

production year. A new manufacturer that has not previously manufactured passenger cars and multipurpose passenger vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less for sale in the United States must report the number of such vehicles manufactured during the current production year.

(2) *Production.* Each manufacturer shall report for the production year for which the report is filed the number of passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less that meet the back door latch, hinge, and lock requirements of this standard.

#### **§ 590.7 Records.**

Each manufacturer shall maintain records of the vehicle identification number of each passenger car and multipurpose passenger vehicle for which information is reported in accordance with § 590.6 until December 31, 1999.

#### **§ 590.8 Petition to extend period to file reports.**

A petition for extension of time to file a report required by S6.1 must be received not later than 15 days before expiration of the time specified in § 590.5(a). The petition must be submitted to: Administrator, National Highway Traffic Safety Administration, ATTN: NSA-01, 400 Seventh Street, SW., Washington, DC 20590. The filing of a petition does not automatically extend the time for filing a report. A petition will be granted only if the petitioner shows good cause for the extension and the extension is consistent with motor vehicle safety.

Issued on July 23, 1996.

Ricardo Martinez,

*Administrator.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[Docket No. 960216032-6197-06; I.D. 052196A]

RIN 0648-AH70

### **Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Amendment 7; Open Access Nonregulated Multispecies Permit**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement a measure that was disapproved in the preliminary evaluation of Amendment 7 to the Northeast Multispecies Fishery Management Plan (FMP) and has been revised and resubmitted by the New England Fishery Management Council (Council). This revision recreates and renames the possession limit permit under Amendment 5 to the FMP and allows certain fisheries to continue under this permit category that would otherwise be prohibited by Amendment 7. The intended effect of this action is to continue to allow fishing for nonregulated multispecies (silver hake, red hake and ocean pout) by vessels that do not qualify for a limited access multispecies permit.

**EFFECTIVE DATE:** July 31, 1996.

**ADDRESSES:** Copies of Amendment 7, its regulatory impact review (RIR) and the initial regulatory flexibility analysis contained within the RIR, the Final Supplemental Environmental Impact Statement, and copies of the resubmitted measure and its supporting documents, are available from Douglas Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (US Rte. 1), Saugus, MA 01906-1097.

**FOR FURTHER INFORMATION CONTACT:** Peter W. Christopher, Fishery Management Specialist, 508-281-9288.

**SUPPLEMENTARY INFORMATION:** The Council submitted Amendment 7 to the FMP on February 5, 1996. After a preliminary evaluation, three measures in the amendment were disapproved on February 14, 1996, including the establishment of a limited access category for qualified vessels that fished in the open access possession limit category under Amendment 5. The remainder of Amendment 7, including the other two previously disapproved measures, were resubmitted to NMFS and implemented, pursuant to the Magnuson Fishery Conservation and Management Act (Magnuson Act), by a final rule published on May 31, 1996 (61 FR 27710).

Pursuant to section 304(b)(3)(A) of the Magnuson Act, the Council resubmitted the measure that would implement a possession limit permit category by revising it to allow any vessel of the United States to obtain the permit and fish for and possess nonregulated multispecies, defined to be silver hake, red hake, and ocean pout.

Details of the resubmission are described in the proposed rule, published on June 13, 1996 (61 FR 30029), and will not be repeated here.

This final rule implements an open access permit category that is now named the "open access nonregulated multispecies permit." The new permit category allows fishing for nonregulated multispecies by vessels that do not qualify for a limited access multispecies permit and eliminates any inequity or administrative burden associated with the need to qualify for a limited access permit.

#### **Comments and Responses**

Written comments were submitted by two individuals. While both individuals opposed the elimination of the Amendment 5 possession limit permit category and/or the 500-lb (226.8-kg) allowance of regulated species associated with this permit, they did support the implementation of a nonregulated multispecies permit category.

*Comment:* Two individuals supported the implementation of a nonregulated multispecies permit that would allow them to fish for, possess, and land nonregulated multispecies on their vessels. One individual requested immediate implementation of this rule, or an extension of the possession limit permit, to prevent fish from being discarded. Both individuals opposed elimination of the 500-lb (226.8-kg) possession limit allowance of regulated species.

