these cases enabled NHTSA to estimate the TTI(d) and pelvic acceleration values that would have been obtained for the vehicles had they been tested with the barrier adopted by the final rule. The analysis indicates that, contrary to Toyota's assertion about widespread compliance of vehicles with SgRP are 700 mm or greater, three of the seven vehicles ('93 Plymouth Voyager, '89 Ford Ranger XLT, '89 Suzuki Sidekick) may require modifications to ensure compliance with the TTI(d) and pelvic g limits.

NHTSA also does not agree with Toyota's assertion that vehicles whose SgRP point is higher than 700 mm would necessarily pass Standard 214 due to the position of the SID's lower rib relative to the MDB in the crash test. The lower rib acceleration is not the only response used to determine the compliance of the vehicle. Accelerations of the upper spine, upper rib and pelvis also play an important role in determining compliance. Toyota did not address the effect that SgRP height might have on responses of those components. Further, the relative height between the MDB and the SgRP of the target vehicle is one of many factors that affect the vehicle performance during a side impact crash test. The vehicle weight, clearance between the side interior and the SID, side structure and/or padding properties are all important factors that could affect whether small LTVs, in particular, pass the performance criteria. Toyota did not address those factors either.

For the reasons discussed above, NHTSA denies Toyota's petition for reconsideration.

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

Issued on: May 8, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–12034 Filed 5–13–96; 8:45 am]

BILLING CODE 4910–59–P

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49 CFR Part 571

[Docket No. 96–46; Notice 01]

RIN 2127–AF91

Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages

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

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition from Volvo, this notice proposes to require manufacturers to certify the anchorages of a voluntarily installed Type 2 safety belt (lap/shoulder belt) to the anchorage requirements for a mandatorily installed Type 2 safety belt. Currently, if only a Type 1 safety belt (lap belt) is required for a particular seating position, a manufacturer must certify the anchorage(s) for the belt(s) it installs at that position to the anchorage requirements for a Type 1 belt, even if the manufacturer installs a Type 2 safety belt at that location.

DATES: Comments must be received by July 15, 1996.

ADDRESSES: Comments should refer to the docket and notice number.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590:

For non-legal issues: Clarke B. Harper, Office of Crashworthiness Standards, NPS–11, telephone (202) 366–2264, facsimile (202) 366–4329, electronic mail ''charper@nhtsa.dot.gov''.

For legal issues: Mary Versailles, Office of the Chief Counsel, NCC–20, telephone (202) 366–2992, facsimile (202) 366–3820, electronic mail ''mversailles@nhtsa.dot.gov''.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standard No. 210,''Seat Belt Anchorages,'' requires the anchorages for mandatorily installed Type 2 safety belts to withstand the simultaneous application of a 3,000-pound load applied to the lap belt anchorages and a separate 3,000-pound load to the shoulder belt anchorages. When only a Type 1 safety belt is required, Standard No. 210 requires the anchorages for the lap belt to withstand a 5,000-pound load. If a manufacturer voluntarily installs a Type 2 safety belt at a seating position for which only a Type 1 safety belt is required, the lap belt portion is required to withstand a 5,000-pound load. but the shoulder belt portion is subject to no requirement.

Currently, manufacturers need only install a Type 1 safety belt at the following seating positions:

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

Volvo's Petition

On May 18, 1995, Volvo Cars of North America, Inc. (Volvo) petitioned NHTSA to amend Standard No. 210. Volvo stated that it subjects the anchorages of its voluntarily installed Type 2 safety belts to two different tests. Pursuant to Standard No. 210, it tests the anchorages of the lap belt portion of those belts for compliance with the anchorage requirements for a Type 1 safety belt. In addition, for quality control purposes, it tests the anchorages of its voluntarily installed Type 2 safety belts for compliance with the requirements for the anchorages of mandatorily installed Type 2 safety belts. To reduce the amount of testing, Volvo requests that the Standard be amended to give manufacturers a choice of certifying the anchorages of a voluntarily installed Type 2 safety belt either to the requirements for a Type 1 safety belt anchorage or to the requirements for a Type 2 safety belt anchorage. The adoption of its request would allow Volvo to cease the separate testing of the lap belt portion of its voluntarily installed Type 2 safety belts.

Agency Proposal

While Volvo asked NHTSA to allow manufacturers an option, NHTSA is proposing to require manufacturers that voluntarily install an integral Type 2 safety belt to certify the anchorages of that belt to the requirements for Type 2 safety belt anchorages.

First, there does not appear to be a reason for testing non-dynamically tested integral Type 2 safety belt anchorages differently based on whether the installation is mandatory or voluntary.

Second, the load applied by an occupant to the lap belt portion of a Type 2 safety belt would be lower than the load applied by the same occupant to a Type 1 safety belt, since part of the occupant's load would be borne by the shoulder belt. Thus, if the load requirements for the lap belt anchorages of a mandatory Type 2 safety belt are appropriate to meet the need for motor vehicle safety, it appears that the current requirements for the lap belt anchorages of a voluntarily installed Type 2 safety belt are excessive.

Finally, in the past, NHTSA has experienced difficulties in enforcing standards that give manufacturers the option of complying with any one of a set of alternative requirements. Generally, NHTSA will ask a manufacturer to specify which of the alternatives the agency should apply in a compliance test. In some instances when agency testing indicates that a

vehicle has an apparent non-compliance with the alternative specified by the manufacturer, the manufacturer has argued that the vehicle should nevertheless be regarded as being in compliance since it would comply with another alternative. NHTSA has then had to incur the expense of a second compliance test to determine whether it should continue with enforcement proceedings. This proposal would prevent such an enforcement problem with respect to anchorages for voluntarily installed Type 2 safety belts.

