

consent order for the substance and determined that the information available was sufficient to make a reasoned evaluation of the health effects of the substance. EPA concluded that, for the purposes of TSCA section 5, the substance will not present an unreasonable risk and consequently revoked the section 5(e) consent order. The proposed revocation of SNUR provisions for the substance designated herein is consistent with the revocation of the section 5(e) order.

In light of the above, EPA is proposing a revocation of SNUR provisions for this chemical substance. When this revocation becomes final, EPA will no longer require notice of any company's intent to manufacture, import, or process this substance. In addition, export notification under section 12(b) of TSCA will no longer be required.

III. Comments Containing Confidential Business Information

Any person who submits comments claimed as CBI must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR part 2. Any party submitting comments claimed to be confidential must prepare and submit a public version of the comments that EPA can place in the public file.

IV. Rulemaking Record

The record for the rule which EPA is proposing to revoke was established at OPPTS-50601 (P-91-1392). This record includes information considered by the Agency in developing the rule and includes the test data that formed the basis for this proposal.

A record has been established for this rulemaking under docket number OPPTS-50601G (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:
ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the

use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

V. Regulatory Assessment Requirements

EPA is proposing to revoke the requirements of the rule. Any costs or burdens associated with the rule will also be eliminated when the rule is revoked. Therefore, EPA finds that no costs or burdens must be assessed under Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 605(b)), or the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Reporting and recordkeeping requirements, Significant new uses.

Dated: December 5, 1995.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§ 721.3240 [Removed]

2. By removing § 721.3240.

[FR Doc. 95-30371 Filed 12-12-95; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 92-29; Notice 8]

RIN 2127-AG06

Federal Motor Vehicle Safety Standards; Stability and Control of Medium and Heavy Vehicles During Braking

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document responds to petitions for reconsideration of a March 1995 final rule amending Standard No. 121, *Air Brake Systems*, to require, among other things, the installation of antilock brake systems (ABS) on medium and heavy vehicles and the installation of external ABS malfunction indicator lamps on trailers and trailer converter dollies. This document proposes to amend the Standard to specify the location, color, activation protocol, and intensity of the lamps.

DATES: Comments must be received on or before February 12, 1996.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: *For non-legal issues:* Mr. George Soodoo, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 366-5892. FAX (202) 366-4329.

For legal issues: Mr. Marvin L. Shaw, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 366-2992.

I. Background

On March 10, 1995, NHTSA published a final rule amending Federal Motor Vehicle Safety Standard (FMVSS) No. 121 to require medium and heavy vehicles to be equipped with an antilock brake system (ABS) (60 FR 13216). The final rule also required that these vehicles be equipped with lamps to alert their drivers of ABS malfunctions. Trailers produced during an interim eight-year period are required to be

equipped with an external ABS malfunction indicator lamp. That period begins on March 1, 1998, the date on which ABS installation on trailers must also begin. The lamp must "be visible within the driver's forward field of view through the rearview mirrors." (60 FR 13244-13246). Truck tractors and other towing trucks will be required to be equipped with two separate in-cab lamps: one indicating malfunctions in the ABS of the towing truck and the other indicating malfunctions in the ABS of any towed trailer(s) or dolly(ies). All other powered heavy vehicles will be required to be equipped with a single in-cab lamp to indicate ABS malfunctions.

II. Petitions for Reconsideration

NHTSA received petitions for reconsideration from the American Trucking Associations (ATA), the American Automobile Manufacturers Association (AAMA), the Truck Trailer Manufacturers Association (TTMA), the Heavy Duty Brake Manufacturers Council (HDBC), the United Parcel Service (UPS), vehicle manufacturers, including Chrysler, Navistar, AM General, and brake system suppliers, including Midland-Grau, Jenflo, AlliedSignal, Rockwell WABCO, Rockwell International, Kelsey-Hayes, and Ferodo America.

The petitioners generally agreed with NHTSA's decision to require all heavy vehicles to be equipped with ABS and to comply with the stopping distance requirements, and to require truck tractors to comply with the braking-in-a-curve performance test requirements. Nevertheless, they requested modifications of various aspects of those rules.

This document responds to those petitioners which requested changes in the requirements concerning ABS malfunction indicators. The agency is responding to other requests for reconsideration in another document published elsewhere in today's Federal Register.

Midland-Grau and TTMA petitioned NHTSA to delete the requirement that the external malfunction indicator lamp on a trailer be visible from the driver's seating position "through the rearview mirrors." (see S5.2.3.3). Midland-Grau stated that since truck tractor manufacturers cannot control where the external lamp would be located, requiring tractor manufacturers to ensure that the lamp is visible from the cab of the truck tractor is unreasonable. TTMA stated that since trailer manufacturers cannot control where mirrors are located on tractors, requiring the ABS malfunction lamp on dollies

and trailers to be visible "through the rearview mirrors" is not appropriate. That organization also stated that there is no good, practical location for such a lamp on a dolly.

AAMA and TTMA requested that if the agency retains the requirement for an external ABS malfunction indicator lamp on the trailer,¹ then the agency should specify the location, color and intensity of the lamp in Standard No. 108, *Lamps, reflective devices, and associated equipment*.

III. Agency Response and Proposal

In a separate notice published elsewhere in today's Federal Register, NHTSA has denied requests by several petitioners to rescind the requirement for external ABS malfunction lamps on trailers and dollies. However, in response to the petitions from Midland-Grau and TTMA, NHTSA has decided to propose requirements concerning the location, color, activation protocol and intensity of the external ABS malfunction lamps on trailers and dollies.

A. Location

NHTSA is proposing to specify the location for the external ABS malfunction indicator lamp on trailers and dollies. The proposed location for trailers is similar to the one proposed by the agency when it was considering requiring a low air pressure warning lamp on trailers. (55 FR 4453, February 8, 1990) For most trailers, the ABS malfunction indicator lamp would be required to be located on the left side of each trailer, as close to the front as practicable, and at a height as close as practicable to 96 inches above the road surface. (If it is impracticable to mount the indicator lamp on the left side of the trailer at a height of 60 inches or more above the road surface, the lamp shall be mounted on a permanent structure on the front face of the trailer as far leftward as practicable and at a height as close as practicable to 96 inches above the road surface). For dollies, the indicator lamp would be required on a permanent structure of the dolly and to be visible to a person standing on the road surface near the location of the indicator.

Standard No. 111, *Rearview mirrors*, specifies requirements for the performance and location of rearview

mirrors, but it does not provide a requirement for the height of the mirror relative to the ground. A location requirement would have given some reference for locating the ABS malfunction indicator lamp on the trailer. However, S8.1 of Standard No. 111 specifies that "the mirrors shall be located so as to provide the driver a view to the rear along both sides of the vehicle, * * * " This requirement should ensure that the driver would have a view of an indicator lamp required to be mounted on the left side of the trailer.

NHTSA is basing its proposal regarding the height of the trailer malfunction indicator lamp on a report published by the University of Michigan Transportation Research Institute (UMTRI), "The Influence of Truck Driver Eye Position on the Effectiveness of Retroreflective Traffic Signs," by Sivak, Flannagan, and Gellatly, September 1991. This report includes data on driver eye heights for 188 heavy trucks. The mean driver eye height above the ground for heavy trucks in that study is 2.33 meters or 91.74 inches. Therefore, the location of a side rearview mirror for such vehicles is likely to be slightly above or below this mean driver eye height to ensure that the average driver would be provided "a view to the rear along both sides of the vehicle," as required in S8.1 of Standard No. 111.

NHTSA believes that if the malfunction indicator lamp is located on the left side of the trailer, as far forward as practicable and at a height as close as practicable to 96 inches above the road surface, it would coincide with the mean driver eye height, based on the data from the UMTRI report. In that location, the indicator lamp would be likely to be visible to the driver.

NHTSA recognizes that on some trailers, such as flatbed and platform trailers, there may be no side structure that is sufficiently high to locate the ABS malfunction lamp at or near a height of 96 inches. If it is impracticable to mount the indicator lamp on the left side of the trailer at a height of 60 inches or more above the road surface, then locating the lamp on the front face of the trailer would be a more appropriate lamp location for such a vehicle. To increase the likelihood of a lamp on the front face of the trailer being visible through the side rearview mirror, the lamp would be required to be positioned as far leftward as practicable and at a height as close as practicable to 96 inches above the road surface.

In response to notices issued on the ABS rulemaking, TTMA and other

¹ ATA and UPS petitioned the agency to delete the requirements for an external trailer mounted malfunction lamp. They claimed that the external malfunction lamp will lead to less safety because drivers will be looking in their mirrors during braking to see whether the ABS lamp is functioning, instead of looking at traffic conditions ahead of their vehicle.

commenters stated that requiring a lamp to be visible through the rearview mirrors would make it necessary for such a lamp to protrude from the dolly structure, thereby making it susceptible to damage. They recommended that a dolly be required to indicate an ABS malfunction only at the ECU mounted on the dolly's frame, on the presumption that it would be visible during a walk-around inspection.

NHTSA concludes that the proposed requirement for specifying the location for an ABS malfunction lamp on a dolly must be different from the requirement proposed for trailers. The agency agrees with TTMA's comment that there is "no good, practical location for an ABS malfunction lamp on a dolly," from which the lamp could be viewed by a driver looking through the side rearview mirrors.

Based on the available information, NHTSA proposes that the ABS malfunction lamp on dollies be located on a permanent structure of the dolly so that it would be visible, with or without a trailer attached to the dolly, to a person in a standing position during a walk-around inspection. By permanent structure, the agency means a fixed portion of the vehicle that is inherently part of the dolly as opposed to something that is easily removed. To accomplish this goal, the proposed requirement is specified in objective terms by stating that the lamp must be located on a permanent structure of the dolly and positioned at a height of not less than 15 inches above the road surface. In addition, the malfunction lamp would have to be visible when viewed by a person standing erect and located no more than 10 feet from the dolly. The proposed height of not less than 15 inches for the location of the dolly ABS malfunction lamp coincides with the lower height limit for side marker lamps on the lower edge of a trailer, as specified in Standard 108. Given the differences in dolly configurations and sizes, that proposed minimum lamp height is expected to provide dolly manufacturers with the flexibility to locate the ABS lamp in a protected location. The agency expects that dolly manufacturers would locate the lamp below the fifth-wheel to reduce the potential for damage to the lamp when the dolly is being connected to a trailer.

NHTSA believes that locating the malfunction lamp on the ECU of the ABS would decrease the ability of the driver or inspectors to see the lamp. The ECU is typically placed in a protected location where it would not be easily damaged. Such a location would not be conspicuous enough to ensure that the

ECU, and hence the malfunction lamp, is easily seen during a walk-around inspection of the towed vehicle.

B. Color

TTMA requested that NHTSA require the use of a green lamp for the external ABS malfunction lamp on the trailer and the dolly, and that the lamp be lit continuously whenever the ECU is powered, but be extinguished when there is a malfunction.

Standard No. 101, *Controls and Displays*, currently requires that in-vehicle ABS malfunction lamps be yellow. This color requirement has been harmonized with the vehicle standards of other countries. NHTSA and regulatory agencies in other countries have historically used a red lamp to indicate a critical system failure and a yellow lamp to indicate a non-critical malfunction. The International Organization for Standardization (ISO) and the Economic Commission for Europe (ECE) recently harmonized European braking requirements with American requirements, agreeing to specify red to indicate brake failure and yellow to indicate ABS malfunction. NHTSA recognizes that these color requirements are applicable to instrument panel lamps and do not address ABS malfunction indicator lamps on the exterior of a vehicle. However, the desirability of having a uniform protocol in this regard is clear. The agency concludes that the same requirements should be applied to external ABS malfunction lamps since they perform the same function as in-vehicle ABS malfunction lamps.

NHTSA notes that Table I of Standard 108 includes a requirement for two amber clearance lamps at the front of a trailer and two red clearance lamps at the rear of a trailer. In addition, Standard No. 108 references the Society of Automotive Engineers (SAE) Recommended Practice J592e (July 1972), *Clearance, Side Marker, and Identification Lamps*. A recent update of this Recommended Practice (SAE J592 JUN92) states in Section 5.1.7 that "the color of light from front clearance lamps * * * shall be yellow." The agency believes that the color of external ABS malfunction lamps should be the same as that used for clearance lamps.

Based on these considerations, NHTSA concludes that the use of a green lamp on the exterior of the trailer for indicating a trailer ABS malfunction would violate the already established convention for ABS malfunction lamps and, therefore, could create confusion among drivers. However, there would be no prohibition against supplementing the required yellow external

malfunction lamp on a trailer with a green lamp on the ECU to indicate the status of the trailer ABS. The supplemental lamp would not have to conform to any of the color or protocol requirements specified for the external ABS malfunction lamp.

C. Lamp Protocol

TTMA requested a change in the lamp protocol, which would allow the lamp to be lit continuously when the ABS is functioning properly and to be extinguished when there is a malfunction in the ABS. NHTSA has addressed this issue in detail in previous Federal Register notices and in the final rule on heavy vehicle ABS rulemaking. In the final rule, the agency decided to require that the ABS malfunction lamp be lit when a malfunction exists and that it not be lit when the antilock system is functioning properly.

Under the requirement for an external ABS malfunction indicator in S5.2.3.3 of Standard 121, NHTSA requires that the trailer ABS malfunction lamp be lit during the check-of-lamp function only when the vehicle is stationary and power is first supplied to the antilock system. This allows the ABS lamp on a trailer that is moving to undergo the check of lamp function, without the lamp cycling on and off whenever the brakes are applied. This requirement will eliminate any potential distractions for the driver or for drivers of other vehicles nearby, which might be created by the ABS lamp cycling on and off with every brake application. The agency emphasizes that in the event of a malfunction in the trailer antilock system, the malfunction indicator lamp would be lit whenever power is supplied to the trailer antilock system, regardless of whether the vehicle is stationary or moving. Accordingly, the agency has decided to deny TTMA's request for a change in the ABS malfunction lamp protocol and proposes no change to the protocol included in the ABS final rule.

D. Intensity and Photometric Requirements

AAMA and TTMA petitioned the agency to require that the external ABS malfunction lamp have the same photometric requirements as those specified in Standard No. 108. Photometric values specify the amount of light emitted by a lamp, when measured from a specified distance.

NHTSA agrees with the petitioners' recommendation, and proposes that the ABS malfunction lamps meet the requirements specified by the SAE Recommended Practice J592 JUN92 for

the clearance lamps. Those requirements are referenced in Standard No. 108.

The photometric performance requirements in SAE J592 JUN92 for the luminous intensity of side marker lamps specify minimum intensity values at test points of 45 degrees along a horizontal axis and 10 degrees along a vertical axis, when measured from a lamp distance of at least three meters. In addition, the agency proposes that the lamp be mounted on the trailer in such a manner that its beam is directed toward the front of the trailer and rotated so that its top and bottom become its sides. Such an orientation of the lamp would ensure that its widest light beam is in a vertical plane just outboard of the side of the trailer, and hence would be more likely to be visible by the driver through the tractor's rearview mirrors.

In addition to providing general comments regarding this issue, commenters are asked to specifically comment on the quantified aspects of the proposed location, color, and photometric requirements of the ABS malfunction lamp on trailers and dollies.

IV. Costs

NHTSA has already evaluated the economic impact of requiring trailers and dollies to be equipped with an external ABS malfunction lamp in the final rule on heavy vehicle ABS published on March 10, 1995. The agency estimated that the unit cost of requiring an ABS lamp on trailers and dollies is \$9.43. Since this proposed rule does not require additional equipment, but only specifies location, color and intensity for the ABS malfunction lamp, the proposal should not have any impact on previously estimated costs or benefits.

V. Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This proposal was not reviewed under E.O. 12866. NHTSA has analyzed this proposal and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. The impacts of the rule, if adopted, would be so minimal as not to warrant preparation of a full regulation evaluation. As noted above, NHTSA has already evaluated the economic impact of requiring an external ABS malfunction lamp. For details, see the Final Economic Assessment (FEA) titled, "Final Rules FMVSS Nos. 105 & 121 Stability and Control While Braking

Requirements and Reinstatement of Stopping Distance Requirements for Medium and Heavy Vehicles," published in June 1994.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendment would not have a significant economic impact on a substantial number of small entities. Vehicle and brake manufacturers typically would not qualify as small entities. Further, as noted above, the proposal would have no impacts on costs or benefits beyond those addressed in the FEA for the ABS final rule. Accordingly, no regulatory flexibility analysis has been prepared.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

4. National Environmental Policy Act

The agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

5. Civil Justice Reform

This proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30111), 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. Section 105 of the Act (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.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidentiality business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and

PART 571—[AMENDED]

In consideration of the foregoing, the agency proposes to amend Standard No. 121, *Air Brake Systems*, in Title 49 of the Code of Federal Regulations at Part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 would continue to read as follows:

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

2. § 571.121 would be amended by revising S5.2.3.3, which would read as follows:

§ 571.121 Standard No. 121; Air Brake Systems.

* * * * *

S5.2.3.3 Antilock Malfunction Indicator. (a) In addition to the requirements of S5.2.3.2, each trailer and trailer converter dolly manufactured on or after March 1, 1998, and before March 1, 2006, shall be equipped with an external indicator lamp that meets the requirements of paragraphs (b)(1)–(5) and (c).

(b)(1) The lamp shall be designed to conform to the Society of Automotive Engineers (SAE) Recommended Practice J592 JUN92, *Clearance, Side Marker, and Identification Lamps*.

(i) Except as provided in S5.2.3.3(b)(1)(ii), each trailer that is not a trailer converter dolly shall be equipped with an indicator lamp mounted on a permanent structure on the left side of the trailer as viewed from the rear, as close to the front as practicable and at a height as close as practicable to 96 inches above the road surface, when measured from the center of the lamp on the trailer at curb weight.

(ii) If it is impracticable to mount the indicator lamp on the left side of the trailer at a height of 60 inches or more above the road surface, the lamp shall be mounted on a permanent structure on the front of the trailer as far leftward as practicable, at a height as close as practicable to 96 inches above the road surface, when measured from the center of the lamp on the trailer at curb weight.

(2) The lamp required in S5.2.3.3(b)(1)(i) and S5.2.3.3(b)(1)(ii) shall be mounted to provide light toward the front and rotated so that its top becomes its side, as specified in SAE J592 JUN92.

(3) The lamp for a converter dolly shall be mounted on a permanent structure of the dolly so that the lamp is at a height above the road surface of not less than 15 inches when measured from the center of the lamp on the dolly at curb weight. The lamp shall be located such that visual access to it, when viewed by a person standing erect and not more than 10 feet from the dolly, is not obscured by other structures on the dolly.

(4) The color of the lamp shall be yellow.

(c) The lamp shall be illuminated whenever power is supplied to the antilock brake system and there is a malfunction that affects the generation

or transmission of response or control signals in the trailer's antilock brake system. The lamp shall remain illuminated as long as such a malfunction exists and power is supplied to the antilock brake system. Each message about the existence of such a malfunction shall be stored in the antilock brake system whenever power is no longer supplied to the system. The lamp shall be automatically reactivated when power is again supplied to the trailer's antilock brake system. The lamp shall also be activated as a check of lamp function whenever power is first supplied to the antilock brake system and the vehicle is stationary. The lamp shall be deactivated at the end of the check of lamp function, unless there is a malfunction or a message about a malfunction that existed when power was last supplied to the antilock brake system.

* * * * *

Issued on: December 8, 1995.
Barry Felrice,
Associate Administrator for Safety Performance Standards.

[FR Doc. 95-30376 Filed 12-11-95; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 649, 650, and 651

[I.D. 112995F]

New England Fishery Management Council; Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day meeting to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will begin on Wednesday, December 13, 1995, at 10 a.m. and on Thursday, December 14 at 8:30 a.m.

ADDRESSES: The meeting will be held at the King's Grant Inn, Route 128 and Trask Lane, Danvers, MA 01906-1097; telephone: (617) 231-0422.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, (617) 231-0422.

SUPPLEMENTARY INFORMATION:

December 13, 1995

The December 13, 1995, session will include reports from the Council's Gear Conflict, Monkfish, and Dogfish Committees. The gear conflict discussion will focus on reviewing and possibly approving a draft plan amendment document for public hearing purposes that contains a framework adjustment procedure to reduce gear conflicts. The intent is to amend several fishery management plans for this purpose. The Monkfish Committee will update the Council on possible monkfish total allowable catches, limited access quotas, and limited access qualification criteria within the context of alternatives already developed as part of a draft fishery management plan. The Dogfish Committee will provide background information on the Mid-Atlantic Fishery Management Council's decision to temporarily delay development of the joint plan.

During the afternoon session of the meeting, the Marine Mammal Committee will report on its efforts to develop time/area closures to reduce the bycatch of harbor porpoise in the Gulf of Maine sink gillnet fishery. The Sea Scallop Committee will discuss the development of Amendment 5 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery (Scallop FMP), a program to allow vessels to consolidate their days at sea. The Council may also approve draft Amendment 6 to the Scallop FMP for public hearing purposes. The amendment proposes to establish a temporary experimental use area 10 miles south of Martha's Vineyard for sea scallop research, enhancement, and aquaculture.

Abbreviated Rulemaking—Atlantic Sea Scallops

At the recommendation of its Scallop Committee, the Council will consider initial action on Framework Adjustment 7 to the Scallop FMP under the framework for abbreviated rulemaking procedure contained in 50 CFR 650.40. The Council proposes to extend the current rule specifying a maximum crew size of seven until a plan amendment allows the consolidation of days at sea now allocated to individual scallop vessels, or until the Council changes the crew size through other action.

December 14, 1995

The December 14, 1995, session will begin with an update on the future direction of lobster management. The Northeast Multispecies (Groundfish) Committee will follow with a report on