

Federalism

The Coast Guard has analyzed this interim rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this interim rule and has concluded that, under § 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

This rule is an administrative matter within the meaning of sub-§ 2.B.2.1 of that instruction that clearly has no environmental impact. (It requires the reporting of marine casualties and the reporting of most strikes of bridges.) A "Determination of Categorical Exclusion" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 48 CFR Part 4

Administrative practice and procedure, Investigations, Marine safety, National Transportation Safety Board, Reporting and recordkeeping requirements, Safety, and Transportation.

For the reasons set out in the preamble, the Coast Guard amends 48 CFR Part 4 as follows:

TITLE 48 [AMENDED]**PART 4—MARINE CASUALTIES AND INVESTIGATIONS**

1. The citation of authority for part 4 is revised to read as follows:

Authority: 33 U.S.C. 1231; 43 U.S.C. 1333; 46 U.S.C. 2103, 2306, 6101, 6301, 6305; 50 U.S.C. 198; 49 CFR 1.46. Authority for subpart 4.40: 49 U.S.C. 1903(a)(1)(E); 49 CFR 1.46.

2. Section 4.05-1 is revised to read as follows:

§ 4.05-1 Notice of marine casualty.

(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest Marine Safety Office, Marine Inspection Office or Coast Guard Group Office whenever a vessel is involved in a marine casualty consisting in—

- (1) An unintended grounding, or an unintended strike of (allison with) a bridge;
- (2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment,

or the safety of a vessel, or that meets any criterion of paragraphs (a) (3) through (7);

(3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel;

(4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, or failure of or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power-generating equipment, or bilge-pumping systems;

(5) A loss of life;

(6) An injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties; or

(7) An occurrence causing property-damage in excess of \$25,000, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage.

(b) Notice given as required by 33 CFR 160.215 satisfies the requirement of this section if the marine casualty involves a hazardous condition as defined by 33 CFR 160.203.

3. Section 4.05-10 is revised to read as follows:

§ 4.05-10 Written report of marine casualty.

(a) The owner, agent, master, operator, or person in charge shall, within five days, file a written report of any marine casualty. This written report is in addition to the immediate notice required by § 4.05-1. This written report must be delivered to a Coast Guard Marine Safety Office or Marine Inspection Office. It must be provided on Form CG-2692 (Report of Marine Accident, Injury or Death), supplemented as necessary by appended Forms CG-2692A (Barge Addendum) and CG-2692B (Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident).

(b) If filed without delay after the occurrence of the marine casualty, the notice required by paragraph (a) of this section suffices as the notice required by § 4.05-1(a).

Dated: July 15, 1994.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 94-18791 Filed 8-2-94; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 18**

[ET Docket No. 92-255; FCC 94-155]

Removal of Unnecessary Regulations Regarding Magnetic Resonance Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order removes unnecessary equipment authorization requirements for Magnetic Resonance (MR) Systems. This action is taken in response to a petition from the National Electrical Manufacturers Association. The intended effect of this action is to reduce the amount of time and money required to bring new non-consumer, medical magnetic resonance systems to market.

EFFECTIVE DATE: September 2, 1994.

FOR FURTHER INFORMATION CONTACT:

Errol Chang, Office of Engineering and Technology (202) 653-7316.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in ET Docket No. 92-255, FCC 94-155, adopted on June 13, 1994 and released on July 13, 1994. The full text of this 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 duplicating contractor, International Transcription Services at (202) 857-3800 or 2100 M Street, NW., Suite 140, Washington, DC 20037.

Paperwork Reduction

Public reporting burden for this collection of information is estimated to average 18 hours per response including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Office of Managing Director, Paperwork Reduction Project [3060-0329], Washington, DC 20554 and to the Office of Management and Budget, Paperwork Reduction Project [3060-0329], Washington, DC 20503.

Summary of Report and Order

1. By this action, the Commission is amending Part 18 of its rules to remove regulations that unnecessarily increase the amount of time and money required to bring new non-consumer, medical magnetic resonance (MR) systems to market. These systems are used by medical professionals to study the molecular structure of a patient for diagnostic and monitoring purposes. This action is taken in response to a petition for rule making filed by the National Electrical Manufacturers Association on January 29, 1992.

