

any such special conditions that preclude the use of the higher air pressure.

In the NPRM, NHTSA proposed that compliance date for the final rule be 30 days after its publication in the Federal Register. The agency stated that this amendment would have no adverse effect on manufacturers since all manufacturers currently comply with the proposed requirements. NHTSA requested comments about whether a leadtime of 30 days would be appropriate or whether more lead time was necessary.

Advocates favored a compliance date of 30 days after the notice's publication. Mack requested that the compliance date not occur before March 1, 1996, since that company manufactures two low volume truck tractor models and a high volume truck model that require a longer leadtime to convert to the higher cut-in pressure. PACCAR, commenting through TMA, stated that it will need 12 months to adapt to the proposed change.

NHTSA has decided to set a compliance date of March 1, 1997 for the amended air compressor cut-in pressure. The agency believes that providing additional leadtime is necessary given that some manufacturers will need additional time to modify certain vehicles. Given that these manufacturers would have to make significant changes to certain air brake systems, they would not be able to make the modifications within the 30 day period that was initially proposed. This compliance date also corresponds to that for the antilock brake system and stopping distance requirements for truck tractors.

## V. Rulemaking Analyses and Notices

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

This rulemaking was not reviewed under E.O. 12866. NHTSA has analyzed this rulemaking and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. A full regulatory evaluation is not required because the rule will have a minimal effect on the costs or performance of the existing air brake systems. For most manufacturers and most vehicles, today's amendment merely codifies an existing industry practice.

### 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 amendment will not

have a significant economic impact on a substantial number of small entities. Vehicle and brake manufacturers typically do not qualify as small entities. Vehicle manufacturers, small businesses, small organizations, and small governmental units which purchase motor vehicles will not be significantly affected by the requirements since the cost of new vehicles will not change. 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 rule will not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws will be affected.

### 4. National Environmental Policy Act

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

### 5. Civil Justice Reform

This rule will 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.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Reporting and recordkeeping requirements, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency is amending part 571 of Title 49 of the Code of Federal Regulations as follows:

#### **PART 571—[AMENDED]**

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.

2. In § 571.121, S5.1.1.1 is revised to read as follows:

#### **§ 571.121 Standard No. 121; Air brake systems.**

\* \* \* \* \*

S5.1.1.1 Air compressor cut-in pressure. The air compressor governor cut-in pressure shall be 100 p.s.i. or greater.

\* \* \* \* \*

Issued on: February 8, 1996.

Ricardo Martinez,

Administrator.

[FR Doc. 96-3258 Filed 2-15-96; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 642

[Docket No. 950725189-5260-02; I.D. 021296B]

### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

**ACTION:** Closure.

**SUMMARY:** NMFS closes the commercial run-around gillnet fishery for king mackerel in the exclusive economic zone (EEZ) in the Florida west coast sub-zone. This closure is necessary to protect the overfished Gulf king mackerel resource.

**EFFECTIVE DATE:** The closure is effective 12 noon, local time, February 12, 1996, through June 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642 under the authority of the Magnuson Fishery Conservation and Management Act.

Catch limits recommended by the Councils and implemented by NMFS for the Gulf of Mexico migratory group of

king mackerel set the commercial quota of king mackerel in the Florida west coast sub-zone at 865,000 lb (392,357 kg). That quota was further divided into two equal quotas of 432,500 lb (196,179 kg) for vessels in each of two groups by gear types—vessels fishing with run-around gillnets and those using hook-and-line gear.

Under 50 CFR 642.26(a), NMFS is required to close any segment of the king mackerel commercial fishery when its allocation or quota is reached, or is projected to be reached, by publishing a notification in the Federal Register. NMFS has determined that the

commercial quota of 432,500 lb (196,179 kg) for Gulf group king mackerel for vessels using run-around gillnets in the Florida west coast sub-zone was reached on February 12, 1996. Hence, the commercial fishery for king mackerel for such vessels in the Florida west coast sub-zone is closed effective 12:00 noon, local time, February 12, through June 30, 1996, the end of the fishing year.

The Florida west coast sub-zone extends from the Alabama/Florida boundary (87°31'06" W. long.) to: (1) The Dade/Monroe County, FL, boundary (25°20.4' N. lat.) from November 1 through March 31; and (2) the Monroe/

Collier County, FL, boundary (25°48' N. lat.) from April 1 through October 31.

**Classification**

This action is taken under 50 CFR 642.26(a) and is exempt from review under E.O. 12866.

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

Dated: February 12, 1996.

Richard W. Surdi,  
*Acting Director, Office of Fisheries  
Conservation and Management, National  
Marine Fisheries Service.*

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