(c) For all other nonprofit organizations except FFRDCs, compute a fee objective for covered actions using the weighted guidelines method in 215.404–71, modified as described in paragraph (b)(1) of this subsection.

215.404–75 [Redesignated as 215.404–76]

4. Section 215.404–75 is redesignated as section 215.404–76.

5. A new section 215.404–75 is added to read as follows:

215.404–75 Fee requirements for FFRDCs.

For nonprofit organizations that are FFRDCs, the contracting officer—

(a) Should consider whether any fee is appropriate. Considerations shall include the FFRDC's—

(1) Proportion of retained earnings (as established under generally accepted accounting methods) that relates to DoD contracted effort;

(2) Facilities capital acquisition plans;

(3) Working capital funding as assessed on operating cycle cash needs; and

(4) Provision for funding unreimbursed costs deemed ordinary and necessary to the FFRDC.

(b) Shall, when a fee is considered appropriate, establish the fee objective in accordance with FFRDC fee policies in the DoD FFRDC Management Plan.

(c) Shall not use the weighted guidelines method or an alternate structured approach.

PART 253—FORMS

253.215–70 [Amended]

6. Section 253.215–70 is amended in paragraph (b)(4) by revising the parenthetical to read ''(see 215.404–76)''.

[FR Doc. 98–30713 Filed 11–16–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 98–4723]

RIN 2127–AF73

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

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

ACTION: Final rule; technical amendment.

SUMMARY: This document amends Standard No. 108, the Federal motor vehicle safety standard on lighting, to remove paragraph S7.8.2.3 relating to headlamps aimed by moving the reflector relative to the lens and headlamp housing, or vice versa. This paragraph has been superseded by paragraph S7.8.2.2, which retains the requirements of S7.8.2.3 for headlamps with movable parts that are not visually/optically aimable and prescribes requirements for headlamps with movable parts that are visually/optically aimable. Paragraph S7.8.2.3 is therefore redundant and can be removed without creating a burden on any person.

DATES: The amendment is effective November 17, 1998.

FOR FURTHER INFORMATION CONTACT: Patrick Boyd, Office of Safety Performance Standards, NHTSA (Phone: 202–366–6346).

SUPPLEMENTARY INFORMATION: Paragraph S7.8.2.2 of Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment,* as in effect until May 1, 1997, read as follows:

S7.8.2.2 If a headlamp is aimed by moving the reflector relative to the lens and headlamp housing, or vice versa, it shall conform with the photometrics applicable to it with the lens at any position relative to the reflector within the aim range limits of paragraph S7.8.3 and S7.8.4 or any combination.

Paragraph S7.8.4 as in effect until May 1, 1997, read as follows:

S7.8.4 When a headlamp system is tested in a laboratory, the range of horizontal aim shall be not less than 2.5 degrees from the nominal correct aim position for the intended vehicle application.

Standard No. 108 was amended on March 10, 1997, to adopt specifications for visually/optically aimable headlamps, representing the consensus of a NHTSA Advisory Committee on Regulatory Negotiation (62 FR 10710). The amendments were effective on May 1, 1997. As part of that rulemaking action, a new paragraph S7.8.2.2 was adopted, and existing S7.8.2.2, as shown above, was redesignated S7.8.2.3. At the same time, a clarifying amendment was made to S7.8.4, to insert ''±'' before ''2.5 degrees.'' No amendment was made to paragraph S7.8.3.

Grote Industries, a manufacturer of lighting equipment, has questioned whether S7.8.2.2 and S7.8.2.3 are in conflict. Upon review, NHTSA has concluded that there is no conflict, but that it acted erroneously in redesignating S7.8.2.2 and that it should have removed S7.8.2.2 rather than redesignating it.

NHTSA wishes to correct this error. However, there is the possibility that a manufacturer who complied with the requirements of S7.8.2.2 before May 1, 1997, may have continued to do so after it was redesignated S7.8.2.3 as of May 1, 1997. Continued compliance is technically possible because S7.8.3 was not amended, and S7.8.4 only in a minor respect. Therefore, the agency must determine whether removal of S7.8.2.3 would create an obligation or remove an option not otherwise available.

