

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration****49 CFR Parts 390 and 396**

[Docket No. FMCSA-98-3656]

RIN 2126-AA38

**General Requirements; Inspection, Repair, and Maintenance; Intermodal Container Chassis and Trailers****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of intent to consider negotiated rulemaking process.

**SUMMARY:** The FMCSA announces it is exploring the feasibility of conducting a negotiated rulemaking (Reg Neg) concerning maintenance of intermodal container chassis and trailers. The FMCSA has hired a convenor to speak to interested parties about the idea of a Reg Neg. The FMCSA anticipates that these interested parties may include driver organizations, motor carriers, ocean carriers, rail carriers, port authorities, chassis owners, safety advocacy groups, enforcement officials, and insurers.

**DATES:** Please submit your comments no later than January 13, 2003.

**ADDRESSES:** Please mail or hand deliver comments about this notice to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590; fax to the Docket Management Facility at 202-493-2251; or submit electronically at <http://dms.dot.gov>. Please include the docket number that appears in the heading of this document in your comments. You can copy or examine all comments received at the above street address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays and on-line at <http://dms.dot.gov>. If you want notification of receipt of comments please include a self-addressed, stamped postcard.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah M. Freund, Vehicle and Roadside Operations Division (MC-PSV), Office of Bus and Truck Standards and Operations, (202) 366-4009, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** On February 17, 1999, the FMCSA published an advance notice of proposed rulemaking (ANPRM) to

ensure that it would consider all the pertinent issues that could impact any potential rulemaking changes for the maintenance of intermodal container chassis and trailers (64 FR 7849). The FMCSA took comments on the ANPRM and held three public meetings in 1999. The meetings were held in the States of Washington, Illinois, and New York. Docket FMCSA-98-3656 has 100 comments and 3 meeting transcripts in response to the ANPRM and public meetings.

The Regulatory Identification Number (RIN) for this action had been 2125-AE40 in February 1999 and is now 2126-AA38.

The FMCSA is now studying the feasibility of using the Reg Neg process for this proceeding. In a Reg Neg, an agency invites representatives of interested parties that are likely to be affected by a regulation to work with each other and the agency on a negotiating committee to develop a consensus draft of a proposed rule. The agency would then publish the proposal for public comment under customary regulatory procedures. The FMCSA believes cooperative problem solving should be given serious consideration. An agency must determine whether an appropriate advisory committee can be assembled that would fairly represent all affected interests and negotiate in good faith. The FMCSA has, therefore, retained a neutral convenor (Charles Pou, Jr.) to undertake the initial stage in the Reg Neg process. Mr. Pou's curriculum vitae has been placed in docket FMCSA-98-3656 for the public's convenience.

The neutral convenor will interview affected interests, including but not limited to, driver organizations, motor carriers, ocean carriers, rail carriers, port authorities, chassis owners, safety advocacy groups, enforcement officials, insurers, and others. The convenor will determine whether additional categories of interested parties may be necessary. The convenor will, among other things, examine the potential for adequate and balanced representation of these varied interests on an advisory committee that would be convened to negotiate the regulation. The convenor will then submit a written report of findings and recommendations to the agency. The convenor's report will provide a basis for the FMCSA to decide whether to proceed with Reg Neg, and, if so, to determine the scope of the issues the committee would be charged with addressing. In the alternative, the FMCSA may decide to proceed with traditional notice-and-comment rulemaking, or to discontinue the rulemaking.

All interested parties should know that the confidentiality provisions of the Administrative Dispute Resolution Act, 5 U.S.C. Section 574, will apply to the convenor's activities. The Federal Government will make no claim to the convenor's notes, memoranda, or recollections or to documents provided to the convenor in confidence in the course of the convening process.

The convenor will not interpret FMCSA or DOT policy on behalf of the FMCSA or DOT nor make decisions on items of policy, regulation, or statute. The convenor will not take a stand on the merits of substantive items under discussion.

The FMCSA will provide any comments it receives in reaction to this notice to the convenor and will file the comments in docket FMCSA-98-3656. If you want to submit comments to this notice directly to the docket, use the addresses above under the heading

**ADDRESSES.**

Should the FMCSA decide to proceed with a Reg Neg process, the agency will follow the procedures set forth in the Negotiated Rulemaking Act of 1996, 5 U.S.C. 561 *et seq.* This would include the establishment of a negotiating committee under the Federal Advisory Committee Act (5 U.S.C. Appendix 2), and a **Federal Register** notice setting forth full particulars about the process and public participation.

Issued on: November 22, 2002.

**Brian M. McLaughlin,**

Associate Administrator for Policy and Program Development.

[FR Doc. 02-30102 Filed 11-27-02; 8:45 am]

BILLING CODE 4910-EX-P

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 18**

RIN 1018-AH86

**Florida Manatees; Incidental Take During Specified Activities; Proposed Rule: Notice of Public Hearings****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule; notice of public hearings.

**SUMMARY:** We, the Fish and Wildlife Service, give notice that we are holding an additional public hearing on the proposed rule to allow incidental take of Florida manatees under the Marine Mammal Protection Act. We invite all interested parties to submit comments on this proposal.

