

Counsel, Federal Railroad Administration, 1120 Vermont Avenue, NW., Mail Stop 10, Washington, DC 20590 (telephone: 202-493-6047).

**SUPPLEMENTARY INFORMATION:** To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, FRA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Issued in Washington, DC on January 31, 2001.

**Ray Rogers,**

*Acting Deputy Administrator.*

[FR Doc. 01-3211 Filed 2-8-01; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 390

[Docket Nos. FMCSA-97-2858 and FMCSA-99-5710]

RINs 2126-AA51 and 2126-A44 [formerly RINs 2125-E22 and 2125-AE60]

#### Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMVs; Delay of Effective Date

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

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief

of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001 (66 FR 7702), this action temporarily delays for 60 days the effective date of the final rule entitled "Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMVs," published in the **Federal Register** on January 11, 2001, at 66 FR 2756. That rule adopts the statutory definition of a commercial motor vehicle (CMV) at 49 U.S.C. 31132; and amends the Federal Motor Carrier Safety Regulations to require that motor carriers operating CMVs designed or used to transport between 9 and 15 passengers (including the driver) for compensation file a motor carrier identification report, mark their CMVs with a USDOT identification number, and maintain an accident register.

**DATES:** The effective date of the final rule amending 49 CFR part 390 published at 66 FR 2756, January 11, 2001, is delayed for 60 days from February 12, 2001, until April 13, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry W. Minor, Office of Bus and Truck Standards and Operations (MC-PSV), (202) 366-4009; or Mr. Charles E. Medalen, Office of the Chief Counsel (MC-CC), (202) 366-1354, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the FMCSA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impracticable, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Dated: February 2, 2001.

**Julie Anna Cirillo,**

*Assistant Administrator and Chief Safety Officer.*

[FR Doc. 01-3210 Filed 2-8-01; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### 49 CFR Part 611

RIN 2132-AA63

#### Major Capital Investment Projects; Partial Stay

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Final rule; partial stay of effectiveness.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, this action temporarily stays 49 CFR part 611, Major Capital Investment Projects, which was published in the **Federal Register** on December 7, 2000, at 65 FR 76864, with an effective date of February 5, 2001. That rule describes the procedures that FTA will use in the New Starts project evaluation and rating process. This temporary stay will allow the Department an opportunity for further consideration of this rule.

**DATES:** Effective February 5, 2001, 49 CFR part 611 is stayed until April 6, 2001, except for paragraphs (a)(1)(i)-(ii) and (d) of Appendix A to Part 611, which will become effective September 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** For program issues, John Day, Office of Policy Development, FTA, (202) 366-4060. For legal issues, Scott A. Biehl, Assistant Chief Counsel, FTA, (202) 366-4063.

**SUPPLEMENTARY INFORMATION:** To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, FTA's implementation of this action without opportunity for public comment, effective February 5, 2001, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day stay of the rule is necessary to give Department officials the opportunity for further

review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary stay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective February 5, 2001.

Issued on: January 31, 2001.

**Hiram J. Walker,**

*Acting Deputy Administrator.*

[FR Doc. 01-3207 Filed 2-6-01; 5:05 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 001120324-1030-02; I.D. 110700D]

RIN 0648-AO71

#### Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Extension of Closed Areas

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

**ACTION:** Interim final rule.

**SUMMARY:** This interim final rule extends the closure of the Hudson Canyon South and Virginia Beach Sea Scallop Closed Areas on an interim basis for 180 days or until such time that a controlled area access program for these two areas can be implemented through Framework 14 to the Atlantic Sea Scallop Fishery Management Plan (FMP), whichever is sooner. This action, which is necessary to reduce overfishing, will help ensure that fishing mortality rates do not exceed the target thresholds established in the FMP.

