

rulemaking is not considered significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

#### *B. Regulation Identifier Number (RIN)*

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Issued in Washington, DC on August 10, 2000 under the authority delegated in 49 CFR part 106.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 350, 390, 394, 395, and 398

[Docket No. FMCSA-97-2350]

RIN 2126-AA23

#### Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Proposed rule; roundtable meetings and extension of comment period.

**SUMMARY:** The FMCSA announces it is holding three public roundtables, each focusing on specific topics identified in the comment process on the proposed revisions to its hours-of-service (HOS) regulations. The format for the roundtables is two-day sessions designed to elicit in-depth discussion and exchange of supporting data. The FMCSA will invite representatives of stakeholders in the HOS rulemaking and other partners to sit at the roundtable. The public also is invited to attend and participate. The FMCSA considers the roundtable process as the next important step in gathering useful comment on its HOS proposal. A transcript of each roundtable will be placed in the rulemaking docket. To allow the public to review the transcripts, the public comment period for the rulemaking is extended until December 15, 2000.

**DATES:** The roundtables will be held on September 25-26; September 28-29, and October 5-6. They will begin at 8:30 a.m. and end at 5 p.m. Comments must be submitted no later than December 15, 2000.

**ADDRESSES:** The first roundtable will be held at the National 4-H Center, Chevy Chase, MD, and the others at the Marriott Wardman Park Hotel, Washington, DC. Comments should refer to the docket number at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001. Written comments may also be submitted electronically by using the submission form at <http://dmes.dot.gov/submit/BlankDSS.asp>.

**FOR FURTHER INFORMATION CONTACT:** For questions about the roundtable process, contact Mr. Stanley Hamilton, (202) 366-0665.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Access**

You can access this document and all comments received on Docket No. FMCSA-97-2350 by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. You also can find this document at the FMCSA's Motor Carrier Regulatory Information Service (MCREGIS) web site for notices at <http://www.fmcsa.dot.gov/rulesregs/fmcsr/rulemakings.htm>.

##### **Accessibility Needs**

If you need special accommodations, such as sign language interpretation, please contact Mr. Hamilton at least one week before the roundtable you are attending.

##### **Structure of the Roundtable Dialogues**

On April 24, 2000, the FMCSA issued a notice of proposed rulemaking (NPRM) to revise the HOS regulations (65 FR 25540, May 2, 2000). The preamble to the NPRM includes a comprehensive discussion of the history, background, and research leading to the current proposal. Between May 30 and July 7, eight public hearings were held at seven locations across the country. The format of these hearings was similar to those for most other "notice and comment" rulemakings: an open forum in which presiding federal officials heard oral presentations on the widest range of issues addressed in the NPRM from parties directly and indirectly affected by the proposal, including the general public. At the

same time, over 40,000 comments have reached the public docket and are available on the internet for all interested persons to review.

When he announced the issuance of the NPRM, Secretary of Transportation Rodney E. Slater stressed that it was a proposal and that the FMCSA was actively seeking substantive public comment on the provisions. Because the issues involved in the HOS proposal are complex and contentious, the FMCSA wants to continue this process of public involvement and further enhance the quality of information it can derive from the comment period. However, the usual format of public hearings does not often allow decision makers to hear various viewpoints expressed in a detailed, substantive manner within the same proceeding or in dialogue with other, conflicting views. Accordingly, the FMCSA has designed a roundtable format to permit additional discussion among different stakeholders and agency representatives on a set of critical issues. The roundtables will continue and expand the FMCSA's commitment to fully explore all issues and concerns of stakeholders and the public through on-going dialogue.

Each of the three public roundtables is dedicated to specific agenda issues. These were determined by the FMCSA, based on the comments received to date, to be the critical issues that require further discussion and exchange of supporting documentation among all interested parties. The FMCSA expects that the dialogues at the roundtables will develop information useful as it continues the rulemaking process.

For each roundtable, a different roster of commenters and organizations that have provided important insight on the significant issues selected for that roundtable will be invited to form the roundtable. Each will be limited to no more than 22 members to encourage an interactive exchange of ideas and, most importantly, data on the issues under discussion. Organizations selected as participants are encouraged to designate individuals who will be able to explain the basis for their positions, provide the supporting rationale and documentation, and engage in a substantive exchange in responding to differing viewpoints. Because the roundtable format stresses presentation and exchange of data and documentation supporting particular positions on the issue, the roundtables are scheduled for Washington, DC, where many of the participants are located.

A moderator will open each roundtable and maintain a useful dialogue. The intent is to foster

discussion among stakeholders and the public; the roundtables are not for the purpose of forming consensus on any issues. Members of the public are invited to attend and will have the opportunity to add to each dialogue. Each roundtable will have different members, and no organizations or individuals will be invited to more than one roundtable.

