

225.7016-2 Exceptions.

* * * * *

(b) Spare or repair parts are needed to support air circuit breakers manufactured outside the United States and Canada. * * *

12. Section 225.7016-3 is revised to read as follows:

225.7016-3 Waiver.

The waiver criteria at 225.7005 apply to this restriction.

13. Section 225.7019-1 is amended by revising paragraph (a) to read as follows:

225.7019-1 Restrictions.

(a) In accordance with 10 U.S.C. 2534, through fiscal year 2000, do not acquire ball and roller bearings or bearing components that are not manufactured in the United States or Canada.

* * * * *

14. Section 225.7019-3 is amended by removing paragraphs (a)(1)(iii) and (iv); redesignating paragraphs (a)(1)(v), (vi), and (vii) as paragraphs (a)(1)(iii), (iv), and (v), respectively; redesignating paragraph (b) as paragraph (c), and adding a new paragraph (b) to read as follows:

225.7019-3 Waiver.

* * * * *

(b)(1) The Under Secretary of Defense (Acquisition and Technology), without power of delegation, may waive the restriction in 225.7019-1(a) for a particular foreign country upon determination that—

(i) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country; or

(ii) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, or would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items under 225.872, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(2) A notice of the determination to exercise the waiver authority must be published in the **Federal Register** and submitted to the congressional defense committees at least 15 days before the effective date of the waiver.

(3) Such waiver shall be in effect for a period not greater than 1 year.

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15. Section 225.7022-1 is amended in paragraph (b) by revising the first sentence to read as follows:

225.7022-1 Restrictions.

* * * * *

(b) In accordance with 10 U.S.C. 2534(a)(3)(B), do not purchase a totally enclosed lifeboat that is a component of a naval vessel, unless it is manufactured in the United States or Canada. * * *

16. Section 225.7022-2 is amended by revising paragraph (b) to read as follows:

225.7022-2 Exceptions.

* * * * *

(b) Spare or repair parts are needed to support totally enclosed lifeboats manufactured outside the United States and Canada.

17. Section 225.7022-3 is revised to read as follows:

225.7022-3 Waiver.

The waiver criteria at 225.7005 apply only to the restriction of 225.7022-1(b).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

18. Section 252.225-7016 is amended by revising the clause date and paragraph (c)(1) to read as follows:

252.225-7016 Restriction on Acquisition of Ball and Roller Bearings.

* * * * *

RESTRICTION ON ACQUISITION OF BALL AND ROLLER BEARINGS (FEB 1998)

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(c)(1) The restriction in paragraph (b) of this clause does not apply to the extent that the end items or components containing ball or roller bearings are commercial items.

* * * * *

19. Section 252.225-7029 is revised to read as follows:

252.225-7029 Preference for United States or Canadian Air Circuit Breakers.

As prescribed in 225.7016-4, use the following clause:

PREFERENCE FOR UNITED STATES OR CANADIAN AIR CIRCUIT BREAKERS (FEB 1998)

(a) Unless otherwise specified in its offer, the Contractor agrees that air circuit breakers for naval vessels provided under this contract shall be manufactured in the United States or Canada.

(b) Unless an exception applies or a waiver is granted under 225.7005 (a) or (b) of the Defense Federal Acquisition Regulation Supplement, preference will be given to air circuit breakers manufactured in the United States or Canada by adding 50 percent for evaluation purposes to the offered price of all other air circuit breakers.

[End of clause]

[FR Doc. 98-2649 Filed 2-3-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 572

[Docket No. NHTSA-98-3296]

RIN 2127-AF41

Anthropomorphic Test Dummy; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; technical amendment.

SUMMARY: In December 1996, NHTSA published a rule amending the specifications for the Hybrid III test dummy. The dummy is specified by the agency for use in compliance testing under its occupant protection standard. The amendments made minor modifications in the dummy's femurs and ankles to improve biofidelity. In response to petitions for reconsideration, this document makes minor technical amendments and corrections to that rule.

DATES: *Effective Date:* The amendments are effective March 6, 1998.

Petitions: Petitions for reconsideration must be received by March 23, 1998.