2. 47 CFR Part 18 sets forth requirements designed to minimize the potential for interference to radio and TV services by industrial, scientific and medical (ISM) equipment. Such equipment generates radio frequency (RF) energy in order to perform a non-communications related function. Common examples of non-consumer ISM equipment include microwave ovens and RF lighting devices. Examples of non-consumer ISM equipment include industrial heaters, RF stabilized arc welders and magnetic resonance (MR) equipment. Before ISM equipment can be marketed in the United States, it must comply with the technical standards and equipment authorization procedures specified in 47 CFR Part 18.

3. It appears that MR systems pose little risk of interference because of the way they are designed and installed by professionals. We note that there are under 1000 installations of MR systems. We further note that, in the event that measures need to be taken to correct interference, the locations of these installations are on file with Manufacturers due to U.S. Food and Drug Administration regulations. We also recognize that the authorization requirement is burdensome and costly for MR systems. Given the low volume production of MR systems, such requirements can significantly affect the unit cost of each system, contributing to the increasing costs of medical care.

4. The circumstances presented here are similar to those that led us earlier to exempt non-consumer medical ultrasonic equipment from 47 CFR Part 18 rules. We are unaware of any interference that resulted from the medical ultrasonic equipment exemption. On balance, we tentatively conclude that the costs of our technical standards and authorization requirements for MR systems are unwarranted given the low risk of interference. Accordingly, we are amending 47 CFR Part 18 to exempt MR systems from the technical standards

and authorization requirements that now apply to them. We will continue to apply the requirements of 47 CFR Section 18.111(b), which require operators of MR systems to correct any harmful interference that may occur. The proposed rule changes are set forth below.

5. Accordingly, *it is ordered* that pursuant to the authority contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 CFR Part 18 is amended as set forth below. These Rules and Regulations are effective 30 days after publication in the **Federal Register**. It is further ordered *that this proceeding is terminated*.

6. For further information on this proceeding, contact Errol Chang, Technical Standards Branch, Office of Engineering and Technology, telephone 202-653-7316.

List of Subjects in 47 CFR Part 18

Medical devices, Hospitals, Radio, Reporting and recordkeeping requirements.

Part 18 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

1. The authority citation for Part 18 continues to read as follows:

Authority: 47 U.S.C. 4, 301, 302, 303, 304, and 307.

2. Section 18.107 is revised by adding a new paragraph (j) to read as follows:

§ 18.107 Definitions.

* * * * *

(j) *Magnetic resonance equipment.* A category of ISM equipment in which RF energy is used to create images and data representing spatially resolved density of transient atomic resources within an object.

3. Section 18.121 is revised to read as follows:

§ 18.121 Exemptions.

Non-consumer ultrasonic equipment, and non-consumer magnetic resonance equipment, that is used for medical diagnostic and monitoring applications is subject to the provision of Sections 18.105, 18.109 through 18.119, 18.301 and 18.303.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94-18799 Filed 8-2-94; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. 74-14; Notice 91]

RIN 2127-AE48

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 208, *Occupant Crash Protection*, to require that Type 2 safety belts installed for adjustable seats in vehicles with a gross vehicle weight rating of 10,000 pounds or less either be integrated with the vehicle seat or be equipped with a means of adjustability to improve the fit and increase the comfort of the belt for a variety of different sized occupants. NHTSA believes that some occupants who find their safety belts to be uncomfortable react to their discomfort either by wearing their safety belts incorrectly or by not wearing them at all. NHTSA believes that improving safety belt fit will encourage the correct use of safety belts and could increase the overall safety belt usage rate.

DATES: Effective Date: The amendments made in this rule are effective September 1, 1997.

Petition Date: Any petitions for reconsideration must be received by NHTSA no later than September 2, 1994.

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: Mr. Clarke Harper, Frontal Crash Protection Division, Office of Vehicle Safety Standards, NRM-12, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Telephone: (202) 366-4916.