*Response:* This rule implements the nonregulated multispecies permit that will allow these types of fishing operations to continue. In order to implement this rule, NMFS must follow regulated rulemaking procedures, including prior notice and an opportunity for public comment. For this reason, the implementation of this resubmitted measure could not have been implemented with the remainder of Amendment 7. Further, the possession limit permit could not have been extended because of its explicit elimination under Amendment 7. However, to relieve a restriction, the required 30-day delayed effectiveness period has been waived and the new permit category is effective with today's publication in the Federal Register.

The 500-lb (226.8-kg) regulated species possession allowance was eliminated by the rule implementing Amendment 7. The control date for entry into the multispecies fishery was February 21, 1991, at which time the public was put on notice that future entry into the fishery could be limited and that those investing in the fishery

after that date were doing so at risk. The condition of the stock complex has continued to decline since that time and more restrictive measures have been implemented in Amendments 5 and 6 to the FMP. Amendment 7 eliminated the possession allowance in part because of its open-access nature. While Amendment 7 imposed significant restrictions on the directed multispecies fleet through days-at-sea reductions, allowing a potentially unlimited number of vessels to land 500 lb (226.8 kg) of regulated species per trip would be inconsistent with the goals of the FMP.

**Changes in the Final Rule from the Proposed Rule**

The proposed rule would have amended the Amendment 7 final rule published on May 31, 1996 (61 FR 27710). The provisions of the Amendment 7 final rule have since been incorporated into consolidated regulations for Fisheries of the Northeastern United States (50 CFR part 648) published on July 3, 1996 (61 FR 34966). A prohibition necessary to implement the management measures contained in this rule inadvertently omitted from the proposed rule is added. The following citations that had been in 50 CFR part 651 of the proposed rule are now in 50 CFR part 648:

- § 651.2 *Definitions* is now § 648.2.
- § 651.4 *Vessel permits* is now § 648.4.
- Paragraph (c) in the proposed rule under § 651.4 is now paragraph (a)(1)(ii) under § 648.4.
- § 651.33 *Open access permit restrictions* is now § 648.88.

**Classification**

The Northeast Regional Director determined that the FMP final rule is necessary for the conservation and management of the Northeast multispecies fishery and that it is consistent with the Magnuson Act and other applicable laws.

This action has been determined to be not significant for purposes of E.O. 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds that under

5 U.S.C. 553(d)(1), because immediate implementation of this rule relieves a restriction on fishing, there is no need to delay for 30 days the effectiveness of this regulation.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The reasons were discussed in the proposed rule published in the Federal Register on June 13, 1996 (61 FR 30029). As a result, a regulatory flexibility analysis was not prepared.

**List of Subjects in 50 CFR Part 648**

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 25, 1996.

Charles Karnella,  
*Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is amended to read as follows:

**PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES**

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.2, the definition for “nonregulated multispecies” is added in alphabetical order to read as follows:

**§ 648.2 Definitions.**

\* \* \* \* \*

*Nonregulated multispecies* means the subset of Northeast multispecies that includes silver hake, red hake and ocean pout.

\* \* \* \* \*

3. In § 648.4, paragraph (a)(1)(ii) is revised to read as follows:

**§ 648.4 Vessel permits.**

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

(ii) *Open access permits.* A vessel of the United States that has not been issued a limited access multispecies permit is eligible for and may be issued an open access multispecies handgear, charter/party or nonregulated multispecies permit and may fish for, possess and land multispecies finfish subject to the restrictions in § 648.88. A vessel that has been issued a valid limited access scallop permit, but that has not been issued a limited access multispecies permit, is eligible for and may be issued an open access scallop multispecies possession limit permit and may fish for, possess and land multispecies finfish subject to the restrictions in § 648.88. The owner of a vessel issued an open access permit may request a different open access permit category by submitting an application to the Regional Director at any time.

\* \* \* \* \*

4. In § 648.14, paragraph (t) is redesignated as paragraph (u) and a new paragraph (t) is added to read as follows:

**§ 648.14 Prohibitions.**

\* \* \* \* \*

(t) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraphs (a) through (h) of this section, it is unlawful for any person owning or operating a vessel issued a nonregulated multispecies permit to possess or land any regulated species as defined in § 648.2, or violate any applicable provisions of § 648.88.

\* \* \* \* \*

5. In § 648.88, paragraph (d) is added to read as follows:

**§ 648.88 Open access permit restrictions.**

\* \* \* \* \*

(d) A vessel issued a valid open access nonregulated multispecies permit may possess and land nonregulated multispecies. The vessel is subject to restrictions on gear, area, and time of fishing specified in § 648.80 and any other applicable provisions of this part.