**DATES:** Effective March 2, 2001, through August 8, 2001.

**ADDRESSES:** Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) and any other documents supporting this action are available from Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, NMFS, 1 Blackburn Drive, Gloucester, MA

01930-2298. The EA/RIR/FRFA is accessible via the Internet at <http://www.nero.gov/ro/doc/nr.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Peter W. Christopher, Fishery Policy Analyst, 978-281-9288, fax 978-281-9135, e-mail [peter.christopher@noaa.gov](mailto:peter.christopher@noaa.gov).

Send comments on any ambiguity or unnecessary complexity arising from the language used in this interim final rule to the Regional Administrator at the same address.

**SUPPLEMENTARY INFORMATION:** NMFS implemented an interim final rule on April 3, 1998 (63 FR 15324), that established two areas in the Mid-Atlantic region that were closed to all scallop fishing. This interim final rule was subsequently extended for 180 days (63 FR 51862, September 29, 1998) and on March 29, 1999, Amendment 7 to the FMP (64 FR 14835) extended the effective date of the closures through March 1, 2001.

While there are still concentrations of small scallops in the Hudson Canyon South and Virginia Beach Closed Areas, recent surveys by the NMFS Northeast Fisheries Science Center and Virginia Institute of Marine Science indicate that a large portion of the protected scallops have grown and could be of considerable value to the fishing industry. To address the concern that these scallops will be vulnerable to high fishing pressure upon the re-opening of the closed areas on March 1, 2001, the New England Fishery Management Council (Council) is currently developing Framework Adjustment 14 to the FMP, which includes an area access program for the Mid-Atlantic closed areas. This program would restrict scallop vessels when fishing in the re-opened Mid-Atlantic closed areas to a scallop possession limit and a limited amount of trips, among other measures. Because the Council is preparing a Supplemental Environmental Impact Statement for Framework 14 to assess the impacts of the fishery on the human environment, it is highly unlikely that the framework can be implemented by March 1, 2001, the date that the Mid-Atlantic closed areas are scheduled to re-open. An extension of the closures is, therefore, necessary to ensure that the areas do not open prior to protective measures being in place. NMFS published a proposed rule for this action on December 1, 2000 (65 FR 75232) and no comments were received in response to the request for comments. Further details concerning the justification for this interim final rule were provided in the preamble to

the proposed rule and are not repeated here.

This interim final rule will delay the re-opening of the Hudson Canyon South and Virginia Beach scallop closed areas for 180 days or until such time that new measures to prevent overfishing in the areas are implemented, whichever is sooner. This action is authorized by section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and may be extended for an additional 180-day period.

#### Classification

The need to implement these measures in a timely manner to prevent overfishing and reduce the likelihood of long-term productivity losses and more severe restrictions in the future, constitutes good cause under 5 U.S.C. 553(d)(3) to delay for 15 days, rather than 30 days, the effectiveness of this interim final rule.

This interim final rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared an FRFA as part of a regulatory impact review (RIR) that describes the economic impact this action, if adopted, would have on small entities. A copy of the FRFA is available from NMFS (see **ADDRESSES**). A summary of the FRFA follows:

A description of the reasons why action by the agency is being taken and the objectives of this interim final rule are explained in the preamble to the proposed rule and are not repeated here. This action does not contain any collection-of-information, reporting, recordkeeping or other compliance requirements. This action is taken under authority of the Magnuson-Stevens Fishery Act and regulations at 50 CFR part 648.

There were no public comments submitted in response to the initial regulatory flexibility analysis (IRFA). No changes were made from the proposed rule.

The FRFA considers the impacts that this action will have on small entities, which includes all holders of active scallop permits, since none have reported gross annual revenues greater than \$3 million. The 1999 fishing season, March 1, 1999, to February 28, 2000, was the last full year of scallop fishing activity available for analysis. During that season, there were 345 qualified permits in the limited access fishery. In addition, 2,095 permits were issued to vessels in the open access General Category.

The alternative implemented by this interim final rule is expected to minimize negative economic impacts on