

Done in Washington, DC, this 15th day of April 1997.

**Donald W. Luchsinger,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### 15 CFR Part 280

[Doc. No. 960726209-7088-02]

RIN 0693-AA90

#### Implementation of the Fastener Quality Act

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Extension of implementation date.

**SUMMARY:** The Director of NIST, under authority delegated by the Secretary of Commerce, and pursuant to Section 15 of the Fastener Quality Act (Act), (Pub. L. 101-592 as amended by Pub. L. 104-113), has determined that by May 27, 1997, the current implementation date of the Act, there will not be a sufficient number of laboratories accredited to conduct the level of required testing. Accordingly, the Director is extending the implementation date of the Act by one year, to May 26, 1998. NIST will amend 15 CFR 280.12 to reflect this new implementation date in a future document. By May 26, 1998, NIST believes it will have completed the approval/accreditation of a sufficient number of accreditation bodies/laboratories to implement the Act. The total number of laboratories to accredit by the new date of implementation is estimated to be four hundred twenty-five. To accomplish the task of getting these laboratories accredited prior to May 26, 1998, NIST requests all accreditation bodies seeking approval under the NIST Accreditation Body Evaluation Program (ABEP), all laboratories seeking accreditation under the NIST National Voluntary Laboratory Accreditation Program (NVLAP), and all laboratories seeking accreditation from accreditation bodies approved or pending approval by ABEP submit their completed applications to the respective programs by August 1, 1997, in order to be given full and fair consideration for approval/accreditation by the new implementation date.

**DATES:** The date of implementation of the Act is May 26, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Subhas G. Malghan, NIST, Building 820, Room 306, Gaithersburg, MD 20899; Tel. No. 301-975-6101; Telefax 301-975-2183; E-mail malghan@nist.gov.

**SUPPLEMENTARY INFORMATION:** The Fastener Quality Act (Act), (Pub. L. 101-592 as amended by Pub. L. 104-113), requires that certain fasteners sold in commerce conform to the standards and specifications to which they are represented to be manufactured and have been inspected, tested, and certified. Inspection and testing mean that the manufacturer of a lot of fasteners shall cause to be inspected and tested a representative sample of the fasteners in such a lot to determine whether the lot of fasteners conform to the standards and specifications to which the manufacturer represents it has been manufactured. Such inspection and testing shall be performed by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under Section 6 of the Act.

In accordance with Section 15, the requirements of the Act shall be applicable only to fasteners fabricated one hundred eighty days or more after the effective date of final regulations implementing the Act (November 25, 1996). The Secretary may delay the implementation date upon a determination that an insufficient number of laboratories have been accredited to perform the volume of inspection and testing required.

In 1991 NIST requested the Fastener Advisory Committee to address the issue of determining how many laboratories are needed to be accredited to implement the Act without adversely affecting commerce. A task force of members studied the issue and prepared a report to the full Committee which was accepted by the Committee and by NIST. The report concluded that between three hundred twenty-eight and four hundred fifty-seven accredited laboratories would be required to implement the Act.

Both NVLAP and ABEP began their review of applications for accreditation on November 25, 1996, the effective date of the regulations. There has not been a great volume of applications to date. NIST believes there are several reasons for the initial slow response:

(1) Laboratories wanted to wait and see which laboratory accreditation bodies would receive approval under ABEP before determining whether to apply to NVLAP for accreditation or to another accreditation body. The cost of becoming accredited and the fact that some laboratories already have been

accredited by a body applying to ABEP for approval were factors in their decision process.

(2) With the amendment to the Act that allows raw material suppliers to certify the chemistry of the metal used to manufacture fasteners, fastener manufacturers are now urging their metal suppliers to become accredited even though the Act and regulations do not require the raw material suppliers to do so. The reason is that a large number of fastener manufacturers rely on a ladle analysis of the metal and this can only be obtained while the metal is being manufactured at the mill. The metal suppliers have been slow in applying for accreditation because their customers, the fastener manufacturers, did not initially request them to do so.

At present forty-two laboratories have applied to NVLAP to be accredited and four laboratory accreditation bodies have applied to ABEP to be approved. NVLAP expects to complete accreditation of the forty-two by September 1997. Approximately another fifteen laboratories have indicated they will apply to NVLAP, and these applications will be processed by January 1998. ABEP intends to complete approval of the four laboratory accreditation bodies by September 1997. Once approved these bodies will be working on accreditation of their populations of laboratories. These four bodies, plus NVLAP, already have approximately three hundred twenty-five laboratories that have either been accredited for fastener testing or indicated that they will seek accreditation. NIST estimates that the accreditation bodies will finish their work on this population of three hundred twenty-five laboratories by April 1998. Based upon expressed interest to ABEP, three additional accreditation bodies are expected to apply for approval soon and will bring an additional seventy-five laboratories whose recognition and accreditation will proceed simultaneously and be completed by May 26, 1998. In addition, the four accreditation bodies undergoing approval process now are expected to add at least twenty-five more laboratories. If these estimates are correct, the total number of accredited laboratories by May 26, 1998, would be four hundred twenty-five. This number is sufficient to implement the Act, based upon estimates provided by the Fastener Advisory Committee and accepted by NIST.

