

| Subpart | Title |
|-----------------|--|
| Part 175 | |
| Subpart A | General Information and Regulations. |
| Subpart B | Loading, Unloading, and Handling. |
| Subpart C | Specific Regulations Applicable According to Classification of Material. |
| Part 176 | |
| Subpart A | General. |
| Subpart B | General Operating Requirements. |
| Subpart D | General Segregation Requirements. |
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| Part 177 | |
| Subpart A | General Information and Regulations. |
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| Subpart C | Segregation and Separation Chart of Hazardous Materials. |
| Subpart E | Regulations Applying to Hazardous Material on Motor Vehicles Carrying Passengers for Hire. |
| Part 178 | |
| Subpart K | Specifications for Packagings for Class 7 (Radioactive) Materials. |

We are seeking comments on whether any requirements for radioactive materials transportation in parts 172, 173, 174, 175, 176, 177, and 178 have a significant impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. If your business or organization is a small entity and if any of the radioactive materials requirements in parts 172, 173, 174, 175, 176, 177, and 178 have a significant economic impact on your business or organization, please submit a comment explaining how and to what degree these rules affect you, the extent of the economic impact on your business or organization, and why you believe the economic impact is significant.

II. Plain Language

A. Background and Purpose

Plain language helps readers find requirements quickly and understand them easily. Examples of plain language techniques include:

- (1) Undesignated center headings to cluster related sections within subparts.
- (2) Short words, sentences, paragraphs, and sections to speed up reading and enhance understanding.
- (3) Sections as questions and answers to provide focus.
- (4) Personal pronouns to reduce passive voice and draw readers into the writing.

(5) Tables to display complex information in a simple, easy-to-read format.

For an example of a rule drafted in plain language, you can refer to RSPA's final rule entitled "Revised and Clarified Hazardous Materials Safety Rulemaking and Program Procedures," which was published June 25, 2002 (67 FR 42948). This final rule revised and clarified the hazardous materials safety rulemaking and program procedures by rewriting 49 CFR part 106 and subpart A of part 107 in plain language and creating a new part 105 that would contain definitions and general procedures.

B. Review Schedule

In conjunction with our section 610 reviews, we will be performing plain language reviews of the HMR over a 10-year period on a schedule consistent with the section 610 review schedule. Thus, our review of requirements in parts 172, 173, 174, 175, 176, 177, and 178 applicable to radioactive materials transportation will also include a plain language review to determine if the regulations can be reorganized and/or rewritten to make them easier to read, understand, and use. We encourage interested persons to submit draft regulatory language that clearly and simply communicates regulatory requirements, and other recommendations, such as putting information in tables or consolidating regulatory requirements, that may make the regulations easier to use.

Issued in Washington, DC on March 31, 2003 under authority delegated in 49 CFR part 106.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 266

[FRA Docket No. 3R-1979-1, Notice No. 3]

RIN 2130-AA60

Local Rail Freight Assistance to States

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Proposed rules; withdrawal.

SUMMARY: The FRA is withdrawing a notice of proposed rulemaking (NPRM) addressing the Local Rail Freight Assistance Program. In its NPRM published on November 30, 1990, 55 FR 49648, FRA proposed to modify 49 CFR part 266, which implements the agency's Local Rail Freight Assistance Program. Since the Administration has not requested, and the Congress has not provided, any appropriations for that program since 1995, and no new appropriations are anticipated, the proposed amendments are no longer necessary.

FOR FURTHER INFORMATION CONTACT: Joseph Pomponio, Senior Attorney, Office of Chief Counsel, FRA, 1120

Vermont Avenue, NW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Section 5 of the Department of Transportation Act (49 U.S.C. 1654 *et seq.*) establishes a program of federal grants to states to fund local rail freight assistance projects. The regulations implementing section 5 of the Act are contained in 49 CFR part 266. The Local Rail Service Reauthorizing Act, Public Law No. 101-213 (Dec. 11, 1989) ("Reauthorizing Act") amended section 5 of the Act in several ways. The proposed amendment of part 266 was to reflect those amendments enacted by the Reauthorizing Act. However, the Administration has not requested, and the Congress has not provided, any appropriations for that program since 1995. As a result no new funding has been made available to recipients since that time and none is anticipated. Since no further funding is anticipated for the program, the proposed amendments to part 266 are no longer necessary.

Conclusion: Based on the foregoing, FRA is withdrawing the NPRM.

Issued in Washington, DC on March 31, 2003.