ADDRESSES: Petitions for reconsideration should refer to the docket number of this rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: For nonlegal issues: Stan Backaitis, Office of Crashworthiness Standards (telephone: 202-366-4912). For legal issues: Edward Glancy, Office of the Chief Counsel (202-366-2992). Both can be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: On December 26, 1996, NHTSA published in the **Federal Register** (61 FR 67953) a rule amending the specifications for the Hybrid III test dummy. The dummy is specified by the agency for use in compliance testing under Standard No. 208, *Occupant Crash Protection*. The amendments made minor modifications in the dummy's femurs and ankles to improve biofidelity. The agency

explained that while the modifications may have some minimal effect on head injury criterion (HIC), chest, and femur test data, the resulting improvement in data quality and reliability will more than offset these differences and make the dummy more useful in tests at the more severe impact conditions of some research and vehicle development programs.

The American Automobile Manufacturers Association (AAMA) submitted a petition for reconsideration of those amendments, requesting "minor technical corrections to the hip-femur flexion test portion of the amendment based on discovery of some apparently inadvertent revisions in the transcript of the final rule." That organization noted that the revised dummy femur/hip joint and ankle/foot specifications were based on a cooperative effort between the auto industry, dummy manufacturers, and the agency. This work was conducted primarily through the Society of Automotive Engineers (SAE) Dummy Family Task Group.

AAMA explained its requested changes as follows:

Section 572.35(c)(1) of the amendment specifies the new hip joint femur flexion verification test. The first part of the associated performance specification states that " * * * the femur rotation at 50 ft-lbf of torque will not be more than 36 deg. from its initial horizontal orientation * * *." The description of this requirement in the amendment "preamble" is " * * * a load [moment] of 50 ft-lbf cannot be exceeded before the femur rotates 36 degrees." Data from SAE Task Group round-robin testing * * * show that some pelvises (especially new ones) would not meet the "specification" described in the preamble. This may cause some unintended confusion. Accordingly, we recommend the following minor change in the regulatory language for clarification, based on the SAE Task Group data: " * * * the femur torque at 30 degrees rotation from its initial horizontal orientation will not be more than 70 ft-lbf * * *."

The second part of the section 572.35(c)(1) performance specification states that " * * * at 150 ft-lbf of torque [the femur rotation] will not be less than 46 deg. or more than 52 deg." The SAE Task Group agreed at its meeting of May 24, 1995 that the flexion angle range should be approximately 41 to 48 degrees at 150 ft-lbf of applied torque, based on the round robin testing data. The 46 to 52 degree angle range corresponded to a torque of 250 ft-lbf. The 150 ft-lbf torque with its corresponding angle range was chosen because (1) the 250 ft-lbf torque had been shown to damage the pelvis flesh, and (2) use of the 150 ft lbf torque would facilitate detection of changes in the hip-femur range of motion without significant damage to the pelvis. Thus, the 150 ft-lbf specification with its corresponding angle range is sufficient for the purpose of the verification test.

Accordingly, consistent with the SAE Task Group data and round-off convention, we recommend the following minor change to the specification: " * * * at 150 ft-lbf of torque will not be less than 40 deg. or more than 50 deg."

NHTSA has evaluated the minor technical changes recommended by AAMA and concluded that they have merit. With respect to specification of femur torque at 30 deg. of rotation, AAMA's recommendation provides a more precise definition of when the torque measurement is to be made. The current specification allows the torque to reach the 50 ft-lbf value at any rotation at or before 36 deg. This torque level was established on the basis of tests with several modified, but previously used dummies whose femur flesh is somewhat less resistant to femur motion than that of newly manufactured dummies. At this range of femur rotation resistance torque is made up primarily of vinyl flesh compression rather than direct femur to pelvis bone bumper engagement. The slightly higher torque in the AAMA recommendation is small enough not to have any effect on the dummy's impact response, but will allow newly manufactured dummies to pass the calibration test specifications.

