1, 1999 comply. The COSVAM petition requests that NHTSA modify this schedule so that manufacturers need not produce vehicles meeting the requirements during the period from September 1, 1998 to August 31, 2000, provided that all production after September 1, 2000 complies. The agency observes that COSVAM's proposed extension of the compliance schedule under Phase-in #3 by one year, thereby delaying implementation of measures to reduce head injuries in crashes, would have a significant impact on safety.

COSVAM's December 1997 submission also requested that the agency add a new phase-in schedule to Standard 201. This new phase-in would specify that five percent of a manufacturer's production for the time period between September 1, 1998 and August 31, 1999 must comply with the upper interior head impact requirements, 15 percent of production between September 1, 1999 and August 31, 2000 must comply, 50 percent of production between September 1, 2000 and August 31, 2001 must comply, 70 percent of production between September 1, 2001 and August 31, 2002 must comply, and all production after September 1, 2002 must comply.

NHTSA notes that this suggested phase-in schedule seems ill suited to provide COSVAM with the relief that it argues that its members must have. COSVAM's principal arguments are that SVMs face difficulties in redesigning vehicles, lack flexibility because they have limited numbers of vehicle lines and are unable to procure materials and technology needed for compliance because suppliers will meet the needs of larger manufacturers first, before attending to small manufacturers. The alternative offered here differs from existing phase-in schedules #1 and #2 by requiring that smaller percentages of production comply in the first two years with a larger percentage complying in the third year. In the fourth year and beyond, the proposed phase-in is identical to existing alternatives #1 and #2. Such a phase-in, while offering relaxed requirements for the first two years, seems ill suited to accommodate manufacturers that allegedly cannot obtain the parts or technology required for compliance at the same time that larger manufacturers can. It is also not clear how such a schedule would better meet the needs of producers with few vehicle lines than the existing schedules do. The most specific information supplied by the petitioner, relating to the Lotus Esprit, indicates that the alternative suggested in this instance would offer no relief whatsoever. COSVAM has not offered any data or arguments directly or indirectly supporting this particular option. It is therefore difficult for the agency to consider it, particularly when the relaxed requirements would entail additional safety risks in the first two years and an overall net loss in safety.

In support of the phase-in alternatives suggested in its petition, COSVAM also argued that the existence of certain testing and compliance questions, evidenced by inquiries by the AAMA and AIAM, illustrate the technical difficulties involved in complying with the upper interior head protection requirements. According to COSVAM, problems posed by these issues, and similar technical questions, place a disproportionate burden on small manufacturers because of their limited resources. NHTSA begins by noting that it is not uncommon for new FMVSS requirements to produce technical questions. While the agency notes that the upper interior head impact requirements have produced, and will undoubtedly continue to produce, technical questions relating to testing and compliance that must be resolved by manufacturers or the agency, NHTSA notes that some of the issues have already been resolved. Further, the questions raised by those groups, and others, have generally related to interpretation of the upper interior head impact requirements and the associated test procedures. These issue are, in NHTSA's view, not issues that a larger manufacturer can more readily resolve than a small one could.

NHTSA also observes that if an SVM encounters special difficulties in developing and/or adopting a safety countermeasure, it may choose to file a petition for exemption in accordance with the criteria and procedures outlined in Part 555—Temporary Exemption From Motor Vehicle Safety Standards. NHTSA is authorized by 49 U.S.C. 30113 to exempt, on a temporary basis, a manufacturer whose total yearly production does not exceed 10,000 motor vehicles, from any FMVSS that would cause the manufacturer substantial economic hardship should it be required to meet it immediately. The application procedures for such an exemption are contained in 49 CFR 555.5 and 555.6(a). The applicant must not only show hardship, but also that it has tried in good faith to meet the standard from which it requests relief.

If, as COSVAM asserts, compliance with Standard 201 would create substantial financial hardship for its member companies, those companies would have the option of applying for an exemption. NHTSA also notes that if an SVM is unable to procure safety equipment from suppliers, as COSVAM alleged its members will, because such suppliers give priority to addressing the needs of larger customers, the efforts of a manufacturer to secure this safety equipment may well be considered as evidence of a good faith effort to meet a standard from which the manufacturer seeks exemption.

Conclusion

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded both that there is no reasonable possibility that the actions requested by the petitioner would be taken at the conclusion of a rulemaking proceeding and that the concerns alleged by COSVAM do not warrant the expenditure of agency resources to conduct a rulemaking proceeding. Accordingly, NHTSA denies COSVAM's petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued: February 5, 1999.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 99–3294 Filed 2–9–99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 020299C]

New England Fishery Management Council; Public 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 public meeting on February 24 and 25, 1999, to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will be held on Wednesday, February 24, 1999, at 9:00 a.m. and on Thursday, February 25, 1999, at 8:30 a.m.

