

of the United States Code (formerly under the Motor Vehicle Information and Cost Savings Act) may be disclosed when that information is relevant to a proceeding under the chapter under which the information was obtained.

(2) Information obtained under chapter 301 of title 49 of the United States Code (49 U.S.C. 30101 *et seq.*), relating to the establishment, amendment, or modification of Federal motor vehicle safety standards (FMVSS), may be disclosed when relevant to a proceeding under the chapter.

(3) Except as specified in the next sentence, information obtain under Chapter 301 of title 49 of the United States Code (49 U.S.C. 30101 *et seq.*), related to a possible defect or noncompliance, shall be disclosed when the Administrator decides the information will assist in carrying out sections 30117(b) and 30118 through 30121 of title 49 or that is required to be disclosed under 30118(a) of title 49, except as provided in paragraph (a)(4) of this section. Early warning information collected pursuant to regulations promulgated under section 30166(m) of title 49 (which was added by section 3(b) of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act) shall not be disclosed under this section, unless the Administrator determines the disclosure of the information will assist in carrying out sections 30177(b) and 30118 through 30121 of title 49.

(b) No information will be disclosed under paragraph (a) of this section unless the submitter of the information is given written notice of the Administrator's intention to disclose information under this section. Written notice will be given at least ten (10) working days before the day of release, unless the Administrator finds that shorter notice is in the public interest. The notice under this paragraph will include a statement of the Administrator's reasons for deciding to disclose the information, and will afford the submitter of the information an opportunity to comment on the contemplated release of the information. The Administrator may also give notice of the contemplated release of information to other persons and may allow these persons the opportunity to comment. In making the determination to release information pursuant to this section, the Administrator will consider ways to release the information that will cause the least possible adverse effects to the submitter.

(c) Notwithstanding any other provision of this part, information that

has been determined or claimed to be confidential may be released:

- (1) To a committee of Congress;
- (2) Pursuant to an order of a court with valid jurisdiction;
- (3) To the Office of the Secretary, U.S. Department of Transportation and other Executive branch offices or other Federal agencies in accordance with applicable laws;
- (4) With the consent of the submitter of the information; and
- (5) To contractors, if necessary for the performance of a contract with the agency or any Federal agency, with specific prohibitions on further release of the information.

Appendix A—Certificate in Support of Request for Confidentiality

Certificate in Support of Request for Confidentiality

I, _____, pursuant to the provisions of 49 CFR part 512, state as follows: (1) I am (official) and I am authorized by (company) to execute documents on behalf of (company);

(2) The information contained in (pertinent document(s)) is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) (as incorporated by reference in and modified by the statute under which the information is being submitted);

(3) I hereby request that the information contained in (pertinent document(s)) be protected for (requested period of time);

(4) I have personally inquired of the responsible (company) personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside (company);

(5) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which (company) has claimed confidential treatment has never been released or become available outside (company); (except as hereinafter specified):

(6) There have been no prior determinations by NHTSA, other Federal agencies, or Federal courts relating to the confidentiality of the submitted information; (except as hereinafter specified):

(7) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside (company) because of unauthorized or inadvertent disclosure (except as stated in Paragraph 5); and

(8) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the ____ day of ____, _____. (If executed outside of the United States of America: I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct). (signature of official)

Appendix B—Class Determinations

(a) The Office of Chief Counsel has determined presumptively that the following

classes of information would cause competitive harm if released:

(1) Blueprints and engineering drawings containing process and production data where the subject could not be manufactured without the blueprints or engineering drawings except after significant reverse engineering;

(2) Future specific model plans (to be protected only until the date on which the specific model to which the plan pertains is first offered for sale); and

(3) Future vehicle production or sales figures for specific models (to be protected only until the termination of the production period for the model year vehicle to which the information pertains);

(b) The Office of Chief Counsel has determined presumptively that the following classes of information would not cause competitive harm if released:

(1) Consumer complaints and related documents required to be submitted to the agency;

(2) Reports and data required to be submitted to the agency related to property damage claims;

(3) Reports and data required to be submitted to the agency related to warranty claims; and

(4) Test procedures used to certify compliance with applicable Federal motor vehicle safety standards (FMVSS) and the results of such testing.

Appendix C—OMB Clearance

The OMB clearance number for this regulation is 2127-0025.

National Highway Traffic Safety Administration.

Issued on: April 19, 2002.

Jeffrey W. Runge,
Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 041802C]

RIN 0648-AP76

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Atlantic Deep-Sea Red Crab Fishery Management Plan

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

ACTION: Notice of availability of a fishery management plan; request for comments.

SUMMARY: NMFS announces that the New England Fishery Management Council (Council) has submitted the Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP) for Secretarial review and is requesting comments from the public. The FMP is intended to prevent overfishing and maintain fleet capacity appropriate to the resource abundance.

DATES: Comments must be received on or before July 1, 2002.

ADDRESSES: Comments on the FMP should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Red Crab FMP."

Copies of the FMP, its Regulatory Impact Review (RIR) and the Initial Regulatory Flexibility Analysis (IRFA), and the Final Environmental Impact Statement (FEIS) are available from Paul J. Howard, Executive Director, New England Fishery Management Council

(Council), 50 Water Street, The Tannery - Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, Fishery Policy Analyst, 978-281-9272, fax 978-281-9135.

SUPPLEMENTARY INFORMATION: The FMP proposes an overfishing definition and implementation of the following measures: A target total allowable catch (TAC) level for the management area; a procedure for the development and revision of annual specifications; a framework adjustment process; a limited access program for the directed fishery; trip limits and incidental harvest allowances; permitting and reporting requirements, including an automated Interactive Voice Response (IVR) reporting system for limited access vessels; a Days-at-Sea (DAS) allocation effort control program; gear restrictions and gear marking requirements; trap/pot limits; restrictions on processing at sea; restrictions on retaining and landing female crabs in the directed fishery; mutilation restrictions; and other

measures for administration and enforcement.

A proposed rule that would implement the FMP may be published in the **Federal Register** for public comment, following NMFS' evaluation of the proposed rule under the procedures of the Magnuson-Stevens Act. Public comments on the proposed rule must be received by the end of the comment period on the FMP to be considered in the approval/disapproval decision on the FMP. All comments received by July 1, 2002, whether specifically directed to the FMP or the proposed rule, will be considered in the approval/disapproval decision on the FMP. Comments received after that date will not be considered in the decision to approve or disapprove the FMP.

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

Dated: April 25, 2002.

John H. Dunnigan,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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