International Harmonization

This proposal would harmonize this aspect of Standard No. 210 with the counterpart regulation of the Economic Commission for Europe (ECE R14, ''Safety-Belt Anchorages''). ECE14 specifies two options for seats equipped with lap and shoulder belt anchorages. The first option consists of two tests which apparently address the possibility that while such a seat might be initially equipped with only a Type 1 belt, it might at some later point be equipped with a Type 2 safety belt. Test 1 simultaneously subjects the anchorages for the lap and shoulder belt portions to loads similar to the 3,000 pound loads in Standard No. 210. Test 2 subjects the anchorages for the lap belt portion to a load similar to the 5,000 pound load in Standard No. 210. The second option consists of only the first of these tests. If a Type 2 safety belt is initially installed at the seating position, ECE R14 specifies compliance with the second option. Under those circumstances, NHTSA's proposal specifies essentially the same test.

Cost Savings and Safety Impacts

The adoption of this proposal could result in minor reductions in manufacturing costs and compliance costs. If a manufacturer voluntarily installed a Type 2 safety belt, it might decide to install lap belt anchorages capable of withstanding a 3,000 pound load, but not the 5,000 pound load currently required. NHTSA believes that the cost savings from such a design change would be less than $1 per vehicle. In addition, manufacturers which currently certify the anchorages of voluntarily installed Type 2 safety belts to the requirements of Standard No. 210 for Type 1 safety belts and also choose to test those anchorages to the requirements for Type 2 anchorages would save approximately $1,400 per vehicle model as a result of not having to conduct a test to certify to the Type 1 anchorage requirements. For Volvo, this could result in a total annual cost savings from both design and test changes of approximately $100,000.

Approximately 90 percent of all trucks with a GVWR of more than 10,000 pounds have Type 2 safety belts installed at the front outboard seats, even though the minimum requirement is for a Type 1 safety belt. For this vehicle population, the annual cost savings from design changes could be approximately $770,000. This figure does not include the $1,400 for each certification test. The number of voluntarily-installed lap/shoulder belts is increasing as other manufacturers are beginning to install lap/shoulder safety belts at seating positions that are only required to have a lap belt.

While manufacturers might be able to install less strong lap belt anchorages under the proposed change, NHTSA does not believe there will be any net loss of benefits. Standard No. 210 tests the lap belt anchorages of a voluntarily installed Type 2 safety belt as if the lap belt were the only belt present at the seating position and by itself would have to sustain the entire load of the occupant. However, the proposal would require the shoulder belt anchorage to help sustain the load. Further, lap/shoulder belts offer greater protection than lap only belts. In the 1989 final rule requiring lap/shoulder belts at all forward-facing outboard seating positions in passenger cars, NHTSA estimated that rear-seat lap-only belts are 32 percent effective in reducing the risk of death, while rear-seat lap/shoulder belts were 41 percent effective (54 FR 25275, 25276; June 14, 1989). Therefore, there should not be any net loss of strength or benefits even if manufacturers install less strong lap belt anchorages.

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. As explained above, this proposal could result in an annual savings of approximately one million dollars.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. The anticipated slight savings would not affect the purchase of new vehicles by small entities.

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 proposed rule.

National Environmental Policy Act

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

Executive Order 12612 (Federalism)

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

Civil Justice Reform

This proposed rule would 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.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the

complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, it is proposed that 49 CFR Part 571 be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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

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

2. 571.210 would be amended by revising sections S4.2.1 and S4.2.2 to read as follows:

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

* * * * *

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

(a) Type 1 seat belt assembly; and

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

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

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

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

* * * * *

Issued on May 8, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–12033 Filed 5–13–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 16

Review of Injurious Wildlife Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review of regulations.

SUMMARY: The Fish and Wildlife Service is reviewing 50 CFR Part 16 to determine to what extent it should be reinvented. 50 CFR Part 16 addresses the importation or shipment of injurious wildlife. Applicable legislation will be reviewed, the process for identifying and listing injurious wildlife will be examined, and import restrictions will be evaluated.

DATES: Comments must be submitted on or before July 15, 1996.

ADDRESSES: Comments may be mailed or sent by fax to the Chief, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, 1849 C Street, N.W., Mail Stop 840 ARLSQ, Washington, D.C. 20240, or FAX (703) 358–2044.

FOR FURTHER INFORMATION CONTACT: Susan Mangin, Division of Fish and Wildlife Management Assistance at (703) 358–1718.

SUPPLEMENTARY INFORMATION: 50 CFR Part 16 implements provisions of the Lacey Act of 1900 (18 U.S.C. 42). The Lacey Act restricts importation of mammals, birds, fish, reptiles and amphibians that are deemed injurious to humans, agriculture, horticulture, forestry, wildlife, or wildlife resources of the United States. Interest has increased in preventing the introduction of harmful nonindigenous species. As 50 CFR is reinvented, alternatives to the current approach for implementing the Lacey Act will be considered. Specific comments from other Federal agencies, States, and the private sector are requested.

Dated: May 6, 1996.

Bruce Blanchard,

Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 96–11972 Filed 5–13–96; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[I.D. 050696A]

Reef Fish Fishery of the Gulf of Mexico; Amendment 13

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 13 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) for review, approval, and implementation by NMFS. Written comments are requested from the public.

DATES: Written comments must be received on or before July 8, 1996.

ADDRESSES: Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 13, which includes an environmental assessment and a regulatory impact review, should be sent to the Gulf of