COP noted that there are standards for retreaded tires for passenger cars, but not for vehicles other than passenger cars, and stated that the problem is sufficiently significant to petition NHTSA to take the actions discussed above.

Agency Decision

After a full and careful analysis of the requests of the COP in the petition and the supporting rationale, NHTSA has decided to deny the petition. The agency shares COP's concerns about the risk of crashes created by tire scraps and broken wheels in the highway. However, NHTSA believes that issuance of new safety requirements for tires and rims would not be an effective way of addressing the problem, since the problem is primarily related to poor vehicle maintenance rather than to tire and rim performance.

Available information shows that tire tread separation results not from failure of unstable tire casings, used or new, but from improper use and/or poor tire maintenance. The University of Michigan conducted a study entitled ''Large Truck Accidents Involving Tire Failure'' which concluded that tread separation results from overloading and/or underinflation of tires which can cause tread failure on both new as well as retreaded tires. Specifically, the study showed that of tire scraps collected nationwide, approximately 60 percent were from retreads and 40 percent from original treads.

The cause of tire tread separations is related to the fact that heat is a tire's worst enemy. A pneumatic tire will flex and heat up during the first few miles of operation. If properly inflated, the air pressure in the tire will increase until the heat generation due to flexing and the heat loss due to ambient cooling reach equilibrium. Underinflation and/or overloading, however, can distort that equilibrium and cause the tire to produce very high temperatures, ultimately beyond the capability of the tire to adequately dissipate. At highway speeds, underinflation and/or overloading can produce tire temperatures up to 240°–265° Fahrenheit. Such extreme temperatures can cause tire disintegration, sidewall failure and/or tread separation, regardless of the soundness of the casing.

The danger posed by underinflation/overloading of tires prompted the Federal Highway Administration (FHWA), DOT, to issue regulations prohibiting the operation of commercial vehicles under conditions of tire underinflation or overloading (49 CFR 393.75). FHWA enforces those requirements by roadside inspection programs.

Available data show that the great majority, if not nearly all, tire and rim scraps on the roads are from vehicles other than passenger cars. While the problem of tire underinflation is common both to passenger cars and trucks, passenger cars are seldom operated in a fully loaded condition. That is not the case with trucks, however, especially commercial trucks which, for economic reasons, are often loaded up to their gross vehicle weight rating (GVWR). For that reason, therefore, when tires are underinflated, the likelihood of tire failure is much greater for trucks than for passenger cars.

With regard to rims, the potential problem with wheel rims is not so much that they break apart, but that the entire wheel and rim assembly separates from the vehicle. Again, the leading causes of such wheel separations from medium and heavy trucks, which constitute approximately 0.3 percent of all truck accidents, are improper tightening of wheel fasteners and bearing failure. Both those factors are the result of inadequate or improper wheel maintenance.

For the reasons discussed above, NHTSA believes that improper maintenance is primarily responsible for tread and wheel failure, rather than tire/rim performance or unstable casings being used for retreaded tires. Moreover, the agency is not aware of changes to tires or rims that would address these problems. NHTSA therefore believes that issuance of new safety requirements for tires and rims would not be an appropriate or effective way of addressing the problems. Thus, there is no reasonable probability that this agency would issue the requested regulations at the conclusion of a rulemaking proceeding. Accordingly, the petition of COP is denied.

NHTSA will continue to emphasize the importance of proper vehicle maintenance, including proper tire inflation, in its various activities and encourages similar efforts by other public and private sector organizations.

Authority: 49 U.S.C. §§ 322, 30111, and 30162; delegation of authority at 49 CFR 1.50.

Issued on October 6, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–25405 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

RIN 1018–AD33

Conferring Designated Port Status on Atlanta, Georgia

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to confer designated port status on Atlanta, Georgia, pursuant to section 9(f) of the Endangered Species Act of 1973. Designated port status would allow the direct importation and exportation of fish and wildlife, including parts and products, through Atlanta, Georgia, a growing international port. Under this proposed rule, the regulations would be amended to add Atlanta, Georgia, to the list of Customs ports of entry designated for the importation and exportation of wildlife.

DATES: Comments must be submitted on or before December 12, 1995.

Public hearing, see **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Director, U.S. Fish and Wildlife Service, P.O. Box 3247, Arlington, Virginia 22203–3247. Comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, 4401 N. Fairfax Drive, Room 500, Arlington, Virginia, between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday.

Public hearing, see **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Special Agent Thomas Striegler, at the above address[(703) 358–1949], or Special Agent Cecil M. Halcomb, Assistant Regional Director, U.S. Fish and Wildlife Service, P.O. Box 49226, Atlanta, Georgia 30359, [(404) 679–7057].

SUPPLEMENTARY INFORMATION:

Background

Designated ports are the cornerstones of the process by which the U.S. Fish and Wildlife Service (Service) regulates the importation and exportation of wildlife in the United States. With limited exceptions, all fish or wildlife must be imported and exported through such ports as required by section 9(f) of the Endangered Species Act of 1973, 16 U.S.C. 1538(f). The Secretary of the Interior is responsible for designating

these ports by regulation, with the approval of the Secretary of the Treasury after notice and the opportunity for public hearing.