SUPPLEMENTARY INFORMATION:**Background**

Section 2503(4) of the "Intermodal Surface Transportation Efficiency Act of 1991" requires the NHTSA to address the matter of improved design for safety belts (Pub. L. 102-240). In response to this statutory mandate, NHTSA issued an advance notice of proposed rulemaking (ANPRM) on May 29, 1992, proposing to add safety belt "fit"

requirements to FMVSS No. 208, *Occupant Crash Protection* (57 FR 22687). The ANPRM listed three rulemaking options and posed ten questions. The options included:

- A. Take no regulatory action at this time.
- B. Adopt detailed regulatory requirements to ensure proper belt fit.
- C. Adopt a general requirement that safety belts adjust to fit different sized occupants.

The ten questions asked for information on costs and benefits, and for comments on the test procedure. At the same time, NHTSA continued research, begun in March 1992, to investigate some of the issues associated with belt fit.

After considering the responses to the ANPRM, and the results of the research, NHTSA issued a notice of proposed rulemaking (NPRM) on April 26, 1994 (59 FR 21740). A detailed discussion of the responses to the ANPRM and of the research can be found in the NPRM. The NPRM proposed a general requirement that Type 2 safety belts either be integrated with the vehicle seat or be equipped with a means of adjustability to improve the fit and increase the comfort of the belt for a variety of different sized occupants (collectively referred to in the remainder of this notice as the adjustability requirement). As explained in the NPRM, NHTSA believes that some occupants who find their safety belts to be uncomfortable react to their discomfort either by wearing their safety belts incorrectly or by not wearing them at all. NHTSA believes that improving safety belt fit will encourage the correct use of safety belts and could increase the overall safety belt usage rate. A more detailed discussion of the anticipated safety benefits can be found in the ANPRM and the NPRM.

NHTSA received 30 comments in response to the NPRM. In general, vehicle manufacturers only marginally concurred with the proposal. Many vehicle manufacturers believe that there would be no benefit in adopting the requirement because market forces are increasingly inducing vehicle manufacturers to voluntarily provide improved adjustability in their belt designs. The vehicle manufacturers further believe that the requirement would stifle innovation in developing other, and perhaps better, designs to improve belt fit. If the agency were nevertheless to adopt an adjustability requirement, they wanted NHTSA to exclude belts for rear seats and belts in convertibles, and in vehicles with a gross vehicle weight rating (GVWR) of

more than 10,000 pounds, and to broaden the definitions of the type of adjustability devices which may be used. Consumer advocates and some vehicle manufacturers wanted the agency to amend the standard to include a detailed performance requirement. Equipment and multistage vehicle manufacturers wanted more lead time. None of the commenters disputed that improving safety belt fit should increase safety belt usage; however, the commenters believed that this benefit could not be quantified. All of these comments were considered by the agency in formulating this final rule, and the most significant comments are addressed below.

General v. Detailed Performance Requirement

Eight commenters stated that a detailed performance requirement would be better than the proposed general requirement. One commenter, Transport Canada, stated that NHTSA should adopt a performance requirement based on the Belt-fit Test Device (BTD), a device developed in Canada. The Canadian government has proposed that the BTD be used to assess belt fit in Canadian vehicles.

As discussed in the NPRM, the agency decided not to propose the detailed test procedure discussed in the ANPRM because agency research indicated that the procedure would not provide an adequate means of identifying improper fit on the wide variety of sizes and shapes of vehicle occupants. In addition, commenters on the ANPRM raised a number of questions concerning the test procedure that the agency has been unable to resolve. Since no commenter submitted any information to remedy the inadequacies that the agency's research disclosed in the ANPRM test procedure, NHTSA still lacks a detailed test procedure whose adequacy has been sufficiently supported through agency testing.

NHTSA appreciates the information submitted by Transport Canada regarding the BTD. However, the NPRM did not provide adequate notice to permit the agency to adopt a rule based on the BTD. Further, NHTSA does not have sufficient experience with the device to consider even proposing such a rule at this time. However, the agency will continue its coordination with Transport Canada on this issue to attempt to harmonize regulatory requirements where possible.

