customs bonded warehouse into the commerce of, or for consumption in, the United States, of a motor vehicle not originally manufactured to conform to all applicable standards issued under part 571 and part 581 of this chapter, the obligors (principal and surety) shall agree to the following conditions of the bond:

(1) To have such vehicle brought into conformity with all applicable standards

issued under part 571 and part 581 of this chapter within 120 days after the date of entry:

(2) * * *

(i) In the case of a vehicle imported pursuant to section 591.5(f), to file (or if not a Registered Importer, to cause the Registered Importer of the vehicle to file) with the Administrator, a certificate that the vehicle complies with each Federal motor vehicle safety and bumper standard in the year that the vehicle was manufactured and which applies in such year to the vehicle; or

(ii) In the case of a vehicle imported pursuant to section 591.5(g), to submit a true and complete statement to the Administrator, identifying the manufacturer, contractor, or other person who has brought the vehicle into conformity, describing the exact nature and extent of the work performed, and certifying that the vehicle has been brought into conformity with each Federal motor vehicle safety and bumper standard in the year that such vehicle was manufactured and which applies in such year to the vehicle.

(3) In the case of a Registered Importer, not to release custody of the vehicle to any person for license or registration for use on public roads, streets, or highways, or license or register the vehicle from the date of entry until 30 calendar days after it has certified compliance of the vehicle to the Administrator, unless the Administrator has notified the principal before 30 calendar days that (s)he has accepted such certification, and that the vehicle and bond may be released, except that the vehicle shall not be released if the principal has received written notice from the Administrator that an inspection of the vehicle will be required, or that there is reason to believe that such certification is false or contains a misrepresentation;

(4) In the case of a Registered Importer, to cause the vehicle to be available for inspection, if the principal has received written notice from the Administrator that an inspection is required.

(5) In the case of a Registered Importer, not to release the vehicle until the Administrator is satisfied with the certification and any modification thereof, if the principal has received written notice from the Administrator that there is reason to believe that the certification is false or contains a misrepresentation.

(6) If the principal has received written notice from the Administrator that the vehicle has been found not to comply with all applicable Federal motor vehicle safety standards, and

written demand that the vehicle be abandoned to the United States, or delivered to the Secretary of the Treasury for export (at no cost to the United States), to abandon the vehicle to the United States, or to deliver the vehicle, or cause the vehicle to be delivered to the custody of the District Director of Customs of the port of entry listed above, or to any other port of entry, and to execute all documents necessary for exportation of the vehicle from the United States, at no cost to the United States; or in default of abandonment or redelivery after proper notice by the Administrator to the principal, to pay to the Administrator the amount of the bond.

(e) If the principal defaults on the obligation of paragraph (d)(6) of this section, to abandon the vehicle to the United States or to redeliver the vehicle to the custody of a District Director of Customs and to execute all documents necessary for its exportation, the obligors shall pay to the Administrator the amount of the bond given under the provisions of this section.

§ 591.9 Petitions for remission or mitigation of forfeiture.

(a) After a bond has been forfeited, a principal and/or a surety may petition for remission of forfeiture. A principal and/or surety may petition for mitigation of forfeiture only if the motor vehicle has been imported pursuant to § 591.5(g), or, if imported pursuant to § 591.5(f), only if the condition not met relates to the compliance of a passenger motor vehicle with part 581 of this chapter.

(b) A petition for remission or mitigation shall:

(1) Be addressed to the Administrator, identified as either a petition for remission or for mitigation, submitted in triplicate, and signed by the principal and/or the surety.

(2) State the make, model, model year, and VIN of the vehicle involved, and contain the Customs Entry number under which the vehicle entered the United States.

(3) State the facts and circumstances relied on by the petitioner to justify remission or mitigation.

(4) Be filed within 30 days from the date of the mailing of the notice of forfeiture incurred.

(c) A false statement contained in a petition may subject the petitioner to prosecution under the provisions of 18 U.S.C. 1001.