In addition, the AAMA recommendation to measure the resisting torque at a given femur rotation will provide a more consistent measurement of torque at a point just before the engagement with the femur bumper occurs instead of at any rotation before the 36 degrees are reached. Data submitted by AAMA show that torque measurement at various rotation levels would allow more variation than needed and would serve no purpose.

AAMA also recommended centering the femur rotation window at the 150 ft-lbf torque level by lowering the top limit from 52 deg to 50 deg. and the bottom limit from 46 deg. to 40 deg. This adjusted range is needed to accommodate new dummies whose new and unexercised flesh provides slightly more resistance to rotation than those dummies that have been previously exposed to impacts.

Both requested adjustments are minor corrections of the originally specified ranges. They have been derived and evaluated by the SAE Task Group. NHTSA agrees they are sufficient for the purpose of verification tests.

NHTSA also received a petition for reconsideration concerning the hip-femur flexion test portion of the amendment from Applied Safety Technologies Corporation, and a request for technical amendment from Toyota. Those companies raised similar issues to those raised by AAMA, and the

amendments being made respond to their concerns.

AAMA also identified two typographical errors in the final rule. That organization stated:

First, in the drawing list table following section 572.31(a)(3), the date listed for the "78051-123 arm assembly—complete (LH)" is "May 20, 1996" (emphasis added). We are not aware of any changes made to the arm assembly drawing in 1996, and believe that the correct year is 1978 (consistent with the date listed for the right hand arm assembly, for example). Second, paragraph (c)(2)(v) at the end of the revised section 572.35 regulatory text in the amendment transcript references "paragraph (c)(3) of this section" regarding operating environment and temperature specifications. There is no such paragraph in the revised section 572.35. Temperature and humidity conditions are specified in paragraph (b)(2)(ii) of revised section 572.35. Accordingly, this should be the reference in paragraph (c)(2)(v) of this section.

NHTSA agrees that these were typographical errors and is correcting them.

These minor technical amendments were not reviewed under E.O. 12866. NHTSA has considered costs and other factors associated with these amendments, and determined that these amendments do not change any of the conclusions in the December 1996 final rule regarding the impacts of that final rule, including the impacts on small businesses, manufacturers and other entities.

List of Subjects in 49 CFR Part 572

Motor vehicle safety.

In consideration of the foregoing, NHTSA amends 49 CFR part 572 as follows:

PART 572—[AMENDED]

1. The authority citation for part 572 continues to read as follows:

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

Subpart E—Hybrid III Dummy

2. Section 572.31 is amended by revising paragraph (a)(3) to read as follows:

§ 572.31 General description.

(a) * * *

(3) A General Motors Drawing No. 78051-218, revision S, titled "Hybrid III Anthropomorphic Test Dummy," dated May 20, 1978, the following component assemblies, and subordinate drawings:

Drawing No.	Revision
78051-61 head assembly—complete, dated May 20, 1978.	(T)
78051-90 neck assembly—complete, dated May 20, 1978.	(A)
78051-89 upper torso assembly—complete, dated May 20, 1978.	(K)
78051-70 lower torso assembly—complete, dated August 20, 1996, except for drawing No. 78051-55, "Instrumentation Assembly—Pelvic Accelerometer," dated August 2, 1979.	(E)
86-5001-001 leg assembly—complete (LH), dated March 26, 1996.	(A)
86-5001-002 leg assembly—complete (RH), dated March 26, 1996.	(A)
78051-123 arm assembly—complete (LH), dated May 20, 1978.	(D)
78051-124 arm assembly—complete (RH), dated May 20, 1978.	(D)

* * * * *

3. Section 572.35 is amended by revising paragraphs (c)(1) and (c)(2)(v) to read as follows:

§ 572.35 Limbs.

* * * * *

(c) *Hip joint-femur flexion.* (1) When each femur is rotated in the flexion direction in accordance with paragraph (c)(2) of this section, the femur torque at 30 deg. rotation from its initial horizontal orientation will not be more than 70 ft-lbf, and at 150 ft-lbf of torque will not be less than 40 deg. or more than 50 deg.

(2) * * *

(v) Operating environment and temperature are the same as specified in paragraph (b)(2)(ii) of this section.

