

Following a review and evaluation of public comments, EPA will finalize the proposed baseline compliance decision for the Hanford CCP. EPA will notify DOE of our final decision via letter and post the final decision on our Web site.

Dated: January 4, 2005.

**Jeffrey R. Holmstead,**

*Assistant Administrator for Air and Radiation.*

[FR Doc. 05-618 Filed 1-11-05; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Parts 229 and 238

[Docket No. FRA-2004-17645, Notice No. 2]

RIN 2130-AB23

### Locomotive Crashworthiness

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM); extension of comment period.

**SUMMARY:** On November 2, 2004, FRA published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (69 FR 63890) proposing to establish comprehensive, minimum standards for locomotive crashworthiness. In that NPRM, FRA established a January 3, 2005 deadline for submission of written comments. FRA has received a request to extend the comment period to give interested parties additional time to review, analyze, and submit comments on the NPRM. After considering this request, FRA has decided to extend the comment period until February 3, 2005. This notice announces the extension of the comment period.

**DATES:** Written Comments: Comments must be received by February 3, 2005. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Number FRA-2004-17645 by any of the following methods:

- Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments to the DOT electronic docket Web site.
- Fax: Comments may be faxed to the following number: 1-202-493-2251.
- Mail: Comments may be mailed to the Docket Management Facility at the

U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- Hand Delivery: Hand deliver comments to Room PL-401 on the plaza level of the Nassif Building, which is located at 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- Federal e-Rulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** John Punwani, Office of Research and Development, Federal Railroad Administration, 1120 Vermont Avenue, NW., Mail Stop 20, Washington, DC 20590 (telephone: (202) 493-6369); Charles L. Bielitz, Mechanical Engineer, Office of Safety Assurance and Compliance, Federal Railroad Administration, 1120 Vermont Avenue, NW., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493-6314); or Darrell L. Tardiff, Trial Attorney, Office of Chief Counsel, Federal Railroad Administration, 1120 Vermont Avenue, NW., Mail Stop 10, Washington, DC 20590 (telephone: (202) 493-6038).

Issued in Washington, DC, on January 5, 2005.

**Robert D. Jamison,**

*Acting Administrator.*

[FR Doc. 05-570 Filed 1-11-05; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Parts 571, 572 and 598

[Docket No. NHTSA-2004-17694; NHTSA-2004-18864]

RIN 2127-AJ10; 2127-AI89

### Federal Motor Vehicle Safety Standards; Side Impact Protection; Anthropomorphic Test Devices; ES-2re Side Impact Crash Test Dummy

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Reopening of comment periods; request for comment on addendum to initial regulatory flexibility analysis.

**SUMMARY:** This document reopens the comment period on a notice of proposed rulemaking (NPRM) to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 214, "Side Impact Protection," to add a dynamic pole test to the standard, and on an NPRM on adding specifications and qualification requirements for a new mid-size adult male crash test dummy for use in the pole test. The agency is taking this action in response to a petition from the Alliance of Automobile Manufacturers requesting additional time to submit comments. The agency is reopening the comment period for 90 days. This document also informs readers that the agency will be placing in the docket an addendum to an initial regulatory flexibility analysis (IRFA) relating to the proposed addition of the dynamic pole test to FMVSS No. 214. Comments are requested on the addendum.

**DATES:** Comments to docket numbers NHTSA-2004-17694 published May 17, 2004 (69 FR 27990), and NHTSA-2004-18864 published September 15, 2004 (69 FR 55550), and on the addendum to the IRFA (Docket No. 17694), must be received by April 12, 2005.

**ADDRESSES:** You may submit comments (identified by the DOT DMS Docket Number) by any of the following methods:

Web Site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

Fax: 1-202-493-2251.

Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001. Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington,

DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for the rulemaking to which you are commenting. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the

**SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act discussion under the Public Participation heading.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. William Fan, NHTSA Office of Crashworthiness Standards (202) 366-4922, or Deirdre Fujita, NHTSA Office of Chief Counsel (telephone (202) 366-2992; fax (202) 366-3820). Both of these officials may be reached at 400 Seventh St., SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** In May 2004, NHTSA published a notice of proposed rulemaking that proposed to upgrade FMVSS No. 214, "Side Impact Protection," by requiring that all passenger vehicles with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less protect front seat occupants against head, thoracic, abdominal and pelvic injuries in a vehicle-to-pole test simulating a vehicle crashing sideways into narrow fixed objects like telephone poles and trees (69 FR 27990, May 17, 2004; Docket 2004-17694). The NPRM proposed that compliance with the pole test would be determined in tests using a new, second-generation test dummy representing mid-size adult males (the "ES-2re" crash test dummy) and a new test dummy representing small adult females (the "SID-IIIsFRG" test dummy). The NPRM also proposed using the new dummies in the standard's existing vehicle-to-vehicle test that uses a moving deformable barrier (MDB) to simulate a moving vehicle being struck in the side by another moving vehicle.

NHTSA provided a 150-day comment period for the proposal, which closed October 14, 2004.

Publication of NPRMs to add specifications and qualification requirements for the ES-2re and SID-IIIsFRG crash test dummies to 49 CFR Part 572 (NHTSA's regulation on anthropomorphic test devices) followed the FMVSS No. 214 proposal. A proposal for the ES-2re was published September 15, 2004 (69 FR 55550; Docket No. 18864). The comment period for that NPRM closed November 15, 2004. An NPRM proposing specifications and qualification requirements for the SID-IIIsFRG test dummy was published on December 8, 2004 (69 FR 70947; Docket No. 18865). A 90-day comment period was provided.

### Petition

The Alliance of Automobile Manufacturers (Alliance) petitioned the agency to re-open the comment period for the FMVSS No. 214 NPRM for at least an additional eight months. The Alliance believed that the ES-2re and SID-IIIsFRG test dummies were not available in sufficient quantities for member companies to assess the proposed pole test procedures. The Alliance indicated that dummy manufacturers were not able to supply the test dummies in response to manufacturers' demand. The petitioner stated that eight months is needed to provide sufficient time for Alliance members to complete dummy component tests (the petitioner estimated that three to four months is needed for this); to undertake vehicle tests (the petitioner suggested this would take another three to four months); and to analyze data and draft their comments (petitioner stated those steps would take another one to two months).

The Alliance also petitioned to extend the comment period for the ES-2re NPRM for eight months. The petitioner stated that it needs the time to facilitate a comprehensive technical evaluation of the dummy and perform fleet testing, and that the eight months would align the comment closing date with that requested by the Alliance for the FMVSS No. 214 NPRM. The petitioner believed that the 150-day comment period provided for the May 2004 FMVSS No. 214 NPRM contrasts with a nine-month comment period that NHTSA provided in 1988 when the agency proposed to adopt the MDB test into FMVSS No. 214.

### Agency Decision

The agency is reopening the comment periods for the FMVSS No. 214 and the ES-2re NPRMs for 90 days. The 90 day period coincides with the comment period that the agency has provided for the SID-IIIsFRG NPRM. We note that the ES-2re and SID-IIIsFRG dummies were available following publication of the FMVSS No. 214 NPRM in May 2004 and that the 150 day comment period provided ample time for manufacturers to obtain and begin evaluating the test dummies and to perform fleet assessments. However, vehicle manufacturers did not know the calibration procedures and values that the agency was considering for the dummies' performance requirements until publication of the Part 572 NPRMs in September (ES-2re) and December 2004 (SID-IIIsFRG). Reopening the comment period gives manufacturers time to assess the dummies' performance and to conduct fleet testing using the calibrated dummies.