Vehicle manufacturers stated that the proposed adjustability requirement was a design-based standard, and therefore, design restrictive. The agency disagrees. The language does not specify the use

of any particular designs to meet the adjustability requirement. Instead, the requirement affords manufacturers broad flexibility in designing means of compliance. Manufacturers may comply by providing for the adjustability of the anchorage and have a broad choice regarding the means for doing so. In addition, the requirement allows them to choose other means of compliance. In lieu of anchorage adjustability, manufacturers may either integrate the belts with the seat or provide a means of automatically moving the webbing in relation to the anchorage.

Accordingly, the agency has decided to adopt the adjustability requirement, as proposed, for those seats that are required by this final rule to have adjustable belts.

Vehicle manufacturers also asked the agency to clarify whether certain devices would be allowed under the requirement, and, if not, to expand the requirement to allow these devices. In response, the agency has listed below the various devices mentioned in the comments and indicated whether each of those devices is permissible.

Adjustable Upper Anchorage: An AUA is a device which provides a means of adjusting the upper anchorage of the shoulder belt and which has at least two distinct positions. This device would comply with the adjustability requirement if switching from one adjustment position to the other moves the device or webbing at least 5 centimeters, measured linearly.

Floor-mounted Inboard Adjustable Anchorage: This is a device similar to an AUA, except that it is mounted on the floor on the inboard side of the seat. This device would comply if it has at least two distinct adjustment positions, and if switching from one adjustment position to the other moves the device or webbing at least 5 centimeters, measured linearly.

Integrated Safety Belt Assembly: This is a safety belt system anchored completely to the seat structure. For a movable seat, the anchorages must be located on a part of the seat above the seat adjuster. This system would comply with the adjustability requirement.

"Semi-integrated" Safety Belt Assembly: As described by Ford, this is a safety belt system which has the upper anchorage and the retractor for the upper torso portion of the Type 2 belt mounted to the moving portion of the seat structure. Other commenters mentioned similar "semi-integrated" designs, including: lower anchorages for the upper torso belt mounted on the movable portion of the seat; shoulder belt guides; and through-the-seat routing

of the safety belt webbing. These devices would be allowed if (1) the device is considered part of the anchorage and meets the requirements of Standard No. 210, *Seat Belt Anchorages*, and (2) if the movement of the device, measured linearly, is at least 5 centimeters. The agency believes that all "semi-integrated" safety belt assemblies which meet the first criterion would comply because the movement of the seat would move the anchorage component sufficiently to meet the second criterion.

Sling-Mounted D-Rings: This is a sling-mounted upper shoulder belt anchorage D-ring, used to relocate the D-ring closer to the occupant. The sling usually rotates freely around the anchorage bolt to permit D-ring movement. Sling-mounted D-rings designed in this manner do not have two distinct adjustment positions and would not comply with the adjustability requirement. NHTSA does not believe that a sling-mounted D-ring which does not have distinct adjustment positions should be allowed as the position of such a device could change due to vehicle vibration or occupant movement, resulting in reduced comfort for the occupant.

Ford's comment indicated that some sling-mounted D-rings are "fixed and rigid" and can "be adjusted to a variety of different positions that provide at least 5 centimeters of adjustment." Such a device would comply with the adjustability requirement.

Intentional Set Retractor: As described by General Motors, this is a safety belt retractor that would permit the introduction of slack in the upper torso portion of the safety belt. Such a device could not be used to comply with the requirement because the anchorage does not have a movable component which has at least two adjustment positions (S7.1.2), nor does the design move the webbing in relation to the anchorage (S7.1.2.1). Spooling of webbing off the retractor increases the amount of webbing in the belt system, but does not move the webbing in relation to the anchorage as specified in S7.1.2.1. An example of the type of design that would meet the requirements of S7.1.2.1 is the Volvo design in which the shoulder belt webbing is fed through a slot in the pillar at different angles and in different locations as increasing amounts of webbing are spooled off the conical spool of the retractor.

Adjustable Seat Height: Porsche described a system which adjusts the seat height relative to a fixed D-ring to be used to comply with the adjustability requirement. NHTSA is not amending

the language to allow the use of this system as a means of compliance. The agency does not believe that, in practice, a seat with adjustable height would be functionally equivalent to an anchorage with two or more adjustment positions. NHTSA believes that occupants use seat adjustability primarily as a means of reaching controls and increasing visibility out of the vehicle. NHTSA has no evidence, nor did Porsche provide any evidence that such a system alone would also be used by motorists to provide a better safety belt fit. Moreover, even if motorists did use it this way, the optimum seat adjustment for seat belt comfort could conflict with optimum seat height for control access and visibility.