Allan Rutter,
Administrator.

[FR Doc. 03-8283 Filed 4-4-03; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 032703B]

RIN 0648-AN79, 0648-AP54, 0648-AP55

Fisheries Off West Coast States and in the Western Pacific; Precious Coral Fisheries, Fishery Management Plan (FMP) Amendment 4; Bottomfish and Seamount Groundfish Fisheries, FMP Amendment 6; Pelagic Fisheries, FMP Amendment 8; Crustacean Fisheries, FMP Amendment 10

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

ACTION: Notice of availability of supplemental FMP amendments; request for comments.

SUMMARY: NMFS announces that the Western Pacific Fishery Management Council (Council) has prepared supplements to FMP Amendment 4 to the Fishery Management Plan for the Precious Coral Fisheries of the Western Pacific Region (Amendment 4) fisheries,

FMP Amendment 6 to the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (Amendment 6), fisheries FMP Amendment 8 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (Amendment 8) for fisheries and FMP Amendment 10 to the Fishery Management Plan for Crustaceans Fisheries of the Western Pacific Region (Amendment 10) of the Western Pacific Region. The supplemental amendments, which have been submitted to NMFS for Secretarial review, are intended to implement certain revisions made by the provisions of the Sustainable Fisheries Act (SFA) revisions to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Included in the supplemental amendments are bycatch provisions for the bottomfish and seamount groundfish and pelagic FMPs fisheries; overfishing definitions and control rules for the bottomfish and seamount groundfish, pelagics, and crustacean FMPs fisheries; and definitions of "fishing communities" in Hawaii for the bottomfish and seamount groundfish, pelagics, crustaceans, and precious corals FMPs fisheries.

DATES: Written comments on the supplemental FMP amendments must be received on or before June 6, 2003.

ADDRESSES: Written comments on any of the supplemental FMP amendments should be sent to Dr. Charles Karnella, Administrator, Pacific Islands Area Office, NMFS, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814, or faxed to 808-973-2941. Comments will not be accepted via e-mail or the internet.

Copies of the amendment documents are available from Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813. The documents are also available on the following website: <http://www.wpcouncil.org>.

FOR FURTHER INFORMATION CONTACT: Kitty Simonds, phone: (808) 522-8220; fax: (808) 522-8226.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act requires each Regional Fishery Management Council to submit fishery management plans or plan amendments to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires NMFS, immediately upon receiving a fishery management plan or amendment, to publish notification in the **Federal Register** that the fishery management plan or plan amendment is available for public review and

comment. NMFS will consider the public comments received during the comment period described above in determining whether to approve, disapprove, or partially disapprove the fishery management plan or plan amendment.

The Council has prepared supplements to Amendment 4, Amendment 6, Amendment 8, and Amendment 10 that address bycatch issues; establish overfishing definitions and describe control rules; and designate define fishing communities in the State of Hawaii, consistent with the certain SFA amendments made by the 1996 SFA to the Magnuson-Stevens Act. Then on February 3, 1999, NMFS approved portions of the Council's FMP amendments pertaining to essential fish habitat provisions, identification of commercial, recreational and charter fishing sectors; overfishing definition for precious corals; bycatch provisions for crustaceans and precious coral fisheries; and designation definition of fishing communities for American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

The supplemental amendments provide new specifications of overfishing criteria. Maximum sustainable yield-based control rules and overfishing thresholds are defined for the Northwestern Hawaiian Islands (NWHI) lobster stock and multi-species complexes of bottomfish and seamount groundfish and western Pacific pelagic management unit species. Stock status determination criteria, including maximum fishing mortality thresholds and minimum stock size thresholds, are defined for the lobster stock, bottomfish, and pelagic stock complexes. The bottomfish and seamount groundfish FMP already contains measures to prevent overfishing and to rebuild overfished stocks. These include a moratorium on the harvest of armorhead to rebuild this stock in the seamount groundfish fishery, a prohibition on the use of destructive bottomfish fishing methods, area closures around the main Hawaiian Islands, and limited access programs in the implementation of bottomfish NWHI to limit fishing effort. Additional measures to prevent overfishing or to rebuild overfished stocks that may be considered by the Council in the future include additional area closures, seasonal closures, reduction in the number of available limited access permits, establishment of limited access programs in areas other than the NWHI, limits on catch per trip, limits on effort per trip, and fleet-wide limits on catch and effort.

The pelagics FMP already includes measures to prevent local overfishing