Under Service regulations, wildlife must be imported and exported through one of the designated ports unless the importer/exporter meets one of the exceptions in the regulations. The most common exception is through a permit issued by the Service authorizing an importer or exporter to ship through a non-designated port. The Service maintains a staff of Wildlife Inspectors at each designated port to inspect and clear wildlife shipments.

The Service presently has twelve designated Customs ports of entry for the importation and exportation of wildlife, these include: the ports of Los Angeles, California; San Francisco, California; Miami, Florida; Honolulu, Hawaii; Chicago, Illinois; New Orleans, Louisiana; New York, New York; Seattle, Washington; Dallas/Forth Worth, Texas; Portland, Oregon; Baltimore, Maryland; and Boston, Massachusetts.

Need for Proposed Rulemaking

Containerized air and ocean cargo has become the paramount means by which both live wildlife and wildlife products are transported into and out of the United States. The use of containerized cargo by the airline and shipping industries has compounded the problems encountered by the Service and by wildlife importers and exporters in the Atlanta area. In many instances, foreign suppliers will containerize entire shipments and route them directly by air to Atlanta. If, upon arrival, the shipment contains any wildlife, those items must be shipped under Customs bond to a designated port for clearance. In most cases, this has involved shipping wildlife products to either Miami, Florida; Chicago, Illinois; New York, New York; Baltimore, Maryland; or New Orleans, Louisiana, the nearest designated ports, but reshipment has been both time consuming and expensive. In other cases containerized maritime cargo is transhipped overland for post entry inspection at Atlanta. Atlanta is one of the Nation's busiest inland seaports, with an estimate of greater than 25,000 ocean containers arriving annually by rail on Atlanta ocean bills of lading. In addition there has been a steady increase in mail inspections being conducted at Atlanta.

Atlanta area importers and exporters have attempted to direct entire shipments to a designated port prior to their arrival at Atlanta, in an effort to alleviate problems, even though such shipments may contain only a small number of wildlife items. This method of shipment meets the current regulatory requirements of the Service; however, this is also time consuming and entails additional expense. It is also contrary to the increasing tendency of foreign suppliers to ship consignments directly to regional ports such as Atlanta. In addition, time is a key element when transporting Live wildlife and perishable wildlife products. Without designated port status, businesses in Atlanta cannot import and export wildlife products directly, and consequently may be unable to compete economically with merchants in other international trading centers located in designated ports.

With airborne shipments, mail and transhipped maritime containerized cargo into and out of Atlanta steadily increasing, the Service has concluded that the port should be designated for wildlife imports and exports. A tremendous increase in the volume of shipments has made Atlanta the second largest port of entry in the Southeast. The Service's figures for fiscal year 1994 for the present nondesignated port of Atlanta indicate a total of 397 shipments occurred representing an estimated total value worth $3,801,043 of wildlife and wildlife products. The Service projects that with the establishment of Atlanta as a designated port fro the importation and exportation of wildlife and wildlife products that the number of shipments through the port would triple over the first 3 to 5 years. This projection is based upon the Service's previous experience at other newly designated ports such as Dallas/Fort Worth and Portland. As Atlanta prepares to host the 1996 Summer Olympics, the Service expects even greater demands to be placed on its inspection capabilities. Conferring the status of a designated port on Atlanta, therefore, would serve not only the interests of businesses in the region, but would also facilitate the mission of the Service.

The Service is making this proposal to confer designated port status upon Atlanta, Georgia, contingent upon the continued funding of adequate Service inspection and administrative personnel to properly staff the port. The Hartsfield Atlanta International Airport, City of Atlanta, Department of Aviation (Airport), P.O. Box 20509, Atlanta, Georgia, has agreed in principle to fund the operational costs of the port, subject to a dollar cap, to the extent that those costs exceed the fees collected at the port for inspection services. This arrangement will be set forth in a Memorandum of Agreement between the Airport and the Service to be executed prior to publication of a final rule conferring designated port status on Atlanta. The Airport is expected to provide such funds to the Service through a contributed fund mechanism. *See* 16 U.S.C. 742f (b). This agreement will provide for sufficient operational funding for the port, initially to include two Wildlife Inspectors and one clerical/administrative support position.

Notice of Public Hearing

Section 9(f) of the Endangered Species Act of 1973, 16 U.S.C. 1538(f)(1), requires that the public be given an opportunity to comment at a public hearing prior to the Secretary of the Interior conferring designated port status on any port.

Accordingly, the service has scheduled a public hearing for Friday, October 20, 1995, from 10:00 A.M. to 12:00 Noon. The hearing will be held at the Office of the General Manager, North Terminal Building, Hartsfield Atlanta International Airport, Atlanta, ((404) 530–6834). All interested persons wishing to present oral or written testimony at this hearing must advise the Service in writing by Tuesday, October 17, 1995. All such requests must be submitted in writing to: Assistant Regional Director, U.S. Fish and Wildlife Service, P.O. Box 49226, Atlanta, Georgia 30359, ((404) 679–7057). Two (2) copies of the testimony should be submitted with each request.

