

From May 1977 until September 1981, NHTSA made at least four interpretations pertaining to the head protection zone requirement in the standard that show the bus sidewall extending in the head protection zone specified in the standard. Those interpretations dealt mainly with where the sidewall ends and the roof structure begins. Roof structures are required to meet the contactable surface requirements if they fall within the head protection zone. None of the manufacturers, Mid Bus, Collins, Coach and Equipment, and The Coachette Company, questioned whether the intent of the standard was based on a square bus body.

While there is no reason specified in the early rulemakings for the 3.25 inch dimension from the outboard edge of the school bus seat, NHTSA believes that this was considered to be a limitation caused by the size of the head form used for impact testing. The head form has a radius of 3.25 inches. Thus, there would be a 3.25 inch area from 12 inches above the seating reference point to the top of the seat back where the head form could not impact.

As can be seen by the history of the rulemaking, the head protection zones were included to prevent manufacturers from installing objects that the bus occupant's head may come in contact with during a collision. Those objects included the seat backs, luggage racks, and other items that were sometimes placed above the seats on the pre-standard school buses.

Thomas' assertion that changing the standard would not affect the impact testing requirement of the standard is incorrect. In fact, changing the head protection zone specified in S5.3.1.1(c) to a longitudinal plane 3.25 inches inboard of and parallel to the bus sidewall, window, or door structure would allow manufacturers to place objects that protrude outward from the bus body side panels 3.25 inches in an area that a school bus occupant's head is likely to strike if the bus is involved in a collision. These items would not have to meet the requirements for contactable surfaces and therefore would increase the potential for head injuries during a collision. Thomas offered no justification for changing the standard other than that they *perceived* that the standard was developed with a square school bus body in mind. The history of FMVSS No. 222 clearly indicates that the head protection zones were established with the bus occupant's head in mind and not the bus body as Thomas stated.

In accordance with 40 CFR part 552, this completes the agency's review of

the petition. The agency has concluded that there is no reasonable possibility that the specified action requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. Accordingly, it denies the Thomas Built Buses, Inc. petition.

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

Issued: September 19, 1996.  
L. Robert Shelton,  
*Acting Associate Administrator for Safety Performance Standards.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[I.D. 091096A]

#### Gulf of Mexico Fishery Management Council; Public Hearings

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

**ACTION:** Public hearings; request for comments.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene 14 public hearings on Draft Amendment 9 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) and its draft supplemental environmental impact statement (draft SEIS).

**DATES:** Written comments will be accepted until November 1, 1996. The hearings will be held from October 7 to October 17, 1996. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** Written comments should be sent to and copies of the draft amendment and SEIS are available from Dr. Richard L. Leard, Senior Fishery Biologist, Gulf of Mexico Council, 5401 West Kennedy Boulevard, Tampa, FL 33609.

The hearings will be held in FL, AL, MS, LA and TX. See **SUPPLEMENTARY INFORMATION** for locations of the hearings and special accommodations.

**FOR FURTHER INFORMATION CONTACT:** Dr. Richard L. Leard, 813-228-2815; Fax: 813-225-7015.

**SUPPLEMENTARY INFORMATION:** The Council will hold public hearings on Draft Amendment 9 to the FMP and the associated draft SEIS. The purpose of

Amendment 9 is to reduce the bycatch mortality of juvenile red snapper from shrimp trawling to a level that will allow the red snapper stock in the Gulf of Mexico to recover from its present overfished state. Under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, the red snapper stock must be rebuilt to a level of 20-percent spawning potential ratio by the year 2019. This rebuilding program is based on achieving a 50-percent reduction in bycatch mortality of juvenile red snapper in the Gulf shrimp fishery, beginning in 1997.

Amendment 9 would require the installation of NMFS-approved Bycatch Reduction Devices (BRDs) in all nets used by vessels trawling for shrimp in specified areas of the Gulf of Mexico exclusive economic zone (EEZ). Vessels trawling for royal red shrimp beyond the 100-fathom (183 m) contour and vessels trawling for groundfish or butterfish would be exempted. A single try net with a headrope length of 16 ft (4.9 m) or less per vessel would also be exempted. Amendment 9 also contains alternative areas where BRDs might be required in shrimp trawls: (1) In the EEZ of the Gulf of Mexico within the 100-fathom contour; (2) in the EEZ of the Gulf of Mexico within the 100-fathom contour west of Cape San Blas, FL; (3) in the EEZ of the Gulf of Mexico between the 10- and 100-fathom contours; and (4) in the EEZ of the Gulf of Mexico between the 10- and 100-fathom contours and west of Cape San Blas, FL.

In order for a BRD to be certified, the amendment would establish bycatch reduction criteria that would require the reduction of the bycatch of juvenile red snapper (age 0 and age 1) by a specified percentage from the average level of mortality on those age groups during the years 1984-1989. The amendment would also establish framework procedures for modifying bycatch reduction criteria, establishing BRD certification criteria, and a BRD testing protocol.

The hearings are scheduled from 7 p.m. to 10 p.m., as follows:

1. Monday, October 7, 1996—Holiday Inn Beachside, 3841 North Roosevelt Boulevard, Key West, FL 33040

2. Monday, October 7, 1996—Lake Charles Civic Center, 900 Lakeshore Drive, Lake Charles, LA 70602

3. Tuesday, October 8, 1996—Thibodaux Civic Center, 310 North Canal Boulevard, Thibodaux, LA 70301

4. Tuesday, October 8, 1996—  
Radisson Inn, 12635 Cleveland Avenue,  
Fort Myers, FL 33907

5. Wednesday, October 9, 1996—  
Radisson Bay Harbor Inn, 7700  
Courtney Campbell Causeway, Tampa,  
FL 33607

6. Wednesday, October 9, 1996—  
Radisson Inn New Orleans Airport, 2150  
Veterans Memorial Boulevard, Kenner,  
LA 70062

7. Monday, October 14, 1996—  
Franklin County Courthouse, 33 Market  
Street, Appalachicola, FL 32320

8. Monday, October 14, 1996—  
Holiday Inn Fort Brown, 1900 East  
Elizabeth, Brownsville, TX 78520

9. Tuesday, October 15, 1996—  
Pensacola Civic Center, 201 E. Gregory,  
Pensacola, FL 32501

10. Tuesday, October 15, 1996—Port  
Aransas Civic Center Auditorium, 710  
West Avenue A, Port Aransas, TX 78373

11. Wednesday, October 16, 1996—  
Radisson Admiral Semmes Hotel, 251  
Government Street, Mobile, AL 36602

12. Wednesday, October 16, 1996—  
Bauer Community Center, 2300  
Highway 35 Bypass, Port Lavaca, TX  
77979

13. Thursday, October 17, 1996—J.L.  
Scott Marine Education Center &  
Aquarium, 115 East Beach Boulevard,  
U.S. Highway 90, Biloxi, MS 39530

14. Thursday, October 17, 1996—  
Texas A&M University, 200 Seawolf  
Parkway, Galveston, TX 77553

These meetings are physically  
accessible to people with disabilities.  
Requests for sign language  
interpretation or other auxiliary aids  
should be directed to Anne Alford at the  
Council (see **ADDRESSES**) by September  
30, 1996.

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

Dated: September 17, 1996.

Bruce Morehead,

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

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