Rear Seats

Thirteen vehicle manufacturers and one association requested that belts for rear seats be excluded from the adjustability requirement. Some manufacturers stated that the agency's rationale for allowing seats with integrated belts as an alternative means of compliance (i.e., that integrated belts provide a good fit for a wide range of occupants because the upper and lower anchorages maintain a constant position relative to the seat) is equally applicable to belts for fixed rear seats. Other manufacturers stated that there are very difficult design problems involved in installing AUAs for rear seats. One commenter, Ford Motor Company, requested an exclusion for belts for all non-movable seats (both front and rear) and for seats which move fore-and-aft only to allow access to other areas.

In the NPRM, NHTSA explained that it was aware of very few means being used to provide adjustability in rear seats. NHTSA requested comment on designs that could be used to comply with the proposed requirements in the rear seats, the practicability of these designs, and the costs of these designs. In response to these questions, many comments indicated that there were greater design problems with designing rear seats to comply with the adjustability requirement, and that compliance was costlier for these seats with little benefit.

NHTSA agrees with the comments that the anchorages for belts installed at a fixed seat will retain a constant position in relation to the seat. Fixed seats, especially rear fixed seats, allow manufacturers greater flexibility to design the location of the upper anchorage to provide a good fit for a wide range of occupants because the anchorage does not need to be located out of the way of the seat movement. For those seats which have the

anchorages on or very near the seat (e.g., an upper anchorage on the shelf near the top of a rear seat in a passenger car), the belt system should provide a range of fit comparable to that provided by an adjustable seat with integrated belts.

While NHTSA is aware that not all fixed seats have the upper anchorage on or near the seat, NHTSA notes that requiring adjustability of belts whose anchorages are not on or near fixed rear seats would not solve the belt fit problems of many of the occupants of those seats. The majority of fixed seats are rear seats, which are more commonly occupied by children than adults. As noted in the NPRM, NHTSA's research indicated a significantly lower percentage of both non-adjustable and adjustable belts were within the comfort zone for the six-year-old dummy than for the adult dummies. This suggests that this rulemaking cannot solve the belt fit problems of children and that other means, such as booster seats, must be used to provide comfortable belt fit for children. Further, one commenter, a child seat manufacturer, expressed concern that if belts were integrated with rear seats, those belts could not be used to secure a child seat.

For these reasons, NHTSA has decided to exclude fixed seats from the adjustability requirement. NHTSA also agrees with Ford Motor Company that this exclusion should also apply to a seat which can be adjusted to provide access to other areas, but is otherwise fixed. NHTSA has therefore drafted this exclusion accordingly.

Convertibles

Three vehicle manufacturers asked the agency to exclude convertibles from the adjustability requirement. These manufacturers stated that the requirement was impracticable for these vehicles, since convertibles do not have a B-pillar and therefore cannot accommodate AUAs. These manufacturers further argued that, while the proposal permits the use of other designs which could be used in convertibles to comply with the adjustability requirement, electing these options would greatly increase the cost of compliance.

Besides AUAs, other options for convertible seats include integrated safety belt assemblies, and "semi-integrated" seat belt assemblies. NHTSA estimates that providing an AUA costs \$3.12 per seating position, while integrated belts cost \$38.15 each, and "semi-integrated" belts cost \$0.43 each.

After reviewing these comments, NHTSA has decided not to exclude convertibles from the adjustability requirement. While NHTSA agrees that

manufacturers of convertibles may not be able to use AUAs, there are other options, some of which are less expensive than AUAs.

Voluntarily Installed Type 2 Belts

Heavy truck manufacturers, one of their belt suppliers, and motor home manufacturers expressed concern that the proposed regulatory language was broad enough to include Type 2 belts that had been voluntarily installed in vehicles with a GVWR of more than 10,000 pounds. Motor vehicle manufacturers were similarly concerned that the regulatory language included Type 2 belts voluntarily installed at seating positions in other types of vehicles (e.g., center seating positions).