Required Determinations

This rule was not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866. The Department of the Interior (Department) has determined that this proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This proposal will have a positive incidental effect upon small entities by reducing overland transportation costs.

The Service anticipates that the addition of the Port of Atlanta to the list of Service Designated Ports for the importation and exportation of wildlife to have no adverse affects upon individual industries and cause no demographic changes in populations. In addition, the Service anticipates that this proposal will not have the effect of increasing the direct costs of small entities and will have no effect upon information collection and recordkeeping requirements. The Service, in light of the above analysis, has determined that the proposed rule will not have a significant economic effect on a substantial number of small

entities as defined in the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

This proposed rule has no private property takings implications as defined in Executive Order 12630. The only effect of this rule will be to make it easier for businesses to import and export wildlife directly through Atlanta, Georgia. This action does not contain any federalism impacts as described in Executive Order 12612. This proposed rule does not contain any information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* These proposed changes in the regulations in Part 14 are regulatory and enforcement actions which are covered by a categorical exclusion from National Environmental Policy Act procedures under 516 Department Manual; the proposed changes have no Environmental Justice implications under Executive Order 12898. A determination has been made pursuant to Section 7 of the Endangered Species Act that the proposed revision of Part 14 will not effect federally listed species. The Department has certified that these regulations meet the applicable standards provided in Section 2(a) and 2(b)(2) of Executive Order 12778.

Author

The originator of this proposed rule is Paul McGowan, Law Enforcement Specialist, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, DC.

List of Subjects in 50 CFR Part 14

Animal welfare, Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Service proposes to amend title 50, chapter I, subchapter B of the Code of Federal Regulations as set forth below.

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

1. The authority citation for part 14 is revised to read as follows:

Authority: 16 U.S.C. 704, 712, 1382, 1538(d)–(f), 1540(f), 3371–3378, 4223–4244, and 4901–4916; 18 U.S.C. 42; 31 U.S.C. 483(a).

§ 14.12 [Amended]

2. Section 14.12(k) is amended by removing the word ''and''.

3. Section 14.12(l) is amended by removing the period and adding the word ''and'' preceded by a semicolon.

4. Section 14.12 is amended by adding the following new paragraph (m):

§ 14.12 Designated Ports.

* * * * *

(m) Atlanta, Georgia.

Dated: September 25, 1995.

George T. Frampton,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–25236 Filed 10–12–95; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 676

[Docket No. 951002243–5243–01; I.D. 092695B]

RIN 0648–AG99

Limited Access Management of Federal Fisheries In and Off of Alaska; Relieving Transfer Restrictions on Individual Fishing Quota Shares

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would implement Amendment 32 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 36 to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska (GOA). These FMP amendments are necessary to facilitate full utilization of the allocated resources managed under the Individual Fishing Quota (IFQ) Program for the Pacific halibut and sablefish fixed gear fisheries in and off of Alaska. This action is intended to relieve transfer restrictions on Community Development Quota compensation quota shares (CDQ compensation QS), thereby allowing transfers to persons who could use the resulting IFQ to harvest the resource.

DATES: Comments must be received by November 24, 1995.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802; Attention: Lori J. Gravel. Copies of the Regulatory Impact Review (RIR) for this action may also be obtained from this address.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

Beginning with the 1995 fishing season, the Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fixed gear fisheries in the areas defined in 50 CFR 676.10 (b) and (c) have been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share (QS), which represents a transferable harvest privilege, receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest, within specified limitations, IFQ species. Further information on the implementation of the IFQ Program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the Federal Register, November 9, 1993 (58 FR 59375). Additions and/or changes to the final rule implementing the IFQ Program were published June 1, 1994 (59 FR 28281); August 24, 1994 (59 FR 43502), corrected October 13, 1994 (59 FR 51874); October 7, 1994 (59 FR 51135); February 2, 1995 (60 FR 6448); March 3, 1995 (60 FR 11916); March 6, 1995 (60 FR 12152); and May 5, 1995 (60 FR 22307).

The CDQ Program was proposed in conjunction with the IFQ Program. The CDQ Program apportioned designated percentages of the annual fixed gear total allowable catch (TAC) for Pacific halibut and sablefish to eligible western Alaska communities. These designated percentages were intended to provide residents of eligible communities with stable, long-term employment and to increase the participation of residents of eligible communities in near-shore fisheries.

Apportioning designated percentages of the annual fixed gear TAC for Pacific halibut and sablefish to eligible western Alaska communities reduced the amount of that TAC available for harvest by persons receiving annual allocations of IFQ. Therefore, CDQ compensation QS were issued as partial compensation to persons in CDQ areas who received QS because the amount of Pacific halibut and sablefish available for