(d) If the Administrator finds that all conditions of the bond have, in fact, been fulfilled, the forfeiture is remitted.

(e) A decision to mitigate a forfeiture upon condition that a stated amount is

paid shall be effective for not more than 60 days from the date of notice to the petitioner of such decision. If payment of the stated amount is not made, or arrangements made for delayed or installment payment, the full claim of forfeiture shall be deemed applicable. The Administrator shall collect the claim, or, if unable to collect the claim within 120 days, shall refer the matter to the Department of Justice.

18. Appendix A and appendix B are added to part 591 to read:

Appendix A—Section 591.5(f) Bond

Department of Transportation

National Highway Traffic Safety Administration

BOND TO ENSURE CONFORMANCE WITH MOTOR VEHICLE SAFETY AND BUMPER STANDARDS

(To redeliver vehicle, to produce documents, to perform conditions of release, such as to bring vehicle into conformance with all applicable Federal motor vehicle safety and bumper standards)

Know All Men by These Presents That

name of principal or surety; if a corporation, the State of incorporation of _____,

as principal, street address or post office box number, city, state, ZIP code

and _____ of _____, name; State of incorporation, if any address and _____ of _____, name; State of incorporation, if any address as sureties, are held and firmly bound unto the UNITED STATES OF AMERICA in the sum of _____ dollars (\$_____),

which represents 150% of the entered value of the following described motor vehicle as determined by the U.S. Customs Service:

model year, make, series, engine and chassis numbers for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns (jointly and severally), firmly by these presents.

WITNESS our hands and seals this _____ day of _____, 199__.

WHEREAS, motor vehicles may be entered under the provisions of section 108 of the National Traffic and Motor Vehicle Safety Act, and section 106 of the Motor Vehicle Information and Cost Savings Act; and

DOT Form XXXX

WHEREAS, pursuant to 49 CFR part 591, a regulation promulgated under the provisions of section 108, National Traffic and Motor Vehicle Safety Act of 1966, the above-bounden principal desires to import permanently the motor vehicle described above, which is a motor vehicle that was not originally manufactured to conform with the Federal motor vehicle safety and bumper standards; and

WHEREAS, pursuant to 49 CFR part 592, a regulation promulgated under the provisions of section 108, National Traffic and Motor

Vehicle Safety Act of 1966, as amended, the above-bounden principal has been granted the status of Registered Importer of motor vehicles not originally manufactured to conform with the Federal motor vehicle safety standards (or, if not a Registered Importer, has a contract with a Registered Importer covering the motor vehicle described above); and

WHEREAS, pursuant to 49 CFR part 593, a regulation promulgated under the provisions of section 108, National Traffic and Motor Vehicle Safety Act of 1966, as amended, the Administrator of the National Highway Traffic Safety Administration has determined that the motor vehicle described above is eligible for importation into the United States; and

WHEREAS, the motor vehicle described above has been imported at the port of _____, and entered at said port for consumption on entry No. _____, dated _____, 199__.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT—

(1) The above-bounden principal (the "principal"), in consideration of the permanent admission into the United States of the motor vehicle described above (the "vehicle"), voluntarily undertakes and agrees to have such vehicle brought into conformity with all applicable Federal motor vehicle safety and bumper standards within a reasonable time after such importation, as specified by the Administrator of the National Highway Traffic Safety Administration (the "Administrator");

(2) The principal shall then file, or if not a Registered Importer, shall then cause the Registered Importer of the vehicle to file, with the Administrator, a certificate that the vehicle complies with each Federal motor vehicle safety standard in the year that the vehicle was manufactured and which applies in such year to the vehicle, and that the vehicle complies with the Federal bumper standard (if applicable);

(3) The principal, if a Registered Importer, shall not release custody of the vehicle to any person for license or registration for use on public roads, streets, or highways, or license or register the vehicle from the date of entry until 30 calendar days after it has certified compliance of the vehicle to the Administrator, unless the Administrator notifies the principal before 30 calendar days that (s)he has accepted such certification and the vehicle and bond may be released, except that no such release shall be permitted, before or after the 30th calendar day, if the principal has received written notice from the Administrator that an inspection of such vehicle will be required, or that there is reason to believe that such certification is false or contains a misrepresentation.

