

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****49 CFR Chapter III****[FHWA Docket No. FHWA-98-3656]****RIN 2125-AE40****Public Meetings To Discuss Responsibilities for the Inspection, Repair, and Maintenance of Intermodal Container Chassis and Trailers****AGENCY:** Office of the Secretary, DOT.**ACTION:** Notice of public listening sessions.

**SUMMARY:** The Office of the Secretary is announcing a series of public meetings for motor carriers, businesses that offer intermodal container chassis and trailers for transportation, and interested parties to discuss current inspection, repair, and maintenance practices in the intermodal transportation industry for ensuring that chassis and trailers are in safe and proper operating condition at all times. Representatives from the Federal Highway Administration, Federal Railroad Administration (FRA), Maritime Administration (MARAD), and the Office of the Secretary of Transportation (OST) will participate in the listening sessions which are intended to help the DOT broaden its knowledge of the safety implications of industry practices where terminal operators or other parties tender intermodal equipment (container chassis and trailers) to motor carriers. All oral comments will be transcribed and placed in the public docket identified at the beginning of this notice.

**DATES:**

November 2, 1999, in Seattle, Washington

November 9, 1999, in Des Plaines (Chicago), Illinois

November 15, 1999, in Jamaica (New York City), New York

**ADDRESSES:** See the **SUPPLEMENTARY INFORMATION** section for addresses of the public meetings.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard H. Singer, Office of Motor Carrier Research and Standards, HMCS-10, (202) 366-4009, U.S. Department of Transportation; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. [TDD number for the hearing impaired: 1-800-699-7828] Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. When using the document management system (dms) website, please enter docket number 3656 to search for comments on this rulemaking. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the **Federal Register's** home page at <http://www.nara.gov/fedreg> and the Government Printing Office's database at <http://www.access.gpo.gov/nara>.

**Background**

The American Trucking Associations, Inc. and the ATA Intermodal Conference (the petitioners) filed a petition for rulemaking on March 17, 1997, to amend 49 CFR parts 390 and 396 of the Federal Motor Carrier Safety Regulations (FMCSRs). The petitioners asked the FHWA to require parties that tender intermodal equipment to motor carriers to ensure the "roadworthiness" of that equipment. The petitioners argued that poor maintenance of intermodal equipment is a serious safety problem and contend that motor carriers have limited opportunity to maintain this equipment and other parties that do have the opportunity often fail to do so. The FHWA was requested to revise the FMCSRs to make the owner or operator of such equipment responsible for the roadworthiness of the vehicles it tenders to motor carriers.

On February 17, 1999, the FHWA published an ANPRM (64 FR 7849) seeking information on the extent of the concerns identified by the petitioners, and public comments on the solution proposed by the petitioners, i.e., to mandate joint responsibility between the equipment provider and the motor carrier for maintaining this type of intermodal equipment. The closing date for comments was April 19, 1999.

On April 2, 1999, the FHWA received a request from the petitioners to extend the comment period to allow them to collect and analyze certain data needed to respond to questions in the ANPRM. The petitioners indicated that they had been trying to develop current and accurate information to respond to the 14 specific questions the FHWA asked in the ANPRM.

On May 5, 1999 (64 FR 24128), the FHWA granted the petitioners' request and extended the docket comment period to August 30, 1999, because of the difficulty the petitioners and others were experiencing in gathering and analyzing roadside inspection and maintenance data necessary to provide meaningful responses to questions in the ANPRM. To augment the information received in response to the ANPRM questions, the docket for this rulemaking will accept additional comments, proceedings transcripts, and information generated as a result of the listening sessions.

**Purpose of the Public Meetings**

The Department of Transportation must ensure that it has considered all the pertinent issues that could affect any potential rulemaking changes. The Department has received numerous comments in response to its advance notice of proposed rulemaking but believes additional information could be obtained through public meetings.

The public meetings will be structured as "listening sessions" to emphasize interactive discussion among the participants. Representatives from the Office of the Secretary of Transportation, FHWA, FRA, and MARAD will attend the listening sessions to participate in a dialogue with the public on the issues associated with a potential rulemaking on the roadability of intermodal equipment.

Copies of the February 17 ANPRM that include the Department's 14 questions on intermodal equipment roadability will be made available to participants at each of the listening sessions. Participants also will be given the opportunity to submit questions that they would like to hear discussed by others in attendance at the listening session. It should be noted that these listening sessions are not public hearings, and participants are discouraged from simply reading prepared statements.

Participants who wish to submit written comments or statements should submit the information to the public docket identified at the beginning of this notice. Comments should be mailed to: Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the preceding address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard. Comments made during the

meeting will be transcribed to preserve an accurate record of the discussion.

### Meeting Information

*November 2, 1999—Seattle, Washington*

The Seattle listening session will be held at the U.S. Coast Guard Integrated Support Command Seattle located at 1519 Alaskan Way South, Seattle, Washington 98134. The listening session facility is located in the Healy Training Room in Building 7 of the Pier 36 Complex. The listening session is scheduled to run from 9:00am until 12:00 noon; following a break for lunch, the afternoon portion will reconvene at 1:30pm and conclude at 4:30pm.

