

None of the other proposals would impose new requirements or have any effect on costs which can be estimated at this time. Proposal Two would delete requirements for motor vehicles manufactured before September 1, 1987 and September 1, 1989. If the standard were rescinded pursuant to Proposal One, NHTSA anticipates no changes in costs resulting from manufacturers' actions, because manufacturers are not expected to respond to the rescission by making any significant changes in the location, identification, and illumination of motor vehicle controls and displays. Further, many of the controls and displays specified in Standard No. 101 are also specified in other Federal motor vehicle safety standards.

To the extent that individual States might choose to establish their own requirements for controls and displays, which would be permitted if the agency rescinded the standard, as discussed above, vehicle production costs would increase. However, the agency has no way of foretelling the extent to which States might opt to do this or of estimating the increase in production cost that would result.

If Proposals Two or Three were adopted, NHTSA also anticipates no changes in costs since it does not believe manufacturers will make any significant changes in the location, identification, and illumination of motor vehicle controls and displays.

2. Regulatory Flexibility Act

NHTSA has also considered the impacts of this rule under the Regulatory Flexibility Act. For the reasons explained above, I hereby certify that this rule would not have a significant economic impact on a substantial number of small entities. Accordingly, there would not be any significant effect on small organizations, jurisdictions or other entities which purchase new motor vehicles. For this reason, an initial regulatory flexibility analysis has not been prepared.

3. National Environmental Policy Act

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have any significant impact on the quality of the environment.

4. Executive Order 12612 (FEDERALISM)

NHTSA has analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that it would not have significant federalism implications

to warrant the preparation of a Federalism Assessment.

5. Civil Justice Reform

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, 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, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 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.

Procedures for Filing 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 confidential 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. Comments on the proposal will be available for inspection in the docket. 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.

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

Issued on: May 23, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[I.D. 051396B]

Pacific Offshore Fisheries Take Reduction Plan; Public Meeting

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

ACTION: Public scoping meeting; request for comments.

SUMMARY: NMFS announces its intention to prepare an Environmental Impact Statement (EIS) or Environmental Assessment (EA) for anticipated proposed rulemaking under the Take Reduction Plan (TRP) provisions of the Marine Mammal Protection Act (MMPA). A draft TRP will be developed by the Pacific Offshore Cetacean Take Reduction Team (TRT) and will be forwarded to NMFS by August 12, 1996. NMFS then has 60 days to publish a proposed TRP, along with any proposed implementing regulations, as necessary.

DATES: The scoping meeting will be held on June 25, 1996 at 7 p.m. until 10 p.m. Written comments on the scope of the EIS must be submitted on or before August 12, 1996.

ADDRESSES: The scoping meeting will be held at the JAMS/Endispute offices in the Santa Monica Business Park, 3340 Ocean Park Boulevard, Suite 1050, Santa Monica, CA 90405. Scoping comments, requests for additional information, and requests for special

accommodations should be sent to Irma Lagomarsino, National Marine Fisheries Service, Southwest Regional Office, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Irma Lagomarsino, (310) 980-4016, fax (310) 980-4047, or Victoria Cornish, (301) 713-2322, fax (301) 713-0376.

SUPPLEMENTARY INFORMATION: Section 118(f) of the MMPA requires NMFS to develop and implement a TRP designed to assist in the recovery or prevent the depletion of each strategic marine mammal stock(s) that interacts with certain fisheries. The immediate goal of a TRP is to reduce, within 6 months of its implementation, the incidental mortality or serious injury of strategic marine mammal stocks incidentally taken in the course of commercial fishing to levels less than the Potential Biological Removal level, or PBR, established for that stock. The long-term goal of the plan is to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing to insignificant levels approaching a zero mortality and serious injury rate, taking into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans.

Each TRP shall include a review of the information in the final stock

assessment published under section 117(b) and any new information, an estimate of the total number and, if possible, age and gender of animals from the stock that are being incidentally lethally taken or seriously injured each year during the course of commercial fishing operations, recommended regulatory or voluntary measures for the reduction of incidental mortality and serious injury, and recommended dates for achieving the specific objectives of the plan.

In accordance with section 118(f)(6)(A), NMFS established the Pacific Offshore Cetacean TRT for the California/Oregon thresher shark and swordfish drift gillnet fishery on February 12, 1996 (61 FR 5385). This fishery interacts with several strategic marine mammal stocks including: *Mesoplodont sp.* beaked whales, Baird's beaked whale, Cuvier's beaked whale, the sperm whale, the humpback whale, the pygmy sperm whale, and the short-finned pilot whale. These stocks are considered strategic under the MMPA, because they are either listed as an endangered or threatened species under the Endangered Species Act, or the levels of human-caused mortality are greater than their PBR levels.

The purpose of the scoping meeting is to receive comments in anticipation of an EIS or EA that may be prepared for the final TRP and any regulations that may be necessary to implement TRP provisions. Any EIS or EA prepared

would examine the environmental impacts of management alternatives considered in the TRP to reduce the incidental mortality and serious injury of marine mammals in this fishery as well as assessing, based on currently available information, the impacts of the TRP and implementing regulations on the human environment, marine mammals, and other protected species.

The scoping meeting is scheduled to coincide with the first day of the last meeting of the TRT on June 25-27, 1996. All interested parties are encouraged to attend. The scoping meeting will include a short presentation from NMFS staff outlining the TRP process and options that are being considered and will allow a minimum of 2 1/2 hours for public comment. NMFS is also requesting written comments to be submitted by mail or by fax, until August 12, 1996, and background materials are available (see ADDRESSES). The meeting is open to the public and is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Irma Lagomarsino at (310) 980-4016 by June 20, 1996.

Dated: May 22, 1996.
Patricia Montanio,
Acting Director, Office of Protected Resources,
National Marine Fisheries Service.
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