Issued on: March 19, 1990.

Jerry Ralph Curry,
Administrator.

John P. Simpson,
Acting Assistant Secretary (Enforcement),
Department of the Treasury.

(4) And if the principal has received written notice from the Administrator that an inspection is required, the principal shall

cause the vehicle to be available for inspection, and the vehicle and bond shall be promptly released after completion of an inspection showing no failure to comply. However, if the inspection shows a failure to comply, the vehicle and bond shall not be released until such time as the failure to comply ceases to exist;

(5) And if the principal has received written notice from the Administrator that there is reason to believe that the certificate is false or contains a misrepresentation, the vehicle or bond shall not be released until the Administrator is satisfied with the certification and any modification thereof;

(6) And if the principal has received written notice from the Administrator that the vehicle has been found not to comply with all applicable Federal motor vehicle safety and bumper standards, and written demand that the vehicle be abandoned to the United States, or delivered to the Secretary of the Treasury for export (at no cost to the United States), the principal shall abandon the vehicle to the United States, or shall deliver the vehicle, or cause the vehicle to be delivered to, the custody of the District Director of Customs of the port of entry listed above, or any other port of entry, and shall execute all documents necessary for exportation of the vehicle from the United States, at no cost to the United States; or in default of abandonment or redelivery after proper notice by the Administrator to the principal, the principal shall pay to the Administrator the amount of this obligation;

Then this obligation shall be void; otherwise it shall remain in full force and effect.

Signed, sealed, and delivered in the presence of—

Name Address

(Principal) (SEAL)

Name Address

Name Address

(Surety) (SEAL)

Name Address

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____ certify that I am the _____ of the corporation named as principal in the within bond; that _____ who signed the bond on behalf of the principal, was then _____ of said corporation; that I know his/her signature, and his/her signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

[Corporate Seal]

To be used when a power of attorney has been filed with NHTSA. May be executed by secretary, assistant secretary, or other officer.

Appendix B—Section 591.5(g) Bond

Department of Transportation
National Highway Traffic Safety Administration

BOND TO ENSURE CONFORMANCE WITH MOTOR VEHICLE SAFETY AND BUMPER STANDARDS

(To redeliver vehicle, to produce documents, to perform conditions of release, such as to bring vehicle into conformance with all applicable Federal motor vehicle safety and bumper standards)

Know All Men by These Presents That

name of principal or surety; if a corporation, the State of incorporation
of _____, as principal,
street address or post office box number; city; state; ZIP code

and _____ of _____,
name; State of incorporation, if any address

and _____ of _____,
name; State of incorporation, if any address
and _____ of _____

name; State of incorporation, if any address as sureties, are held and firmly bound unto the UNITED STATES OF AMERICA in the sum of _____ dollars (\$_____).

which represents 150% of the entered value of the following described motor vehicle as determined by the U.S. Customs Service:

model year, make, series, engine and chassis numbers for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns (jointly and severally), firmly by these presents

WITNESS our hands and seals this _____ day of _____, 199__

WHEREAS, motor vehicles may be entered under the provisions of section 108 of the National Traffic and Motor Vehicle Safety Act, and section 106 of the Motor Vehicle Information and Cost Savings Act; and

DOT Form XXXX

WHEREAS, pursuant to 49 CFR part 591, a regulation promulgated under the provisions of section 108, National Traffic and Motor Vehicle Safety Act of 1966, the above-bounden principal desires to import permanently the motor vehicle described above, which is a motor vehicle that was not originally manufactured to conform with the Federal motor vehicle safety and bumper standards; and