Since access to the Coast Guard base is controlled for security, all visitors must show government-issued photo identification (e.g., driver's license, local/State/Federal agency identification, etc.) and sign-in with the security officer located at the entrance to the base. There is no parking available on-site, and visitors should look for parking spaces along Alaskan Way and under the Highway 99 viaduct.

*November 9, 1999—Des Plaines, Illinois*

The Chicago listening session will be held at the Federal Aviation Administration (FAA) Great Lakes Region Headquarters at 2300 East Devon Avenue, Des Plaines, Illinois 60018. The listening session facility is located in the Michigan Conference Room of the New Conference Center in the O'Hare Lake Office Center. The listening session is scheduled to run from 9:00 am until 12:00 noon; following a break for lunch, the afternoon portion will reconvene at 1:30pm and conclude at 4:30pm.

Since access to the FAA facility is controlled for security, all visitors must show government-issued photo identification (e.g., driver's license, local/State/Federal agency identification, etc.), sign-in with the security officer located at the entrance to the building, and wear a visitor's badge at all times while in the facility. There is parking available on-site.

*November 15, 1999—Jamaica, New York*

The New York City listening session will be held at the Federal Aviation Administration Eastern Region Headquarters at JFK International Airport in Jamaica, New York 11430. The listening session facility is located in Room 223 of Building 111, directly off the Van Wyck Expressway. The listening session is scheduled to run from 9:00am until 12:00 noon; following a break for lunch, the afternoon portion will reconvene at 1:30pm and conclude at 4:30 pm.

Since access to the FAA facility is controlled for security, all visitors must show government-issued photo identification (e.g., driver's license, local/State/Federal agency identification, etc.), sign-in with the security officer located at the entrance to the building, and wear a visitor's badge at all times while in the facility. As parking at Building 111 is limited, public transportation is recommended. The Green Bus Line "Q10" bus stops directly in front of, and behind, the building. Connections to the "Q10" can be made from the New York City "A", "E", and "F" subway lines.

**Authority:** 49 U.S.C. 504, 31133, 31136, and 31502; and 49 CFR 1.48.

Issued on October 13, 1999 at Washington, DC.

**William M. Wood,**

*Senior Transportation Specialist, Department of Transportation.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[I.D. 101399A]

#### Pelagics Fisheries of the Western Pacific Region

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

**ACTION:** Notice of Intent to prepare an Environmental Impact Statement (EIS); Notice of Intent to prepare an Environmental Assessment (EA); scoping meetings; request for comments.

**SUMMARY:** On October 6, 1999, NMFS announced its intent to prepare an EIS on Federal management of the fishery for pelagic species in the exclusive economic zone (EEZ) waters of the Western Pacific Region. The scope of the EIS analysis will include all activities related to the conduct of the fishery authorized and managed under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP) and all amendments thereto. Additionally, NMFS announced its intention to prepare an EA on the fishery for pelagic species in the EEZ waters of the Western Pacific Region. The scope of the analysis of the EA will include all activities related to the conduct of the fishery for the 2-year period NMFS anticipates is necessary to

prepare the EIS. Both the EIS and EA will examine the impacts of pelagics harvest on, among other things, sea turtles and seabirds.

NMFS will hold concurrent scoping meetings to provide for public input into the range of actions, alternatives, and impacts that the EIS and EA should consider. Scoping for the EIS and EA commenced with publication of the document published on October 6, 1999. In addition to holding the scoping meetings, NMFS is accepting written comments on the range of actions, alternatives, and impacts it should be considering for this EIS, as well as comments on the scope of the EA.

**DATES:** Written comments will be accepted through December 6, 1999. See ADDRESSES for location to mail written comments. See SUPPLEMENTARY INFORMATION for meeting times and special accommodations.

**ADDRESSES:** Written comments and requests to be included on a mailing list of persons interested in the EIS should be sent to Marilyn Luipold, Pacific Islands Area Office, NMFS, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700.

See SUPPLEMENTARY INFORMATION for meeting locations and special accommodations.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Luipold, 808-973-2937 or 2935 extension 204.

**SUPPLEMENTARY INFORMATION:** Under the Magnuson-Stevens Fishery Conservation and Management Act, the United States has exclusive fishery management authority over all living marine resources within the EEZ between the seaward boundary of each state or U.S. island possession seaward to 200 nautical miles from the baseline used to measure the territorial sea. The management of these marine resources is vested in the Secretary of Commerce and in eight regional fishery management councils. The Western Pacific Fishery Management Council (Council) has the responsibility to prepare FMPs for the marine resources that require conservation and management in the Western Pacific Region. The National Environmental Policy Act (NEPA) requires preparation of EISs for major Federal actions significantly impacting the quality of the human environment (40 CFR 1502.9(a)).

The FMP was developed by the Council, and regulations implementing management measures were published on February 17, 1987 (52 FR 5983). An EA was prepared for the action implementing the FMP. The FMP has been amended seven times, and NEPA