

APPENDIX A—I TO PART 541—HIGH-THEFT LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543—Continued

Manufacturer	Subject lines
Nissan	Nissan Altima Nissan Maxima Nissan Pathfinder Nissan 300ZX Infiniti G35 ¹ Infiniti I30 Infiniti J30 Infiniti M30 Infiniti QX4 Infiniti Q45
Porsche	911 928 968 986 Boxster
Saab	9–3 900 (1994–1998) 9000 (1989–1998)
Toyota	Toyota Supra Toyota Cressida Lexus ES Lexus GS Lexus LS Lexus SC
Volkswagen	Audi 5000S Audi 100/A6 Audi 200/S4/S6 Audi Allroad Quattro (MPV) Audi Cabriolet Volkswagen Cabrio Volkswagen Corrado Volkswagen Golf/GTI Volkswagen Jetta/Jetta III Volkswagen Passat

¹ Lines exempted in full beginning with MY 2003.

Issued on: June 26, 2002.

Stephen R. Kratzke,

*Associate Administrator for Safety
Performance Standards.*

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 659

[FTA 2002–11449]

RIN 2132–AA69

Rail Fixed Guideway Systems; State Safety Oversight

ACTION: Withdrawal of direct final rule.

SUMMARY: The Federal Transit Administration (FTA) is withdrawing the direct final rule that revised the definition of “accident” as used in 49 CFR part 659 due to the receipt of adverse comments. FTA noted in the direct final rule published in the **Federal Register** on April 3, 2002 (67 FR 15725) that the rule would be

withdrawn and would not take effect if an adverse comment was received on or before June 3, 2002. The Missouri Department of Economic Development, Division of Motor Carrier and Railroad Safety submitted an adverse comment dated May 30, 2002; therefore, the direct final rule will not become effective on July 2, 2002. FTA is reviewing 49 CFR part 659 and plans to publish a notice of proposed rulemaking in November 2002.

DATES: This withdrawal is effective July 1, 2002.

FOR FURTHER INFORMATION CONTACT: For questions regarding this notice, contact Jerry Fisher or Roy Field, Office of Safety and Security, FTA, telephone 202–366–2233, fax 202–366–7951. For questions on viewing or submitting material to the docket, contact Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION: On April 3, 2002, FTA published a direct final rule (64 FR 15725) amending 49 CFR Part 659 by removing the term “accident” under this section and

adding in its place the definition and term “major incident” to be effective July 2, 2002. This action was taken because FTA’s review of the National Transit Database (NTD), as mandated by the Department of Transportation’s FY 2000 Appropriations Act, resulted in revisions of the Safety and Security Module of the NTD “Reporting Manual for 2002”. FTA solicited input from NTD stakeholders, which include rail transit agencies reporting to State Oversight Agencies as required by the State Safety Oversight regulations.

FTA believes that two accident/incident reporting definitions would cause confusion, generate inconsistent data, and create an additional burden for rail transit reporters. FTA stated in the preamble of the direct final rule it had solicited input from NTD stakeholders, including rail transit agencies reporting to State Oversight Agencies. However, as noted by the Missouri Department of Economic Development, Division of Motor Carrier and Railroad Safety, FTA did not solicit input from it, a state agency directly responsible for safety oversight of transit agencies within the state.

FTA initially believed the rulemaking would not be controversial. Based on the adverse comment we agree that input from additional stakeholders is warranted. At this time, FTA will not replace the term "accident" with the term "major incident" in 49 CFR 659.5, 659.39, 659.41. FTA plans to publish a notice of proposed rulemaking in November 2002.

List of Subjects in 49 CFR Part 659

Railroads.

Dated: June 26, 2002.

Jennifer L. Dorn,

Administrator, Federal Transit Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 001128334-2158-09 ; I.D. 062502B]

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan

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

ACTION: Temporary rule.

SUMMARY: The Assistant Administrator for Fisheries (AA), NOAA, announces temporary restrictions, which include both mandatory and voluntary measures, consistent with the requirements of the Atlantic Large Whale Take Reduction Plan's (ALWTRP) implementing regulations. These restrictions apply to lobster trap and anchored gillnet fishermen in an area totaling approximately 3,500 square nautical miles (nm²) (6,486 km²) in the Great South Channel area, east of Cape Cod, Massachusetts, for 15 days. The purpose of this action is to provide immediate protection to an unexpectedly high aggregation of North Atlantic right whales (right whales).

DATES: Effective beginning at 0001 hours July 1, 2002, through 2400 hours July 15, 2002.

