

(ANPRM) published on November 16, 1999, that requested comments on a research study conducted by the University of Michigan Transportation Research Institute (UMTRI) titled "The Dynamics of Tank-Vehicle Rollover and the Implications for Rollover-Protection Devices." Since publication of the ANPRM, RSPA and the Federal Motor Carrier Safety Administration (FMCSA) have determined that additional study is necessary.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Stevens, Office of Hazardous Materials Standards, Research and Special Programs Administration, 202-366-8553 or Mr. Danny Shelton, Hazardous Materials Division, Federal Motor Carrier Safety Administration, 202-366-6121.

**SUPPLEMENTARY INFORMATION:** In 1991, the National Transportation Safety Board (NTSB) investigated seven accidents involving cargo tank motor vehicles (CTMVs) of various DOT specifications used for liquid hazardous materials. All of the incidents investigated resulted in rollover of the CTMV and a release of hazardous materials. As a result of the investigation, NTSB published a Hazardous Materials Special Investigation Report on February 2, 1992. In its report, NTSB concluded that in all cases the CTMV rollover protection devices failed to protect the cargo tank manholes and fittings from damage.

On February 4, 1992, NTSB released safety recommendation H-92-10, recommending, in part, that the Research and Special Programs Administration (RSPA; we) and the Federal Highway Administration (FHWA), the predecessor agency to the Federal Motor Carrier Safety Administration (FMCSA), conduct a study to model and analyze the forces and energy involved in CTMV rollover incidents. In addition, in H-92-2, NTSB recommended that RSPA assist FHWA to improve the performance of rollover protection devices by promulgating performance standards to consider those forces identified in the study as acting on the devices during a rollover accident. In response to safety recommendation H-92-10, FHWA contracted with UMTRI to conduct a study of CTMV rollover incidents.

In November 1998, UMTRI released its study, titled "The Dynamics of Tank-Vehicle Rollover and the Implications for Rollover-Protection Devices." The study examined 882 simulated rollover incidents involving various DOT specification CTMVs and configurations (MC 306, MC 307, MC 312). The

simulated rollover incidents were influenced by the accidents investigated by NTSB and included mild, moderate, and severe rollover crash events.

On November 16, 1999, RSPA published an ANPRM (64 FR 62161) that solicited comments and other supporting data from industry related to the issues of concern in the UMTRI study. The ANPRM asked a series of seventeen questions concerning issues ranging from rollover dynamics to benefit-cost estimates. In addition, the ANPRM asked whether the UMTRI study recommendations were feasible, noting a potential ten-fold increase in costs when compared to current regulatory requirements for rollover protection.

In response to the ANPRM, we received twenty-five comments, eight of which were within the scope of the rulemaking. The comments received were generally negative, and all included similar conclusions regarding cost, efficacy, and feasibility. In addition, commenters stated that there was insufficient evidence to support any major revision of the current overturn protection requirements.

In response to comments received to the ANPRM, FMCSA contracted with Battelle in CY 2001 for an independent analysis of the original UMTRI CTMV rollover study. This study is scheduled for completion in CY 2006. Because of the extended period expected for completing the study and evaluating the findings, we are terminating further rulemaking action under this docket. The termination of this rulemaking action does not preclude our addressing the NTSB recommendations under another docket.

Upon completion of the FMCSA study, RSPA and FMCSA will evaluate the findings and open a new rulemaking docket to solicit industry comments and consider proposals to revise current rollover protection requirements. Accordingly, Docket No. RSPA-99-5921 (HM-213A) is hereby withdrawn.

Issued in Washington, DC on May 5, 2004, under authority delegated in 49 CFR Part 106.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 040407106-4106-01; I.D. 040104A]

RIN 0648-AS04

#### List of Fisheries for 2004

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

**ACTION:** Proposed rule; extension of public comment period.

**SUMMARY:** On April 13, 2004, the proposed List of Fisheries (LOF) for 2004 under the Marine Mammal Protection Act (MMPA) was published in the *Federal Register*. NMFS is extending the comment period on this proposed LOF to June 14, 2004.

**DATES:** Comments must be received by June 14, 2004.

**ADDRESSES:** Send comments to Chief, Marine Mammal Conservation Division, Attn: List of Fisheries, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via email to [2004LOF.comments@noaa.gov](mailto:2004LOF.comments@noaa.gov) or the Federal eRulemaking portal: <http://www.regulations.gov> (Follow instructions for submitting comments).

Comments regarding the burden-hour estimates, or any other aspect of the collection of information requirements contained in the proposed rule, should be submitted in writing to the Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and to David Rostker, OMB, by e-mail at [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov) or by fax to 202-395-7285.