The goals of the FMCSA in holding the roundtables are to continue meaningful public involvement in the rulemaking process and further enhance the agency's understanding of the data and analysis supporting the various positions expressed on the issues involved in the NPRM.

#### Roundtable Assignments—Agenda Issues

##### Roundtable I Agenda Items

- Economic impacts of revising the current HOS rules;
- Fatigue Research;
- Enforcement.

##### Roundtable II Agenda Items

- Sleeper Berth requirements;
- Communications during rest periods;
- End of work-week rest periods;
- Hours of work permitted each day.

##### Roundtable III Agenda Items

- Categories of carrier operations;
- Electronic on-board recorder (EOBR) requirements;
- Allowable exemptions.

#### Participants to be Invited

The FMCSA will invite participants to the roundtables from organizations and groups, such as:

- AAA, Advocates for Auto and Highway Safety, Amalgamated Transit Union, American Bakers Association, American Bus Association, American Insurance Association, American Moving & Storage Association, American Road and Transportation Builders Association, American Trucking Associations, Associated General Contractors of America
- Brotherhood of Railroad Signalmen, Citizens for Reliable and Safe Highways, Commercial vehicle drivers, Commercial Vehicle Safety Alliance, Home heating oil representative, Insurance Institute for Highway Safety, International Brotherhood of Teamsters, Motor Freight Carriers Association, National Association of Governors' Highway Safety Representatives, National Industrial Transportation League
- National Private Truck Council, National Ready Mixed Concrete Association, National Rural Electric

Cooperative Association, National Sleep Foundation, National Safety Council, National Tank Truck Carriers, Owner-Operator Independent Drivers Association, Parents Against Tired Truckers, Petroleum Marketers Association of America

Small trucking company representatives, Snack Food Association, Transportation Trades Division, AFL-CIO, Truckload Carriers Association, United Motorcoach Association, VDO North America

#### Public Attendees

Public participation may be limited, based on the time constraints that result from a particular roundtable discussion.

#### Extension of the Public Comment Period

In order to allow the general public a further opportunity to participate in and comment on the roundtable dialogues, the comment period for the rulemaking has been extended until December 15, 2000. Detailed instructions for filing comments are provided in the NPRM.

**Authority:** 49 U.S.C. 322, 31502, and 31136; and 49 CFR 1.73.

Issued on: August 9, 2000.

**Clyde J. Hart, Jr.,**

*Acting Deputy Administrator, Federal Motor Carrier Safety Administration.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### RIN 1018-AG12

#### Endangered and Threatened Wildlife and Plants; Extension of Public Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the Arkansas River Basin Population of the Arkansas River Shiner

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed Rule; Extension of public comment period and notice of availability of draft economic analysis.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of the draft economic analysis for the proposed designation of critical habitat for the Arkansas River basin population of the Arkansas River

shiner (*Notropis girardi*). We also provide notice that the public comment period for the proposal is extended to allow all interested parties to submit written comments on the proposal and the draft economic analysis. Comments previously submitted during the comment period need not be resubmitted as they will be incorporated into the public record and will be fully considered in the final determination on the proposal.

**DATES:** The original comment period is scheduled to close on August 29, 2000. The comment period is hereby extended until October 16, 2000. Comments from all interested parties must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

**ADDRESSES:** Copies of the draft economic analysis are available on the Internet at <http://ifw2es.fws.gov/oklahoma/> or by writing to the Field Supervisor, Ecological Services Field Office, 222 South Houston, Suite A, Tulsa, Oklahoma 74127-8909. All written comments should be submitted to the Field Supervisor at the above address. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ken Collins, Fish and Wildlife Biologist, at the above address (telephone 918/581-7458 ext. 230).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Arkansas River shiner (ARS) is a small, robust minnow. The ARS was historically widespread and abundant in the main channels of wide, shallow, sandy-bottomed rivers and larger streams throughout the western portion of the Arkansas River basin in Kansas, New Mexico, Oklahoma, and Texas. Adults are uncommon in quiet pools or backwaters, and almost never occur in tributaries having deep water and bottoms of mud or stone. This species has disappeared from over 80 percent of its historical range and is now almost entirely restricted to about 820 kilometers (508 miles) of the Canadian River in Oklahoma, Texas, and New Mexico.

The Arkansas River basin population of the ARS was federally listed as a threatened species under the Endangered Species Act of 1973, as amended (Act) in November, 1998, due to modification of the duration and timing of stream flows and inundation by impoundments; channel desiccation