

filed by Sure-View. On November 8, 1988, the agency denied the first petition because the petitioner had not shown that the agency should require this mirror system and because the system could be voluntarily added to a motor vehicle under Standard No. 111. No new information was submitted with Sure-View's second petition. Therefore, this second petition is denied for the same reasons that the first petition was denied.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavey, Office of Vehicle Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington DC 20590, (202) 366-5271.

SUPPLEMENTARY INFORMATION: Federal Motor Safety Standard No. 111, *Rearview mirrors*, specifies requirements for the performance and location of rearview mirrors on all types of motor vehicles. On October 6, 1986, Sure-View Mirrors Inc. (Sure-View) first submitted a petition for rulemaking requesting that the agency amend FMVSS 111. Specifically, the petitioner sought performance specifications that would require a mirror system containing one plane mirror and one convex mirror fixed in the same casting with a pre-aligned, fixed relationship between the two mirrors, to be installed on the outside of both the driver's and passenger's sides of a vehicle.

In a denial notice dated November 8, 1988, the National Highway Traffic Safety Administration (NHTSA) determined that the petitioner had not shown that the agency should amend Standard No. 111 to require a convex/plane mirrors system. In addition, the agency noted that the standard does not prohibit the installation of a convex/plane mirror system, provided that one or the other mirror meets the requirements prescribed for a mirror in that location on the vehicle. 53 FR 45126.

In response to the denial notice, on December 7, 1988, the agency received a document from Sure-View entitled "Request and Motion to Reconsider Petition Denied in 49 CFR 571, RIN 2127-AC46." The agency notes that its procedural rules at 49 CFR 553.35(a) state that "any interested person may petition the Administrator for reconsideration of any rule issued under this part." The agency wishes to explain that a denial of a petition is not a "rule" under these regulations, and thus this provision for submitting reconsideration petitions does not apply to the denial of Sure-View's 1988 rulemaking petition. Consequently, the agency has treated

Sure-View's December 1988 letter as a new petition for rulemaking.

Sure-View's December 1988 petition contains its 1988 petition, the original attachments, and a brief narrative restating the petitioner's belief that its convex plane mirror system would improve motor vehicle safety. The narrative contains the petitioner's earlier arguments but provides no new or additional information that would support the grant of its petition. The narrative in Sure-View's 1988 petition also states general policy statements.

After carefully reviewing Sure-View's 1988 petition, the agency has decided to deny this rulemaking petition for the following reason. The agency thoroughly has considered the merits of the petitioner's claims in its denial of the 1986 petition. (see 53 FR 45126) The petitioner offered no new or additional information in the 1988 petition which warrants reaching a different decision.

(15 U.S.C. 1392, 1401, 1403, 1407, delegation of authority at 49 CFR 1.50)

Issued on March 14, 1989.

Barry Felrice,

Assistant Administrator for Rulemaking.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan, and a minority report, and requests for comments.

SUMMARY: NOAA issues this notice that the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) have submitted Amendment 3 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP) for Secretarial review and are requesting comments from the public. The Councils also submitted a minority report.

DATE: Comments will be accepted on or before May 12, 1989.

ADDRESSES: Comments should be sent to Mark F. Godcharles, Southeast Region, National Marine Fisheries

Service, 9450 Koger Boulevard, St. Petersburg, FL 33702. Mark envelopes, "Comments on Amendment 3." Copies of the amendment and the minority report are available from the South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407-4699.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-893-3722.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended, requires that a council-prepared fishery management plan or amendment be submitted to the Secretary of Commerce (Secretary) for review and approval or disapproval. The Magnuson Act requires that the Secretary, upon receiving the amendment, immediately publish a notice of its availability for public review and comment. The Secretary will consider the public comments in determining whether to approve the amendment.

Amendment 3 proposes to: (1) Prohibit the use of purse seines for the Atlantic migratory group of king mackerel, a prohibition already in the effect for the Gulf of Mexico migratory group of king mackerel and the Atlantic and Gulf migratory groups of Spanish mackerel, (2) prohibit the use of drift gill nets for all coastal migratory pelagic species, and (3) prohibit the use of run-around gill nets for the Atlantic migratory group of king mackerel. Amendment 3 would also add to the FMP: (1) An objective to minimize waste and bycatch in the fishery, (2) the most recent information available to the Councils concerning habitat, and (3) an evaluation of the effects of the FMP on vessel safety. Amendment 3 addresses the allocation of limited mackerel resources among competing commercial users and conforms the FMP to recent amendments to the Magnuson Act.

The minority report objects to the amendment's prohibition of the use of drift gill nets for coastal migratory pelagic species. Regulations proposed by the Councils to implement Amendment 3 are scheduled to be published within 15 days.

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

Dated: March 14, 1989.

Richard H. Schaefer,
Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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