The Act requires that NIST indicate steps being taken to ensure the accreditation of a sufficient number of laboratories. Accordingly, the following

steps have been taken or are in the process of being taken:

(1) NIST will continue to work with relevant industry associations (foreign and domestic) to make them aware of the requirements of the Act and the need for accreditation of laboratories; and

(2) NIST, by this announcement, is requesting a cutoff date of August 1, 1997, for accreditation bodies and laboratories to send their applications so that they can be given full and fair consideration for approval/accreditation prior to May 26, 1998. Applications received after August 1, 1997, will be considered only after completing work on the pre-August 1, 1997, submitted applications.

Dated: April 15, 1997.

**Elaine Buntin-Mines,**

*Director, Program Office, NIST.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 902

#### 50 CFR Parts 660 and 662

[Docket No. 960614176-7081-02; I.D. 030797A]

RIN 0648-A119

### Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is consolidating 50 CFR part 662, the regulations implementing the management measures for the northern anchovy fishery, into 50 CFR part 660, the regulations governing federally managed fisheries in the exclusive economic zone (EEZ) off the West Coast States and in the Western Pacific. This final rule makes no substantive changes to the existing regulations for northern anchovy, and is intended to make Federal regulations better organized and easier for the public to use. This action is part of the President's Regulatory Reinvention Initiative.

**EFFECTIVE DATE:** These regulations are effective on April 18, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Rod McInnis, NMFS, 562-980-4030.

**SUPPLEMENTARY INFORMATION:** In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative. This initiative is part of the National Performance Review and calls for comprehensive regulatory reform. The President directed all agencies to review their regulations, with an emphasis on eliminating or modifying those that are obsolete, duplicative, or otherwise in need of reform.

Consistent with that directive, NMFS published a final rule to consolidate the regulations governing the fisheries off the West Coast States and in the Western Pacific (61 FR 34570, July 2, 1996). The final rule at 50 CFR part 660 combined the regulations formerly found at 50 CFR parts 661 (Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California); 663 (Pacific Coast Groundfish Fisheries); 680 (Western Pacific Precious Corals); 681 (Western Pacific Crustacean Fisheries); 683 (Western Pacific Bottomfish and Seamount Groundfish Fisheries); and 685 (Pelagic Fisheries of the Western Pacific Region).

Also consistent with the President's directive, NMFS published a proposed rule (61 FR 13148, March 26, 1996), to remove the regulations at 50 CFR part 662 that implement the Northern Anchovy Fishery Management Plan (FMP), which was prepared by the Pacific Fishery Management Council (Council). The proposed rule stated that the FMP was unnecessary, given the ability of the State of California to regulate the fishery. Since the regulations were proposed to be removed, they were not incorporated in 50 CFR part 660.

The Council and other commenters advocated retention of the FMP as a means to support California's management measures and coordination with Mexico. Also, the President, on October 11, 1996, signed into law S.39, the Sustainable Fisheries Act (SFA), which amended the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*). Section 109(i) of the SFA added a provision to the Magnuson-Stevens Act that states that the Secretary may repeal or revoke an FMP for a fishery under the authority of a fishery management council only if the appropriate council approves the repeal or revocation by a three-quarters majority of its voting members (NOAA considers this language advisory, not mandatory). After considering public comments and the amended language of the Magnuson-Stevens Act, NMFS withdrew the rule that proposed to

remove the Federal regulations governing the northern anchovy fishery. Since Federal management of the fishery still exists, the regulations governing the fishery at 50 CFR part 662 need to be consolidated with the other West Coast and Western Pacific regulations at 50 CFR part 660. This final rule so consolidates those regulations. Some minor changes to the regulations for northern anchovy have been made to make them consistent in style and format with 50 CFR part 660.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated, to the Assistant Administrator for Fisheries, NOAA, the authority to sign material for publication in the **Federal Register**.

### Classification

This action has been determined to be not significant for purposes of E.O. 12866.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. This rule repeats an information collection under PRA that was previously approved by OMB under OMB control number 0648-0306. The estimated response time is 45 minutes per vessel (30 hours in the fishery).

Because this rule makes only nonsubstantive changes to existing regulations, no useful purpose would be served by providing advance notice and opportunity for public comment. Accordingly, the Assistant Administrator for Fisheries, NOAA under 5 U.S.C. 553(b)(B), for good cause finds that providing notice and opportunity for public comment is unnecessary. Because this rule is not substantive, it is not subject to a 30-day delay in effective date under 5 U.S.C. 553(d).

### List of Subjects

#### 15 CFR Part 902

Reporting and recordkeeping requirements.

#### 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

#### 50 CFR Part 662

Fisheries.