NHTSA intended the adjustability requirement to apply to seating positions for which Standard No. 208 requires a Type 2 belt, but not to seating positions for which Standard No. 208 provides a choice of either a Type 1 or a Type 2 belt. Among the seating positions for which the Standard provides this choice are all seating positions in vehicles with a GVWR greater than 10,000 pounds, and center seating positions in vehicles with a GVWR of not more than 10,000 pounds. For all of these seating positions, the choice of a Type 2 belt is voluntary. Under this final rule, a Type 2 belt that is voluntarily installed in any vehicle need not comply with the adjustability requirement.

Owner's Manual

Three commenters addressed the issue of requiring information on the use of manual AUAs in the owner's manual. Two commenters supported an owner's manual insert. One manufacturer stated that clarification was needed on whether the information must be provided for belts mounted on the seat frame so that they move with the seat. The agency has clarified the informational requirement in S7.1.2 so that it more clearly applies only if the belt system includes the movable component required by that paragraph.

Effective Date

Every vehicle manufacturer requested additional leadtime to make the design changes required by this rule. Some manufacturers stated that an effective date of September 1, 1997 would better correspond to the date on which air bags will be mandatory. Other requests ranged from 2 years to a request for a four-year phase-in beginning at least 5 years after publication. The Recreation Vehicle Industry Association (RVIA) and Bornemann Products Incorporated (Bornemann) requested an additional

two years leadtime after the effective date for vehicles manufactured in two or more stages.

After reviewing these comments, NHTSA has decided to extend the effective date to September 1, 1997. The agency believes it would be more practicable to closely parallel the schedule for vehicle redesign required for the implementation of manual belts and air bags. Manufacturers will then be able to avoid redesign of the anchorage systems for two safety belt-related rules. By this date, 100 percent of passenger cars and 80 percent of light trucks must be equipped with manual belts and air bags.

While NHTSA agrees that redesigning some vehicles will be difficult, many commenters stated that all or most of their vehicles will have an adjustment feature before this date. In addition, NHTSA notes that many of the requests for longer extensions were based on compliance difficulties for rear seats. Therefore, NHTSA has decided that longer extensions are not necessary.

NHTSA has also decided not to allow additional leadtime for vehicles manufactured in two or more stages. There are questions about the sufficiency of the agency's authority to grant relief to vehicles based on their method of production instead of their type; however, the agency need not address those questions in this final rule.

Bornemann and RVIA requested additional leadtime because there is no assurance that engineering information or prototype vehicles would be available in time for final stage manufacturers to comply with the adjustability requirement by the same date as single stage manufacturers. The commenters are concerned that, due to the lack of leadtime and lack of early information from vehicle manufacturers, they would be forced to install integrated seats to comply with the proposed adjustability requirement.

The agency believes these concerns are unwarranted for numerous reasons. First, as discussed above, the agency has provided an additional year leadtime beyond that proposed. Because NHTSA anticipates that many vehicles will comply before the effective date, this should allow first stage manufacturers additional time to divulge design information to final stage manufacturers. Second, the apparent trend in the industry is to provide AUAs in incomplete vehicles. Since the upper anchorage is not a component that is normally modified by final stage manufacturers, there would be no additional requirement or burden on the final stage manufacturers. Third, if

neither of the previous reasons provide relief, final stage manufacturers have options other than integrated seats in designing vehicles to comply with the adjustability requirement. For example, a "semi-integrated" safety belt assembly in which the lower inboard anchorage is mounted on the moving portion of the seat can be provided by the seat manufacturer and is in the same magnitude of price as an AUA.