NHTSA believes that a 90 day extension is sufficient and that providing 8 months is unwarranted. The Alliance stated that manufacturers need three to four months to do "component testing" of the dummies. We believe that component testing can be done in a matter of days or weeks rather than months. Also, calibration procedures were published for the ES-2re dummy in September and for the SID-IIIsFRG in early December. We also estimate that six weeks is sufficient for conducting vehicle tests and for evaluating the data, based on the agency's experience with testing vehicles under NHTSA's consumer information New Car Assessment Program (NCAP). We further estimate that drafting and submitting comments on this priority rulemaking can be done in less than a month. All told, this period amounts to not more than 3 months. A longer period would unnecessarily delay key decisions by NHTSA about the FMVSS No. 214 rulemaking and would delay the potential societal benefits associated with a final rule.

It is noted that the 90 day period does not even include the period that has passed since the closing dates of the comment periods for the FMVSS No. 214 and ES-2re NPRMs (October 14, 2004 and November 15, 2005, respectively). From those dates until today, manufacturers could have been and presumably were working on dummy and vehicle assessment. Thus, as a practicable matter, more than 90 days has been provided. It is further noted that the agency will consider late comments to the extent possible.

The 8-month period that the Alliance requested is too long. The petitioner has not explained how the manufacturers have been using the 150 day comment period of the FMVSS No. 214 NPRM to respond to the proposal. Information obtained by NHTSA from the two dummy manufacturers indicate that they were able to fill orders of the SID-IIIsFRG and ES-2re dummies and of the conversion kits (converting a SID-IIIs to the SID-IIIsFRG by the addition of the floating rib guide modifications and an ES-2 to an ES-2re by addition of the rib extensions) within a reasonable time. One manufacturer shipped full dummies or conversion kits within nine days on the average from receipt of order, while the other needed less than 8 weeks for full dummies and 4 weeks for kits. The agency is not convinced that a good faith effort to obtain the test dummies went unheeded by the dummy manufacturers.

We further disagree with the petitioner's view that an 8 month extension is supported by the agency's decision in 1988 to provide a 9 month comment period for the NPRM on the MDB test. The comment period for that rulemaking was extraordinarily long because it was the first time that a full scale dynamic impact test had been proposed for FMVSS No. 214. In contrast, a pole test with an instrumented dummy, substantially similar to the test proposed in the May 2004 NPRM, is already an option being used in FMVSS No. 201, "Occupant protection in interior impact," and manufacturers are thus familiar with the protocol. Also, the deformable barrier was a new test device with its own properties, and was much more complex than the rigid pole used in the pole test. In addition, there were three new test dummies under consideration in the MDB rulemaking to represent a 50th percentile adult male: General Motors supported the BioSID; the European community supported the EuroSID; and NHTSA supported the SID. The three dummies had different characteristics and new injury criteria, each of which had to be individually considered. In contrast, the May 2004 NPRM only proposes the ES-2re as the 50th percentile male test dummy used in the NPRM. Not only is this the sole test dummy proposed as the representative device for the mid-size male, all vehicle manufacturers were familiar with the dummy through use of the ES-2 in vehicle development and NCAP-type programs in Europe, Japan and Australia. In light of these facts, reopening the comment period for an additional 8 months is unwarranted.

Accordingly, the public comment closing dates for DOT Docket Nos. 17694 and 18864 are reopened for 90 days as indicated in the **DATES** section of this document.

#### **Addendum to Initial Regulatory Flexibility Analysis**

NHTSA is preparing an addendum to the initial regulatory flexibility analysis (IRFA) that was contained in the Preliminary Economic Assessment (PEA) for the May 17, 2004 NPRM on FMVSS No. 214. The addendum will be placed in Docket No. 17694. (The PEA is the first entry in Docket No. 17694). The addendum to the IRFA discusses the economic impacts on small vehicle manufacturers, of which there are four. Comments are requested on the addendum to the IRFA. Comments should be submitted to Docket No. 17694 within the comment period reopened by today's **Federal Register** document.

#### **Public Participation**

##### *How Do I Prepare and Submit Comments?*

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the appropriate docket number in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). NHTSA established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

You may also submit your comments to the docket electronically by logging onto the Dockets Management System website at <http://dms.dot.gov>. Click on "Help & Information" or "Help/Info" to obtain instructions for filing the document electronically.

##### *How Can I Be Sure That My Comments Were Received?*

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

#### *How Do I Submit Confidential Business Information?*

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR Part 512.)