The agency has decided that removal of S7.8.2.3 would not create an obligation or remove an option not otherwise available. The preamble to the final rule adopting new paragraph S7.8.2.2 explained that ''requirements for the aiming of movable reflector headlamps have been clarified and expanded to cover headlamps which are visually/optically aimable'' (at 10713). In other words, paragraph S7.8.2.2 retained the requirements of S7.8.2.3 for headlamps with movable parts that are not visually/optically aimable, as well as extending these requirements to headlamps with movable parts that are visually/optically aimable. Paragraph S7.8.2.3 is therefore redundant and can be removed without creating a burden on any person.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking action was not reviewed under Executive Order 12866. Further, it has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The purpose of the rulemaking action is to correct an error and to remove an obsolete requirement. Since the final rule will not impose or reduce costs, preparation of a full regulatory evaluation is not warranted. Vehicles with movable reflector headlamps that are not visually/optically aimable are presumed to comply with both the new and obsolete requirement.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. This final rule will not have a significant effect upon the environment. The composition of lighting equipment will not change from those presently in production.

Regulatory Flexibility Act

The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act (5 U.S.C. Sec. 601 *et seq.*). For the reasons stated above in the paragraph on

Executive Order 12866 and the DOT Regulatory Policies and Procedures, I certify that this rulemaking action will not have a significant economic impact upon a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. Sec. 605(b)). The amendment primarily affects manufacturers of motor vehicles. Manufacturers of motor vehicles are generally not small businesses within the meaning of the Regulatory Flexibility Act.

The Small Business Administration's regulations define a small business in part as a business entity ''which operates primarily within the United States.'' (13 CFR 121.105(a)) SBA's size standards are organized according to Standard Industrial Classification Codes (SIC), SIC Code 3711 ''Motor Vehicles and Passenger Car Bodies'' has a small business size standard of 1,000 employees or fewer.

For manufacturers of passenger cars and light trucks, NHTSA estimates there are at most five small manufacturers of passenger cars in the U.S. Since each manufacturer serves a niche market, often specializing in replicas of ''classic'' cars, production for each manufacturer is fewer than 100 cars per year. Thus, there are at most 500 cars manufactured per year by U.S. small businesses.

In contrast, in 1998, there are approximately nine large manufacturers producing passenger cars, and light trucks in the U.S. Total U.S. manufacturing production per year is approximately 15 to 15 and a half million passenger cars and light trucks per year. NHTSA does not believe small businesses manufacture even 0.1 percent of total U.S. passenger car and light truck production per year.

Further, small organizations and governmental jurisdictions are not be significantly affected as the price of motor vehicles ought not to change as the result of this final rule.

Executive Order 12612 (Federalism)

This rulemaking action has also been analyzed in accordance with the principles and criteria contained in Executive Order 12612. NHTSA has determined that this rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice

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. 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.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the cost, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. Because this final rule does not have a $100 million effect, no Unfunded Mandates assessment has been prepared.

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 continues to read as follows:

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

§ 571.108 [Amended]

2. Section 571.108 is amended by removing paragraph S7.8.2.3.

Issued on: November 3, 1998.

James R. Hackney,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 98–30731 Filed 11–16–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208298–8055–02; I.D. 111298A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod in the Bering Sea and Aleutian Islands

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

ACTION: Reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from trawl catcher/processors and trawl catcher vessels to vessels using fixed gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 1998 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), November 12, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR parts 600 and 679.

As of October 31, 1998, the Acting Administrator, Alaska Region, NMFS, has determined that approximately 4,097 metric tons (mt) of Pacific cod remain in the catcher/processor allocation and 5,975 mt remain in the catcher vessel allocation. Trawl catcher/processors will not be able to harvest 1,500 metric tons (mt) of Pacific cod, and the trawl catcher vessels, 5,000 mt of Pacific cod, allocated to those sectors under § 679.20(a)(7)(i)(B).

Therefore, in accordance with § 679.20(a)(7)(ii)(B), NMFS is apportioning the projected unused amount, 1,500 mt, of Pacific cod from trawl catcher/processors to vessels using fixed gear and 5,000 mt from trawl catcher vessels to vessels using fixed gear.

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to allow full utilization of the Pacific cod TAC. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only disrupt the FMP's objective of providing a portion of the Pacific cod TAC for fixed gear in the BSAI. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.