ADDRESSES: The meeting will be held at the Radisson Hotel, 35 Governor Winthrop Boulevard, New London, CT 06320; telephone (860) 443–7000. Requests for special accommodations

should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1036; telephone: (781) 231–0422.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231–0422.

SUPPLEMENTARY INFORMATION:

Wednesday, February 24, 1999

Following introductions, the meeting will begin with reports on recent activities from the Council Chairman, Executive Director, the NMFS Acting Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, and representatives of the Coast Guard, the Atlantic States Marine Fisheries Commission, and the U.S. Fish and Wildlife Service. Following reports, the Chairman of the Gear Conflict Committee will make recommendations for resolving gear conflicts involving lobster traps and mobile gear in the offshore canyon areas. The Herring Committee will discuss possible measures to be included in the annual framework adjustment to the Atlantic Herring Fishery Management Plan (FMP). After a noon break, the Executive Director will review scientific information and research needs for 1999 and there will be a presentation on Overfishing Definition/Control Rule by staff members of the Council and the Northeast Fisheries Science Center. The day will conclude with the Marine Mammal Committee report during which the Council will approve final action on Framework Adjustment 28 to the Northeast Multispecies FMP. Framework Adjustment 28 would contain measures which would modify harbor porpoise regulations previously implemented by the Council to be consistent with the Harbor Porpoise Take Reduction Plan recently implemented by NMFS.

Thursday, February 25, 1999

The Council will consider initial action on Framework Adjustment 29 to the Northeast Multispecies FMP. Framework Adjustment 29 contains measures which would modify the FMP regulations to allow scallop vessels controlled access to the Georges Bank groundfish closed areas and establish measures to reduce fishing mortality on Georges Bank cod by 22 percent to meet FMP target levels. Additionally, the Council will approve a range of measures to be considered at public hearings and for inclusion in Amendment 13 to the Northeast Multispecies FMP. Potential items include but are not limited to revised rebuilding programs as needed under new overfishing definitions for all multispecies stocks; implementation of a two-tier permit system to address latent fishing effort; quota management, managing fleet capacity, proposals for industry support systems involving scientific research and conservation engineering programs; modification of the annual adjustment schedule and possible change to the fishing year and development of an exemption certification for access to groundfish closed areas by groundfish vessels targeting specific species. The Office of General Counsel will make a presentation on conflict of interest issues. Following a noon break, the Scallop Committee will consider initial action on Framework Adjustment 11 to the Atlantic Sea Scallop FMP to establish measures for managing scallop vessel access to the Georges Bank groundfish closed areas. The day will conclude with the Spiny Dogfish Committee report which will discuss and seek possible approval of recommendations for an overfishing definition, rebuilding schedule, and interim management measures. Discussion of any other business will take place before the close of the meeting.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: February 4, 1999.

Bruce C. Morehead,

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

[FR Doc. 99–3246 Filed 2–9–99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 649 and 697

[Docket No. 990105002–9002–01; I.D. 110598D]

RIN 0648–AH41

American Lobster Fishery; Extension of the Comment Period

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

ACTION: Proposed rule; extension of the comment period.

SUMMARY: In a document published in the **Federal Register** on January 15, 1999, NMFS requested comments on proposed regulations to implement proposed management measures for the American lobster fishery in the Exclusive Economic Zone (EEZ) from Maine through North Carolina on or before February 10, 1999. The intent of this document is to announce an extension of the public comment period from February 10, 1999, to February 26, 1999.

DATES: Receipt of comments on the proposed rule is extended from February 10, 1999, to February 26, 1999.

ADDRESSES: Comments on the rule should be sent to, and copies of supporting documents, including a Draft Environmental Impact Statement/ Regulatory Impact Review and an Initial Regulatory Flexibility Analysis, are available from the Director, State, Federal and Constituent Programs Office, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Comments regarding burden estimates should be sent to: the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (ATTN: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Robert Ross, NMFS, Northeast Region, 978-281-9234.

SUPPLEMENTARY INFORMATION: As announced in the **Federal Register** on January 15, 1999 (64 FR 2708), NMFS requested comments on proposed regulations to implement proposed management measures for the American lobster fishery in the EEZ from Maine through North Carolina on or before February 10, 1999. By this document, NMFS is extending the public comment period. There were no changes from the proposed rule previously published.