

1311.4 Qualifications, selection, and placement.

1311.5 Duration of Fellowships and status of Head Start Fellows.

Authority: 42 U.S.C. 9801 *et seq.*

**§ 1311.1 Head Start Fellows Program Purpose.**

(a) This part establishes regulations implementing section 648A(d) of the Head Start Act, as amended, 42 U.S.C. 9801 *et seq.*, applicable to the administration of the Head Start Fellows Program, including selection, placement, duration and status of the Head Start Fellows.

(b) As provided in section 648A(d) of the Act, the Head Start Fellows Program is designed to enhance the ability of Head Start Fellows to make significant contributions to Head Start and to other child development and family services programs.

**§ 1311.2 Definitions.**

As used in this part:

*Act* means the Head Start Act, as amended, 42 U.S.C. 9801 *et seq.*

*Associate Commissioner* means the Associate Commissioner of the Head Start Bureau in the Administration on Children, Youth and Families.

*Head Start Fellows* means individuals who participate in the Head Start Fellows Program, who may be staff in local Head Start programs or other individuals working in the field of child development and family services.

**§ 1311.3 Application process.**

An individual who wishes to obtain a Fellowship must submit an application to the Associate Commissioner. The Administration for Children and Families will publish an annual announcement of the availability and number of Fellowships in the Federal Register. Federal employees are not eligible to apply. (The information collection requirement contained in this section is approved under OMB Control Number 0970-0140.)

**§ 1311.4 Qualifications, selection, and placement.**

(a) The Act specifies that an applicant must be working on the date of application in a local Head Start program or otherwise working in the field of child development and family services. The qualifications of the applicants for Head Start Fellowship positions will be competitively reviewed. The Associate Commissioner will make the final selection of the Head Start Fellows.

(b) Head Start Fellows may be placed in:

(1) The Head Start national and regional offices;

(2) Local Head Start agencies and programs;

(3) Institutions of higher education;

(4) Public or private entities and organizations concerned with services to children and families; and

(5) Other appropriate settings.

(c) A Head Start Fellow who is not an employee of a local Head Start agency or program may only be placed in the national or regional offices within the Department of Health and Human Services that administer Head Start or local Head Start agencies.

(d) Head Start Fellows shall not be placed in any agency whose primary purpose, or one of whose major purposes is to influence Federal, State or local legislation.

**§ 1311.5 Duration of Fellowships and status of Head Start Fellows.**

(a) Head Start Fellowships will be for terms of one year, and may be renewed for a term of one additional year.

(b) For the purposes of compensation for injuries under chapter 81 of title 5, United States Code, Head Start Fellows shall be considered to be employees, or otherwise in the service or employment, of the Federal Government.

(c) Head Start Fellows assigned to the national or regional offices within the Department of Health and Human Services shall be considered employees in the Executive Branch of the Federal Government for the purposes of chapter 11 of title 18, United States Code, and for the purposes of any administrative standards of conduct applicable to the employees of the agency to which they are assigned.

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

[Docket No. 74-14; Notice 111]

**RIN 2127-AG24**

**Federal Motor Vehicle Safety Standards; Occupant Crash Protection**

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

**ACTION:** Final rule.

**SUMMARY:** In response to a petition from the Ford Motor Company, this document grants a four-month extension of the date by which vehicles with a gross vehicle weight rating (GVWR) of more than 8,500 pounds and less than

10,000 pounds must comply with the requirements for safety belt fit.

**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 February 24, 1997.

**ADDRESSES:** Any petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

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

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

*For legal issues:* Edward Glancy, Office of the Chief Counsel, NCC-20, telephone (202) 366-2992, facsimile (202) 366-3820, electronic mail "eglancy@nhtsa.dot.gov".

**SUPPLEMENTARY INFORMATION:** On August 3, 1994, NHTSA published a final rule amending Standard No. 208, *Occupant Crash Protection*, to improve safety belt fit and thus the rate of belt use by requiring that Type 2 safety belts installed for adjustable seats in vehicles with a gross vehicle weight rating (GVWR) 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 (59 FR 39472). The final rule specified that the amendment take effect September 1, 1997.

On December 22, 1995, the Ford Motor Company (Ford) petitioned the agency to extend the effective date of this new requirement for vehicles with a GVWR between 8,500 and 10,000 pounds from September 1, 1997 to January 1, 1998. In its petition, Ford stated that unexpected developmental problems with a new truck platform prevented it from beginning production by September 1, 1997, as originally expected. Ford stated that redesigning the existing truck platform to meet the September 1, 1997 effective date would cost \$4.5 million or \$100 per vehicle. A more detailed explanation of Ford's basis for the extension was included in the notice of proposed rulemaking (NPRM) (61 FR 39432).

On July 29, 1996, NHTSA published an NPRM proposing to extend the

amendment's effective date to January 1, 1998 for vehicles with a GVWR between 8,500 and 10,000 pounds. In the NPRM, NHTSA noted that, due to the demographics of the occupants of the affected trucks, the benefits from applying the belt fit requirement to those trucks would be less than the benefits of applying it to lower GVWR vehicles. NHTSA also noted in the NPRM that the economic impact of requiring Ford to go ahead and comply with the September 1, 1997 effective date would be much greater than the costs anticipated by the agency for compliance with the belt fit requirement. In the NPRM, NHTSA tentatively decided that since the safety benefits for the affected trucks was likely to be very small, and the costs accentuated, a four-month extension of leadtime was reasonable. Interested persons are encouraged to read the July 29, 1996 NPRM for a detailed explanation of the agency's reasoning (61 FR 39432).

NHTSA received only one comment on the proposal to extend the compliance date for trucks with a GVWR of more than 8,500 pounds. In that comment, Ford supported the extension, citing the reasons included in its original petition and the NPRM. Accordingly, NHTSA has decided to adopt the proposed rule without change.

#### 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 earlier, the agency estimates a cost savings of \$4.8 to \$4.9 million.

##### *Regulatory Flexibility Act*

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this final rule has no significant economic impact on a substantial number of small entities. As explained above, NHTSA does not anticipate a significant economic impact on any manufacturer from this proposal. For consumers, granting this extension will slightly reduce the cost of these trucks, especially the Ford trucks, compared to their cost if the extension is not granted.

##### *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 proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this final rule has no significant federalism implications to warrant the preparation of a Federalism Assessment.

##### *Civil Justice Reform*

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

##### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

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

#### **PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

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

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

2. Section 571.208 is amended by revising S7.1.2 and adding a new S7.1.2.3 to read as follows:

##### **§ 571.208 Standard No. 208; Occupant crash protection.**

\* \* \* \* \*

S7.1.2 Except as provided in S7.1.2.1, S7.1.2.2, and S7.1.2.3, 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.

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S7.1.2.3 The requirements of S7.1.2 do not apply to any truck with a gross vehicle weight rating of more than 8,500 pounds manufactured before January 1, 1998.

\* \* \* \* \*

Issued on December 16, 1996.

Ricardo Martinez,  
Administrator.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 940553-4223; I.D. 010697B]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

**ACTION:** Closure.

**SUMMARY:** NMFS closes the commercial run-around gillnet fishery for king mackerel in the exclusive economic zone (EEZ) in the Florida west coast sub-zone. This closure is necessary to protect the overfished Gulf king mackerel resource.

**EFFECTIVE DATE:** The closure is effective 12:00 noon, local time, January 7, 1997, through June 30, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish