

use of used and retreaded tires only to mileage contract purchasers, but to widen the exception to permit all purchasers to provide their own tires. In addition, since all commenters who addressed the retreaded tire proposal supported it, NHTSA adopted that provision for inclusion in S5.1.3. NHTSA published the final rule promulgating the current provisions of FMVSS No. 120 on May 17, 1984 (49 FR 20822).

d. Federal Register Notice (June 1, 1995)

On June 1, 1995, NHTSA's **Federal Register** Notice solicited comments on TRI's petition and whether the standard should be further amended to permit manufacturers, distributors, and dealers—in addition to purchasers—to install used and/or retreaded tires on new trucks and buses. Also in the notice, NHTSA posed fourteen questions in an attempt to obtain data ranging from the percentage of purchasers that use tire contracts and/or tire banks to the environmental impact of granting the petition.

e. Agency's Decision

NHTSA received 13 comments in response to its notice. Three commenters clearly supported the idea of expanding the use of retreads on new trailers. TRI, the petitioner, repeated its request for that expansion in its comments, noting that NHTSA has no safety data showing that retreads are less safe than new tires. Dempster Industries, Inc. (a trailer manufacturer) and Becker Tire & Treading, Inc. (a retreader) both noted that recycling is important and the requested expansion would result in cost savings for all. Two other commenters did not oppose the idea of expanding the use of retreads on new trailers. The American Trucking Association (ATA) stated that retreads cost about half as much as new tires and that its members believe manufacturers and dealers are capable of installing suitable retreads on new trailers. ATA said that this should not present any serious problems if the customer is clearly told what he or she is getting. Fixible, a bus manufacturer, indicated that, while it did not oppose the change, that company would continue to install only new tires, unless retreads were provided by the purchaser.

Eight commenters opposed the expansion requested in the petition. Two tire manufacturers, Dunlop and Continental General Tire, both urged the agency to leave the requirements as they are. Dunlop noted that there is no Federal standard regulating these retreads and that allowing any retread to

be used on new trailers would increase the number of tire failures experienced by new trailers. Both the Pennsylvania Department of Transportation and the Advocates for Highway and Auto Safety also noted the absence of any Federal standard for these retreads and recommended that any expansion in the use of retreads on new trailers should be accompanied by a new Federal standard for these retreads. The National Automobile Dealers Association opposed the expansion, arguing that the price difference for new vs. retreaded tires is insignificant when compared to the price of a new vehicle. Two trailer manufacturers opposed the proposed change. Big Tex Trailers stated that tires are critical to safety and the prior history of retreads is not known. In that company's view, the change requested would lessen safety. Sooner Trailer Manufacturing Co., Inc. commented that the National Association of Trailer Manufacturers, which represents manufacturers of trailers with a gross vehicle weight rating of less than 26,000 pounds, has adopted a recommendation that its members refrain from using retreads as original equipment on new trailers. Finally, the American Retreaders Association commented that it opposed the change and that its members believe the current regulatory provisions work well.

After considering these comments and reexamining this area, NHTSA has decided to terminate rulemaking on this petition. Standard No. 120 currently requires a quality control check of tires mounted on new vehicles other than passenger cars. If those tires are new tires, they must be certified as complying with NHTSA's safety standards for new tires. If the tires mounted on new vehicles are used or retreaded tires, the purchaser has furnished those tires to the vehicle manufacturer. Given the substantial investment the purchaser is making in a new vehicle, NHTSA has trusted purchasers to take adequate steps to assure that the tires given to the manufacturer are safe and suitable for use on the new vehicle.

Under the approach requested in TRI's petition, quality control of the tires on new trailers would be left up to vehicle manufacturers and dealers. As noted in the comments, there is no Federal safety standard for non-passenger car retreads. In addition, NHTSA is unaware of any voluntary consensus industry standard for these retreads. Given these circumstances, it would be very difficult for vehicle manufacturers and dealers to apply any uniform standards for quality control purposes. Absent uniform standards, it

would be difficult to assure no degradation of safety of the tires installed on new trailers and other non-passenger cars.

NHTSA would reexamine this area if information becomes available indicating that adequate quality control could be assured, such as an industry standard, best practices of major retreaders, or other voluntary approaches, as well as, a possible Federal Safety Standard. Without assuring quality control of these retreads, NHTSA is concerned that the safety of tires on new trailers would be diminished.

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

Issued on: April 21, 1998.

Ricardo Martinez,
Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 285 and 644

[I.D. 042098D]

Atlantic Tuna Fisheries; Atlantic Billfishes; Public Hearings

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

ACTION: Notice of additional public hearings.

SUMMARY: On April 9, 1998, NMFS published a document announcing a series of public hearings to receive comments from fishery participants and other members of the public regarding proposed Atlantic bluefin tuna (ABT) quota specifications and General category effort controls, tournament reporting for Atlantic billfishes, and an increase in minimum size limits for Atlantic blue marlin and Atlantic white marlin. NMFS announces two additional public hearings.

DATES: The additional hearings are scheduled as follows:

1. Monday, May 4, 1998, 7 to 9 p.m., Riverhead, NY.

2. Monday, May 4, 1998, 7 to 9 p.m., Toms River, NJ.

ADDRESSES: Written comments should be sent to Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West

Highway, Silver Spring, MD 20910-3282.

The hearing locations are:

1. Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901, (516) 727-3200

2. Quality Inn, 815 Route 37 West, Toms River, NJ 08755, (732) 341-2400.

FOR FURTHER INFORMATION CONTACT:

Mark Murray-Brown at (978) 281-9260, Sarah McLaughlin at (301) 713-2347, or Buck Sutter at (813) 570-5447.

SUPPLEMENTARY INFORMATION: The actions that are the subject of the hearings are necessary to improve management and monitoring of the U.S. Atlantic tuna and billfish fisheries in order to implement 1996 and 1997 International Commission for the

Conservation of Atlantic Tunas recommendations and to enhance collection of data in order to improve assessment of the environmental, economic, and social impacts of the fisheries.

Complete descriptions of the proposed ABT specifications and the interim billfish measures are contained in the proposed rule for ABT published April 2, 1998 (63 FR 16220), and the interim rule for billfish published March 24, 1998 (63 FR 14030), respectively, and are not repeated here. Copies of these actions may be obtained by writing (see **ADDRESSES**) or calling one of the contact persons (see **FOR FURTHER INFORMATION CONTACT**).

The purpose of this announcement is to alert the interested public of the

hearings and provide for public participation.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Rebecca Lent at least 5 days prior to the hearing date (see **ADDRESSES**).

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: April 21, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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