ADDRESSES: Copies of the proposed and final Dynamic Area Management rules, Environmental Assessment (EA), Atlantic Large Whale Take Reduction Team (ALWTRT) meeting summaries, and progress reports on implementation

of the ALWTRP may also be obtained by writing Diane Borggaard, NMFS/Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

Several of the background documents for the ALWTRP and the take reduction planning process can be downloaded from the ALWTRP web site at <http://www.nero.nmfs.gov/whaletrp/>.

FOR FURTHER INFORMATION CONTACT:

Diane Borggaard, NMFS/Northeast Region, 978-28-9145; or Patricia Lawson, NMFS, Office of Protected Resources, 301-713-2322.

SUPPLEMENTARY INFORMATION: The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act (MMPA) to reduce the incidental mortality and serious injury of four species of whales (right whales, fin, humpback, and minke) due to incidental interaction with commercial fishing activities. The ALWTRP, implemented through regulations codified at 50 CFR 229.32, relies on a combination of fishing gear modifications and time/area closures to reduce the risk of whales becoming entangled in commercial fishing gear (and potentially suffering serious injury or mortality as a result).

On January 9, 2002, NMFS published the final rule to implement the ALWTRP's Dynamic Area Management (DAM) program (67 FR 1133). The DAM program provides specific authority for NMFS to temporarily restrict the use of lobster trap and anchored gillnet fishing gear in areas north of 40° N. lat. on an expedited basis to protect right whales. Under the DAM program, NMFS may: (1) require the removal of all lobster trap and anchored gillnet fishing gear for a 15-day period; (2) allow lobster trap and anchored gillnet fishing within a DAM zone with gear modifications determined by NMFS to sufficiently reduce the risk of entanglement; or (3) issue an alert to fishermen requesting the voluntary removal of all lobster trap and anchored gillnet gear for a 15-day period, and asking fishermen not to set any additional gear in the DAM zone during the 15-day period.

A DAM zone is triggered when NMFS receives a reliable report from a qualified individual of three or more right whales sighted within an area (75nm² (139 km²)) such that right whale density is equal to or greater than 0.04 right whales per nm² (1.85 km²). A qualified individual is an individual ascertained by NMFS to be reasonably able, through training or experience, to identify a right whale. Such individuals include, but are not limited to, NMFS staff, U.S. Coast Guard and Navy personnel trained in whale

identification, scientific research survey personnel, whale watch operators and naturalists, and mariners trained in whale species identification through disentanglement training or some other training program deemed adequate by NMFS. A reliable report would be a credible right whale sighting.

On June 18, 2002, NMFS Aerial Survey Team reported a sighting of 75 right whales, 45 in the proximity of 41° 21' N lat. and 69° 17' W long. and 30 in the proximity of 41° 21' N latitude and 69° 01' W longitude. These positions lie east of Cape Cod, Massachusetts, in an area called the Great South Channel.

Once a DAM zone is triggered, NMFS determines whether to impose restrictions on fishing and/or fishing gear in the zone. This determination is based on the following factors, including but not limited to: the location of the DAM zone with respect to other fishery closure areas, weather conditions as they relate to the safety of human life at sea, the type and amount of gear already present in the area, and a review of recent right whale entanglement and mortality data.

NMFS has reviewed the factors and management options noted above and additional data regarding current and historic right whale sightings. Through this action, NMFS restricts lobster trap and gillnet gear set in the waters bounded by:

41°48' N, 69°44' W (NW Corner)
41°48' N, 68°25' W
40°54' N, 68°25' W
40°54' N, 69°06' W (SW Corner)

The mandatory restrictions for the portion of the DAM zone east of the western boundary of the Outbound Boston Harbor shipping lanes are as follows: All anchored gillnet and lobster trap gear must be removed from these waters.

In addition, NMFS requests the voluntary removal of all lobster trap and anchored gillnet gear in the waters bounded by:

41°48' N, 69°51' W (NW Corner)
41°48' N, 69°44' W
40°54' N, 69°06' W
40°54' N, 69°51' W (SW Corner)

The voluntary restrictions for this portion of the DAM zone west of the western boundary of the Outbound Boston Harbor shipping lanes are as follows: voluntary removal of all lobster trap and gillnet gear from these waters. Furthermore, NMFS asks lobster trap and gillnet fishermen not to set any new gear in this entire area during the 15-day alert period. The restrictions will be in effect beginning at 0001 hours July 1, 2002, through 2400 hours July 15, 2002, unless terminated sooner or extended by