**FOR FURTHER INFORMATION CONTACT:**

Kristy Long, Office of Protected Resources, 301-713-1401; Kim Thounhurst, Northeast Region, 978-281-9328; Juan Levesque, Southeast Region, 727-570-5312; Cathy Campbell, Southwest Region, 562-980-4060; Brent Norberg, Northwest Region, 206-526-6733; Bridget Mansfield, Alaska Region, 907-586-7642. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:** On April 13, 2004, the proposed List of Fisheries

for 2004 under the Marine Mammal Protection Act was published in the Federal Register (69 FR 19365). NMFS must categorize each commercial fishery under the LOF into one of three categories under the MMPA based on the level of serious injury and mortality of marine mammals that occurs incidental to the fishery. NMFS must publish in the Federal Register any necessary changes to the LOF after notice and opportunity for public comment. In the proposed LOF for 2004, NMFS proposed to elevate the Hawaii Swordfish, Tuna, Billfish, Mahi Mahi, Wahoo, Oceanic Sharks Longline/Set Line fishery from Category III (remote likelihood of or no known incidental mortality and serious injury) to Category I (frequent incidental mortality and serious injury). In addition, NMFS provided that it would convene a workshop to address the scientific bases for this proposal, and it would consider the results of the workshop and public comments in its decision to classify this fishery in the final LOF for 2004. In order to allow sufficient time to organize and convene the workshop and allow for consideration of public comment based on the workshop as well as from other sources, NMFS is extending the public comment period on the proposed LOF for 2004 from May 13, 2004, to June 14, 2004.

Dated: May 10, 2004.

**Rebecca Lent,**

*Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 04-10896 Filed 5-12-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 040430138-4138-01; I.D. 042204C]

RIN 0648-AS28

#### Atlantic Highly Migratory Species (HMS) Fisheries; Adjustment of the Semi-annual Quotas for Large Coastal Sharks (LCS) in the North Atlantic Region

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This proposed rule would adjust the seasonal split of the North

Atlantic LCS regional quota from an equal percentage split of the quota to a 20 to 80 percentage split of the quota between the first and second 2004 semi-annual seasons, respectively. Landings data indicate that the North Atlantic quota would be reached or exceeded in a short period of time during the second semi-annual season under the existing quota allocations. This action could affect all fishermen with commercial shark limited access permits fishing in the North Atlantic region.

**DATES:** Public comments must be received by May 28, 2004.

**ADDRESSES:** Comments on the proposed rule may be submitted by mail to the HMS Management Division, 1315 East West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope "Comments on Proposed Rule on North Atlantic LCS Quota Allocation." Comments may also be made via facsimile (fax) to 301-713-1917. Comments on this proposed rule may also be submitted by e-mail. The address for providing e-mail comments is [0648.AS28@noaa.gov](mailto:0648.AS28@noaa.gov). Include in the subject line of the e-mail comment the following document identifier (RIN 0648-AS28 and I.D. 042204C). Comments may also be submitted electronically through the Federal e-Rulemaking portal: <http://www.regulations.gov>.

For copies of Amendment 1 to the Fisheries Management Plan for Atlantic Tunas, Swordfish, and Sharks or its implementing regulations, please write to Highly Migratory Species (HMS) Management Division (F/SF1), Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, or visit the webpage <http://www.nmfs.noaa.gov/sfa/hms>

**FOR FURTHER INFORMATION CONTACT:** For additional information regarding the requirements specified in this document, contact Chris Rilling, Karyl Brewster-Geisz, or Heather Stirratt, phone 301-713-2347 or fax 301-713-1917.

**SUPPLEMENTARY INFORMATION:** On December 24, 2003, NMFS issued a final rule (68 FR 74746) that established the 2004 annual landings quota for LCS at 1,017 metric tons (mt) dressed weight (dw). The final rule also established regional LCS quotas for the commercial shark fishery in the Gulf of Mexico (Texas to the West coast of Florida), South Atlantic (East coast of Florida to North Carolina and the Caribbean), and North Atlantic (Virginia to Maine). The quota for LCS was split between the three regions as follows: 42 percent to the Gulf of Mexico, 54 percent to the

South Atlantic, and 4 percent to the North Atlantic. As was done since 1993, the quotas for each region were further split evenly between the 2004 first and second semi-annual fishing seasons. This proposed rule does not alter the annual landings quota or the overall North Atlantic regional quota, but proposes to adjust the seasonal quota split for the North Atlantic region.

Landings data from 2000-2002 indicate that the majority of LCS in the North Atlantic region are landed in the second semi-annual season. Historically, first season landings, including state landings after a Federal closure, have ranged from 6 to 38 percent, with an average of approximately 20 percent of the annual regional quota for the North Atlantic being landed during the first season. Second season landings, including state landings after a Federal closure, have ranged from 62 to 94 percent, with an average of approximately 80 percent of the annual regional quota for the North Atlantic being landed during the second season. In addition, as of April 23, 2004, there were no reported landings of LCS for the North Atlantic region during the first semi-annual season, indicating that the current 50 percent split between the two semi-annual seasons does not reflect the historic or current landings for the North Atlantic region.

As a result, NMFS proposes to adjust the seasonal quota split from an even split (50/50) to a 20/80 split resulting in 8.1 mt dw for the first semi-annual season and 32.6 mt dw for second semi-annual season, not adjusted for any over- or underharvest. This action will not affect the overall landings quota for the fishery or the region (40.7 mt dw for the North Atlantic), but will adjust the available North Atlantic LCS quota in each season to result in a longer second season that more accurately reflects historical and current landings in the region. Any over- or underharvest from both seasons will be considered before establishing the trimester season which begins in 2005.

Since neither the annual quotas, nor the overall regional quotas are proposed to be changed, NMFS does not expect this action to result in any negative economic consequences. This action will likely have a positive economic impact by allowing fishermen to harvest an amount closer to the actual historic landings for the region. Without making this adjustment, the season length would have to be shortened when the lower existing quota was reached, thus preventing fishermen from landing as many sharks as they have historically. The short season would also make effective management and reporting of