* * * * *

Issued: January 29, 1998.

Ricardo Martinez,
Administrator.

[FR Doc. 98-2645 Filed 2-3-98; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 970515117-8020-02; I.D. 050797D]

RIN 0648-AJ85

Final List of Fisheries for 1998

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

ACTION: Final rule.

SUMMARY: In accordance with the Marine Mammal Protection Act of 1972, as amended (MMPA), NMFS publishes its final List of Fisheries (LOF) for 1998. The LOF classifies fisheries as Category I, II, or III, based on their levels of incidental mortalities and serious injuries of marine mammals. The LOF informs the public of the level of interactions with marine mammals in various U.S. commercial fisheries and of fisheries' requirements under certain MMPA provisions, to register for Authorization Certificates or carry fishery observers.

DATES: The changes to the List of Fisheries for 1998 are effective on February 4, 1998.

ADDRESSES: Information and registration materials for the region in which a fishery occurs and reporting forms may be obtained from the following addresses:

NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930-2298, Attn: Sandra Arvilla; NMFS, Southeast Region, 9721 Executive Center Drive North, St. Petersburg, FL 33702, Attn: Joyce Mochrie;

NMFS, Southwest Region, Protected Species Management Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, Attn: Don Peterson; NMFS, Northwest Region, 7600 Sand Point Way NE, Seattle, WA 98115, Attn: Permits Office; NMFS, Alaska Region, Protected Resources, P.O. Box 22668, 709 West 9th Street, Juneau, AK 99802, Attn: Ursula Jorgensen.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Chief, Marine Mammal Division, Office of Protected Resources, 1315 East-West Hwy, Silver Spring, MD 20910 and to the Office of Information and Regulatory Affairs, OMB, Attention: NOAA Desk Officer, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:

Cathy Eisele, Office of Protected Resources, 301-713-2322; Kim Thounhurst, Northeast Region, 508-281-9138; Kathy Wang, Southeast Region, 813-570-5312; Irma Lagomarsino, Southwest Region, 562-980-4016; Brent Norberg, Northwest Region, 206-526-6733; Steven Zimmerman, Alaska Region, 907-586-7235.

SUPPLEMENTARY INFORMATION:

Publication of the LOF, which places all U.S. commercial fisheries into one of the three categories based on their levels of incidental mortality and serious injury of marine mammals, is required

by section 118 of the MMPA. The proposed LOF for 1998 was published on May 27, 1997 (62 FR 28657). The fishery classification criteria are specified in the implementing regulations for section 118 of the MMPA (50 CFR part 229, see also a discussion of these criteria at 60 FR 45086, August 30, 1995).

Registration Requirements for Vessels Participating in Category I and II Fisheries

Vessel or gear owners participating in Category I or II fisheries must register under the MMPA, as required by 50 CFR 229.4. Registration under the MMPA is administered by NMFS regional offices. Thus, the procedures and fees associated with registration differ between Regions. Under 50 CFR 229.4, the granting and administration of Marine Mammal Authorization Program (MMAP) certificates are to be integrated and coordinated with existing state and Federal fishery license, registration, or permit systems and related programs, whenever possible. Alternative registration programs have been implemented in the Alaska Region, Northwest Region, and Northeast Region. Special procedures and instructions for registration in these Regions are set forth below.

For fisheries in which the granting and administration of authorizations have not been integrated with state licensing, registration, or permitting systems, owners of vessels or gear must register with the NMFS Region in which their fishery operates. NMFS Regional Offices annually send renewal packets to participants in Category I or II fisheries that have previously registered with NMFS; however, it is the responsibility of fishers to ensure that registration or renewal forms are submitted to NMFS at least 30 days in advance of fishing. If fishers have not received a renewal packet by January 1, or are registering for the first time, requests for registration forms should be sent to the appropriate NMFS Regional Offices listed in this notice under **ADDRESSES.**

Registrants must return the registration form and a \$25 fee to the NMFS Regional Office in which their fishery operates. NMFS will send the vessel owner an Authorization Certificate, a program decal, and reporting forms within 30 days of receiving the registration or renewal form and application fee.