#### *Will the Agency Consider Late Comments?*

NHTSA will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, the agency will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for the agency to consider it in developing a final rule (assuming that one is issued), the agency will consider that comment as an informal suggestion for future rulemaking action.

#### *How Can I Read the Comments Submitted by Other People?*

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

1. Go to the Docket Management System (DMS) Web page of the Department of Transportation (<http://dms.dot.gov/>).
2. On that page, click on "search."
3. On the next page (<http://dms.dot.gov/search/>), type in the five-digit docket number shown at the beginning of this document. Example: If the docket number were "NHTSA-2004-12345," you would type "12345." After typing the docket number, click on "search."
4. On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the

comments. Although the comments are imaged documents, instead of word processing documents, the “pdf” versions of the documents are word searchable.

Please note that even after the comment closing date, NHTSA will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, the agency recommends that you periodically check the Docket for new material.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://dms.dot.gov>.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

Issued on January 5, 2005.

**Stephen R. Kratzke,**  
*Associate Administrator for Rulemaking.*  
[FR Doc. 05-548 Filed 1-11-05; 8:45 am]  
BILLING CODE 4910-59-U

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 122304D]

RIN 0648-AN25

### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Amendment 2 to the Monkfish Fishery Management Plan; Correction

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability; request for comments; correction.

**SUMMARY:** On January 3, 2005, NMFS published a notification that the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council have submitted Amendment 2 to the Monkfish Fishery Management Plan (FMP) (Amendment 2) incorporating the draft Final Supplemental Environmental Impact Statement (FSEIS), Regulatory Impact Review (RIR), and the Initial Regulatory Flexibility Analysis (IRFA), for Secretarial review and requested comments from the public. Amendment 2 was developed to address essential fish habitat and bycatch issues, and to revise the FMP to address several issues raised during the public scoping process. In the January 3, 2005, notification, NMFS inadvertently referred to this action as a proposed interim rule. This document corrects that error.

**DATES:** Comments on Amendment 2 to the Monkfish FMP must be received on or before March 3, 2005.

**FOR FURTHER INFORMATION CONTACT:**  
Allison R. Ferreira, Fishery Policy Analyst, phone: (978) 281-9103; fax: (978) 281-9135; e-mail: [allison.ferreira@noaa.gov](mailto:allison.ferreira@noaa.gov).

**SUPPLEMENTARY INFORMATION:** An NOA for Amendment 2 to the Monkfish FMP was published in the **Federal Register** on January 3, 2005 (70 FR 68), with public comment accepted through March 3, 2005. Public comments are being solicited on Amendment 2 and its incorporated documents through the end of the comment period on the NOA (i.e., March 3, 2005). A proposed rule that would implement Amendment 2 may be published in the **Federal Register** for public comment, following NMFS’s evaluation of the proposed rule under the procedures of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens

Act). All comments received by March 3, 2005, whether specifically directed to Amendment 2 or the proposed rule, will be considered in the approval/disapproval decision on the amendment. To be considered, comments must be received by close of business on March 3, 2005; that does not mean postmarked or otherwise transmitted by that date.

NMFS in the **ADDRESSES** section of the January 3<sup>rd</sup> publication inadvertently referred to the amendment as a “proposed interim rule.” However, because a proposed rule may be published in the near future following NMFS’s evaluation of the proposed rule under the procedures of the Magnuson-Stevens Act, NMFS is correcting the **NOA Federal Register** publication to identify clearly that the January 3, 2005, publication is requesting public comments on the Amendment 2 document along with the FSEIS, RIR, and IRFA.

Therefore, in the NOA for Amendment 2 to the Monkfish FMP published on January 3, 2005, which was the subject of FR Doc 04-28738, in the second line of the **ADDRESSES** section in the first column on page 68, the words “proposed interim rule” are removed and in their place the words “proposed amendment” are added.

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

Dated: January 5, 2005.

**Alan D. Risenhoover,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 05-625 Filed 1-11-05; 8:45 am]  
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