WHEREAS, pursuant to § 591.5(g) of 49 CFR part 591, a regulation promulgated under the provisions of section 108, the above-bounden principal is eligible to import a motor vehicle under the provisions thereof: to wit, the above bounden principal's assigned place of employment was outside the United States as of October 31, 1988 and (s)he has not had an assigned place of employment in the United States between that date and the date of entry of the motor vehicle described above, and (s)he has not previously imported a motor vehicle into the United States

manufactured on or after January 1, 1968, and (s)he had acquired (or had entered into a binding contract to acquire) the motor vehicle described above not later than October 31, 1989, and (s)he will enter the motor vehicle described above not later than October 31, 1992; and

WHEREAS, the motor vehicle described above has been imported at the port of _____, and entered at said port for consumption on entry No. _____, dated _____, 199__.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT—

(1) The above-bounden principal (the "principal"), in consideration of the permanent admission into the United States of the motor vehicle described above (the "vehicle"), voluntarily undertakes and agrees to have such vehicle brought into conformity with all applicable Federal motor vehicle safety and bumper standards within 120 days after such importation, or such longer time not to exceed 180 days after such importation, as specified by the Administrator of the National Highway Traffic Safety Administration (the "Administrator");

(2) When the vehicle has been brought into conformity, the principal shall then file with the Administrator, a true and complete statement that the vehicle complies with each Federal motor vehicle safety standard in the year that the vehicle was manufactured and which applies in such year to the vehicle, and that the vehicle also complies with the Federal bumper standard;

(3) The principal shall not offer the vehicle for sale, or sell the vehicle, until the principal has received written notice from the Administrator that the principal has fulfilled all the conditions of the bond.

(4) And if the principal has received written notice from the Administrator that an inspection is required, the principal shall cause the vehicle to be available for inspection, and the vehicle and bond shall be promptly released after completion of an inspection showing no failure to comply. However, if the inspection shows a failure to comply, the vehicle and bond shall not be released until such time as the failure to comply ceases to exist;

(5) And if the principal has received written notice from the Administrator that there is a reason to believe that the statement is false or contains a misrepresentation, the vehicle or bond shall not be released until the Administrator is satisfied with the statement and any modification thereof;

(6) And if the principal has received written notice from the Administrator that the vehicle has been found not to comply with all applicable Federal motor vehicle safety and bumper standards, and written demand that the vehicle be abandoned to the United States, or delivered to the Secretary of the Treasury for export (at no cost to the United States), the principal shall abandon the vehicle to the United States, or shall deliver the vehicle, or cause the vehicle to be delivered to, the custody of the District Director of Customs of the port of entry listed above, or any other port of entry, and shall execute all documents necessary for

exportation of the vehicle from the United States, at no cost to the United States; or in default of abandonment or redelivery after proper notice by the Administrator to the principal, the principal shall pay to the Administrator the amount of this obligation;

Then this obligation shall be void; otherwise it shall remain in full force and effect.
Signed, sealed, and delivered in the presence of—

Name Address

(SEAL)
(Principal)

Name Address

Name Address

(SEAL)
(Surety)

Name Address

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____ certify that I am the _____ of the corporation named as principal in the within bond; that _____ who signed the bond on behalf of the principal, was then _____ of said corporation; that I know his/her signature, and his/her signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

[Corporate Seal]

To be used when a power of attorney has been filed with NHTSA. May be executed by secretary, assistant secretary, or other officer.

[FR Doc. 90-6927 Filed 3-23-90; 2:03 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 91290-0052]

RIN 0648-AC70

Fee Schedule for Foreign Fishing

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA adopts the 1990 fee schedule for foreign vessels fishing in the Exclusive Economic Zone (EEZ). This schedule adopts fees for only the species currently available for foreign fishing. Fees for these species are identical to fees charged under schedules adopted in 1988 and 1989. Under these schedules, owners or operators of foreign vessels paid \$354 per fishing permit application. The

poundage fees in foreign directed fisheries were assessed at 44.4 percent of the exvessel value of the species taken. No surcharge was required for the Fishing Vessel and Gear Damage Compensation Fund. This action complies with section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*

EFFECTIVE DATE: January 1, 1990.

ADDRESSES: Copies of a regulatory impact review (RIR) related to the impact of fees set at the levels set by this schedule are available through the contact named below.

FOR FURTHER INFORMATION CONTACT: Alfred J. Bilik, 301-427-2337, or telex 467856 US COMM FISH CI.

SUPPLEMENTARY INFORMATION: NOAA implements the schedule of permit application and poundage fees for fishing by foreign vessels in the EEZ in 1990. The schedule is consistent with section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Section 204(b)(10) requires that the fees recover costs of carrying out the purposes of the Magnuson Act which are attributed to foreign fishing. This schedule targets fee collections of about \$2.239 million in 1990. No additional amounts are to be collected under provisions of section 204(b)(10)(C).

Background

On December 26, 1989, NOAA published a Notice of Proposed Rulemaking (NPR) for a 15-day public comment period at 54 FR 52971. The NPR maintained the fee schedule at the levels charged in 1988 and 1989. It also removed from the schedule species that are no longer available for allocation for directed foreign fishing. The only remaining fish available for directed foreign fisheries and specified in the total allowable level of foreign fishing (TALFF species) are Atlantic mackerel and species taken as bycatch in directed fisheries for mackerel and Bering Sea snails. The other species were deleted from the schedule to avoid an implication that NOAA had reviewed current exvessel values of those species.

No public comments were received on the schedule proposed for 1990 by NOAA. NOAA therefore adopts as final the schedule proposed at 54 FR 52971 on December 26, 1989.

Classification

NOAA prepared a regulatory impact review (RIR) for the 1988 fee schedule which discussed the economic consequences and impacts of that fee schedule and alternatives. Copies of that

RIR are available from the above named contact. Based on that RIR, the Administrator, NOAA, determined that the 1988 fee schedule complied with the requirements of section 2 of E.O. 12291. Since the species fees proposed for 1989 were not changed, NOAA anticipated no new economic impacts. It reached similar conclusions for the 1990 schedule and also concluded that the 1990 schedule does not constitute a major rule.

The General Counsel of the Department of Commerce has certified that the proposed fee schedule will not have significant economic impact upon a substantial number of small domestic entities for purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification was forwarded to the Chief Counsel for Advocacy of the Small Business Administration. Because the fee schedule will not have a significant economic impact upon a substantial number of small domestic entities, a regulatory flexibility analysis was not required, and has not been prepared.

NOAA Directive 02-10 published at 45 FR 49312 (July 24, 1980) adopts internal procedures to implement the National Environmental Policy Act (NEPA), as amended (43 U.S.C. 4321 *et seq.*). Under those procedures, programmatic functions with no potential for significant environmental impacts are generally excluded from NEPA requirements. The fee schedule has a significant environmental impact on the fishery resources in the EEZ. At most, the fee schedule might affect the harvesting strategy of foreign fishing vessels and result in a different species mix being removed from the environment; however, the schedule meets the criterion that fees should minimize disruption of traditional fishing patterns on target species. The environmental impact of harvesting a very small total allowable level of foreign fishing catch is described in the fishery management plan for Squid, Butterfish, and Mackerel. Consequently, no further environmental assessment is necessary.

The Assistant Administrator for Fisheries finds for good cause, namely to implement the fee schedule as close to the beginning of the fishing season as possible and prior to the preparation of billings for the first quarter's catches, that it is impractical and contrary to the public interest to delay for 30 days the effective date of these regulations, under the provisions of section 553(d) of the Administrative Procedure Act. This action does not require changes in plans or strategies by foreign fishing companies since it makes no changes