

Analyses and Notices" section of the November 2, 2002 NPRM.

## Comments

### *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 docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). We 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**.

### *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?*

We 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, we will also consider comments that Docket Management receives after that date.

### *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 type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were "NHTSA-1999-1234," you would type "1234." 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. However, since the comments are imaged documents, instead of word processing documents, the downloaded comments are not word searchable.

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

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, 30166 and 30177; delegation of authority at 49 CFR 1.50.

Issued on November 26, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 01-29637 Filed 11-28-01; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

**RIN 1018-AI18**

### Endangered and Threatened Wildlife and Plants; Proposed Rule To List the Carson Wandering Skipper as Endangered

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

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to

make permanent the provisions of the emergency rule listing the Carson wandering skipper (*Pseudocopa eodes eunus obscurus*) in California and Nevada as an endangered species under the Endangered Species Act of 1973, as amended (Act). The emergency rule listing the population is published concurrently in this issue of the **Federal Register**.

The Carson wandering skipper is currently known from only two populations, one in Washoe County, Nevada, and the other in Lassen County, California. This subspecies is threatened by a variety of factors including habitat destruction, degradation, and fragmentation due to agricultural practices (such as excessive livestock grazing and wetland habitat modification), urban development, and non-native plant invasion. Other threats include impacts from collecting, livestock trampling, approved and proposed water exportation projects, road construction, recreation, pesticide drift, and inadequate regulatory mechanisms. Extinction could also occur by naturally occurring events due to the small, isolated nature of the remaining populations. We find these threats constitute immediate and significant risk to the species.

We solicit additional data and information that may assist us in making a final decision on this proposed action. This proposal, if made final, would extend the Federal protection and recovery provisions of the Act to this subspecies.

**DATES:** We will accept comments until the close of business on January 28, 2002. Public hearing requests must be received by January 14, 2002.

**ADDRESSES:** Comment submission: If you wish to comment, you may submit your comments and materials by any one of several methods:

(1) You may submit written comments and information to the Field Supervisor, Nevada Fish and Wildlife Office, U.S. Fish and Wildlife Service, 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502.

(2) You may hand-deliver written comments to our Nevada Fish and Wildlife Office at the address given above.

(3) You may send comments by electronic mail (e-mail) to: [fw1renoskipper@r1.fws.gov](mailto:fw1renoskipper@r1.fws.gov). See the Public Comments Solicited section below for file format and other information on electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Robert D. Williams, Field Supervisor, Nevada Fish and Wildlife Office (see **ADDRESSES** section) (telephone 775/861-

6300; facsimile 775/861-6301), or Wayne White, Field Supervisor, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W-2605, Sacramento, California 95825-1846 (telephone 916/414-6000; facsimile 916/414-6712).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

For a discussion of biological background information, previous Federal action, factors affecting the species, critical habitat, and conservation measures available to listed and proposed species, consult the emergency rule on the Carson wandering skipper published concurrently in this issue of the **Federal Register**.

##### **Public Comments Solicited**

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we are soliciting comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We are particularly seeking comments concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the Carson wandering skipper;
- (2) The location of any additional populations of this species, and the reasons why any habitat should or should not be determined to be critical habitat pursuant to section 4 of the Act;
- (3) Additional information concerning the range, distribution, and population size of this species; and
- (4) Current or planned activities or land use practices in the subject area and their possible impacts on this species.

If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any form of encryption. Please also include "Attn: [RIN-AI18]" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Nevada Fish and Wildlife Office at telephone number 775/861-6300.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in

which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

In making any final decision on this proposal, we will take into consideration the comments and any additional information we receive, and such communications may lead to a final regulation that differs from this proposal.

##### **Public Hearings**

The Act requires that we hold one or more public hearings on this proposal, if requested within 45 days of the date of publication of a proposed rule. Such requests must be made in writing and be addressed to the Field Supervisor, Nevada Fish and Wildlife Office (see **ADDRESSES** section). Should a public hearing be requested, then we will announce the date, time, and place for the hearing in the **Federal Register**, through legal notices in area newspapers, and in news releases to the media.

##### **Peer Review**

In accordance with our policy published on July 1, 1994 (59 FR 34270), we will seek the expert opinions of at least three appropriate and independent specialists regarding this proposed rule. The purpose of this review is to ensure listing decisions are based on scientifically sound data, assumptions, and analyses. We will send the peer reviewers copies of this proposed rule, as well as the emergency rule, immediately following publication in the **Federal Register**. We will invite them to comment, during the public comment period, on specific assumptions and conclusions regarding the proposed rule to list the Carson wandering skipper.