RVIA also stated that additional leadtime was necessary if the agency did not exclude motor homes and rear seats. This request is largely moot. As explained previously, the adjustability requirement does not apply to voluntarily installed Type 2 safety belts. The agency's decision to exclude voluntarily installed Type 2 safety belts makes it unnecessary to adopt RVIA's request to exclude motor homes. Many motor homes have a GVWR greater than 10,000 pounds. Thus, the Type 2 belts in those motor homes are all voluntarily installed belts. For motor homes with a GVWR of 10,000 pounds or less, the modifications made to the front seating positions are not different than other van conversions. Finally, the agency's decision to exclude fixed seats has effectively excluded rear seats.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." This action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures. NHTSA estimates that the annual economic impact of this final rule will be between \$44 and \$61 million. A Final Regulatory Evaluation has been prepared for this final rule and is available in the docket for this notice.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. By not including the rear seat of vehicles, the agency believes that the small businesses involved in altering vehicles, van conversions, and multi-stage manufacturing will have little difficulty meeting the standard. Most of the companies perform very few changes to the front of the vehicle. Van converters

may change the seats, but they typically use the anchorage points provided by the original manufacturer of the front seat. Those manufacturers that start with incomplete vehicles will have to add and certify anchorages. However, either seats with seat-frame mounted anchorages or adjustable upper anchorages will be on the market and these manufacturers should not have difficulty certifying compliance.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96-511), there are no requirements for information collection associated with this final rule.

National Environmental Policy Act

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

Executive Order 12612 (Federalism)

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

Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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

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

2. Section 571.208 is amended by redesignating existing S7.1.2 and S7.1.3, as S7.1.3 and S7.1.4, and adding new S7.1.2, S7.1.2.1, and S7.1.2.2, to read as follows:

§ 571.208 Standard No. 208, Occupant Crash Protection

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S7.1.2 Except as provided in S7.1.2.1 and S7.1.2.2, for each Type 2 seat belt assembly which is required by Standard No. 208 (49 CFR 571.208), the upper anchorage, or the lower anchorage nearest the intersection of the torso belt and the lap belt, shall include a movable component which has a minimum of two adjustment positions. The distance between the geometric center of the movable component at the two extreme adjustment positions shall be not less than five centimeters, measured linearly. If the component required by this paragraph must be manually moved between adjustment positions, information shall be provided in the owner's manual to explain how to adjust the seat belt and warn that misadjustment could reduce the effectiveness of the safety belt in a crash.

S7.1.2.1 As an alternative to meeting the requirement of S7.1.2, a Type 2 seat belt assembly shall provide a means of automatically moving the webbing in relation to either the upper anchorage, or the lower anchorage nearest the intersection of the torso belt and the lap belt. The distance between the midpoint of the webbing at the contact point of the webbing and the anchorage at the extreme adjustment positions shall be not less than five centimeters, measured linearly.

S7.1.2.2 The requirements of S7.1.2 do not apply the anchorages of a Type 2 seat belt assembly installed:

(a) at a seat which is adjustable fore and aft while the vehicle is in motion and whose seat frame above the fore-and-aft adjuster is part of each of the assembly's seat belt anchorages, as defined in S3 of Standard No. 210 (49 CFR 571.210).

(b) at a seat that is not adjustable fore and aft while the vehicle is in motion.

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Issued on July 28, 1994.

Christopher A. Hart,

Deputy Administrator.

[FR Doc. 94-18812 Filed 8-2-94; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 931235-4107, I.D. 072794A]

Pacific Halibut Fisheries

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

ACTION: Notice of inseason action.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes notice of this inseason action pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of Pacific halibut stocks in order to help sustain them at an adequate level in the northern Pacific Ocean and Bering Sea. **EFFECTIVE DATE:** July 24, 1994, through December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Steven Pennoyer, telephone 907-586-7221; Gary Smith, telephone 206-526-6140; or Donald McCaughan, telephone 206-634-1838.

SUPPLEMENTARY INFORMATION: The IPHC, under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979), has issued this inseason action pursuant to IPHC regulations governing the Pacific halibut fishery. The regulations have been approved by the Secretary of State (59 FR 22522, May 2, 1994). On behalf of the IPHC, this inseason action is published in the **Federal Register** to provide additional notice of its effectiveness, and to inform persons subject to the inseason action of the restrictions and requirements established therein.

Inseason Action

1994 Halibut Landing Report No. 12
Northwestern Area 4E to Close July 24

The IPHC estimates that the catch limit for the northwestern portion of Area 4E will be obtained by July 24, 1994. Therefore, that portion of Area 4E that is north of a line from 56°32'00"N., 168°00'00"W. to Cape Newenham (58°39'00"N., 162°10'25"W.) shall be closed to commercial fishing effective