##### **National Environmental Policy Act**

We have determined that an environmental assessment and environmental impact statement, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in

connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

##### **Executive Order 12866**

Executive Order 12866 requires agencies to write regulations that are easy to understand. We invite your comments on how to make this proposal easier to understand including answers to questions such as the following: (1) Is the discussion in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposal? (2) Does the proposal contain technical language or jargon that interferes with its clarity? (3) Does the format of the proposal (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? What else could we do to make the proposal easier to understand?

##### **Paperwork Reduction Act**

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act. This rule will not impose record keeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The existing OMB control number is 1018-0093 and expires 3/31/2004.

##### **Executive Order 13211**

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires Federal agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant action, and no Statement of Energy Effects is required.

##### **Author**

The primary author of this proposed rule is Marcy Haworth, U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office (see **ADDRESSES** section).

##### **List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

**Proposed Regulation Promulgation**

For the reasons given in the preamble to the emergency rule listing the Carson wandering skipper as endangered, published concurrently in this issue of the **Federal Register**, we hereby propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

**PART 17—[AMENDED]**

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Amend section 17.11(h), by adding the following, in alphabetical order

under INSECTS, to the List of Endangered and Threatened Wildlife:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* INSECTS	*	*	*	*	*		*
Skipper, Carson wandering.	<i>Pseudocopaodes eunus obscurus</i> .	U.S.A. (CA, NV) .....	U.S.A., (Lassen County, CA; Washoe County, NV).	E	716	NA	NA
*	*	*	*	*	*		*

Dated: November 21, 2001.

**Marshall P. Jones, Jr.,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 01–29613 Filed 11–28–01; 8:45 am]

**BILLING CODE 4310–55–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 600**

[I.D. 110601C]

**Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Exempted Fishing Permits (EFPs)**

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

**ACTION:** Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

**SUMMARY:** NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has made a preliminary determination that an EFP application, submitted by the Massachusetts Division of Marine Fisheries (MDMF), contains all the information as required by the regulations that govern exempted experimental fishing under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and has determined that the application warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP will

be consistent with the goals and objectives of the Northeast Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue an EFP. Therefore, NMFS announces that the Regional Administrator intends to issue an EFP that would allow a single vessel to conduct fishing operations in areas in the Gulf of Maine that would otherwise be closed by regulations governing the multispecies groundfish fisheries of the Northeastern United States. This notification is intended to provide interested parties the opportunity to comment on the proposed experimental fishery. **DATES:** Comments must be received by December 14, 2001.

**ADDRESSES:** Comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope “Comments on Proposed Experimental Fishery.” **FOR FURTHER INFORMATION CONTACT:** Tom Warren, Fishery Management Specialist, 978–281–9347.

**SUPPLEMENTARY INFORMATION:** The regulations that govern exempted experimental fishing, at 50 CFR 600.745, allow the Regional Administrator to authorize for certain purposes the targeting or incidental harvest of managed species that would otherwise be prohibited. An EFP to authorize such activity may be issued, provided there is adequate opportunity for the public to comment on the EFP application as required under 50 CFR 600.745 (b)(3), and the conservation goals and objectives of the FMP are not compromised.

The MDMF submitted to NMFS on October 15, 2001, an application for an EFP to conduct gear research in the groundfish fishery in the Gulf of Maine (GOM). The Regional Administrator has determined that this application warrants further consideration. The research would target flatfish and cod in block 124 (a 30 minute square as used by the Multispecies FMP), during February and March, with the objective of comparing two designs of modified sink gillnets to a traditional sink gillnet design. The experimental sink gillnets would use modified leadlines and floatlines to reduce the vertical profile of the nets in order to exploit behavioral differences between cod and flatfish. Keeping the nets close to the bottom may allow flatfish to continue to be captured while cod are avoided. The goal of the research is to further the design of a sink gillnet that could result in significant reductions in the bycatch of cod in the sink gillnet sector of the flatfish fishery. This research is highly pertinent to the management of groundfish species under the FMP.

A single vessel would conduct 10 overnight gillnet sets, with approximately 24 hours soak time. Each overnight set would be composed of two strings of experimental nets and two strings of standard nets serving as controls. Each string would consist of eight nets, each 300 ft (91.4 m) long, for a total of 32 nets used per overnight set. The gillnets would be deployed and hauled using standard commercial practices.

The vessel would utilize its multispecies days-at-sea and fish in