**DATES:** We will hold an additional public hearing from 6 to 9 p.m. on Thursday, December 12, 2002, in Fort Lauderdale, Florida (see item 7. under **ADDRESSES**). Previously announced hearings will be held from 6 to 9 p.m. on Monday December 2, 2002, in Fort Myers, Florida; Tuesday December 3, 2002, in Tampa, Florida; Wednesday December 4, 2002, in Melbourne, Florida; Thursday December 5, 2002, in Daytona Beach, Florida; Monday December 9, 2002, in Palatka, Florida; and Tuesday December 10, 2002, in Gainesville, Florida. The comment period will close on January 13, 2003. We will consider any comments received by the closing date in the final decision on this proposal.

**ADDRESSES:** We will hold the public hearings at the following locations:

1. Harborside Convention Hall, 13675 Monroe St., Ft. Myers, Florida
2. Holiday Inn, 4732 N. Dale Mabry Hwy., Tampa, Florida
3. Radisson Hotel & Conference Center, 3101 N. Highway A1A, Melbourne, Florida
4. Daytona Beach Resort & Conference Center, 2700 N. Atlantic Ave., Daytona Beach, Florida
5. Holiday Inn Conference Center, 201 North 1st St., Palatka, Florida
6. Doubletree University Florida Hotel & Conference Center, 1714 SW 34th St., Gainesville, Florida
7. Renaissance Hotel, 1617 SE 17th St (SR A1A), Fort Lauderdale, Florida

You may submit written comments and materials concerning the proposal at the hearings or send them directly to the Field Supervisor, U.S. Fish and Wildlife Service, North Florida Field Office, ATTN: Proposed MMPA Rule, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216. You may also hand-deliver written comments to our North Florida Field Office, at the above address, or fax your comments to 904/232-2404. Additionally, you may send comments by electronic mail (e-mail) to [manatee@fws.gov](mailto:manatee@fws.gov).

Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours from 8:00 a.m. to 4:30 p.m., at the above address. You may obtain copies of the proposed rule and draft environmental impact statement from the above address or by calling 904/232-2580, or from our Web site at <http://northflorida.fws.gov>.

**FOR FURTHER INFORMATION CONTACT:** Peter Benjamin (see **ADDRESSES** section), telephone 904/232-2580; or visit our Web site at <http://northflorida.fws.gov>.

**SUPPLEMENTARY INFORMATION:** We published proposed regulations that would authorize for the next five years the incidental, unintentional take of small numbers of Florida manatees (*Trichechus manatus latirostris*) resulting from government activities related to watercraft and watercraft access facilities within three regions of Florida in the **Federal Register** on November 14, 2002 (67 FR 69078).

Under the provisions of the Marine Mammal Protection Act (MMPA), the Secretary of the Department of the Interior may authorize the incidental taking of small numbers of marine mammals in a specified geographic area if the Secretary finds, based on the best scientific evidence available, that the total taking for the authorized period will have no more than a negligible impact on the species or stock. If this finding is made, specific regulations will be established for the activities that describe permissible methods of taking; means of effecting the least practicable adverse impact on the species and its habitat; and requirements for monitoring and reporting. If the Secretary cannot make a finding that the total taking will have a negligible impact on the species or stock, the Secretary must publish the negative finding in the **Federal Register** along with the basis for such determination.

We have defined the specified geographic area for the proposed rule to be the species' range within the State of Florida. Long-term studies suggest four regional populations of manatees in Florida—Northwest, Upper St. Johns River (from Palatka south), Atlantic (including the St. Johns River north of Palatka), and Southwest. Through this rule, we have defined these populations as stocks. We proposed a finding that the total expected takings of Florida manatee resulting from government activities related to watercraft and watercraft access facilities would have a negligible impact in the Upper St. Johns River and Northwest stocks and a negligible impact with the implementation of additional mitigating measures on the Atlantic Stock. For the Southwest Stock, the best available information indicates that these activities would have more than a negligible impact on the Stock and, therefore, we did not propose to authorize incidental take for this Stock (*i.e.*, a negative finding). We also

announced the availability of a draft environmental impact statement for this action.

We announced the date, time and location of the public hearings in Fort Myers, Tampa, Melbourne, Daytona Beach, Palatka and Gainesville, FL with the notice of the proposed rule. We stated that additional public hearings would be held at dates, times, and sites to be determined. This notice provides information regarding the additional hearing in Fort Lauderdale, FL.

Public hearings are designed to gather relevant information that the public may have that we should consider in our rule-making. During the hearing, we will present information about the proposed action. We invite the public to submit information and comments either at the hearings or in writing.

We may limit the time allotted for oral statements, if the number of people who wish to comment necessitates such a limitation. We encourage persons wishing to comment at the hearings to provide a written copy of their statement at the start of the hearing. There is no limit on the length of written comments. Persons may also send written comments to our office in the **ADDRESSES** section at any time during the open comment period, which closes on January 13, 2002. We will give equal consideration to oral and written comments. We are publishing legal notices announcing the date, time, and location of the hearings in newspapers, concurrently with this **Federal Register** notice.

Persons needing reasonable accommodations in order to attend and participate in the public hearing should contact Chuck Underwood of the North Florida Field Office (*see* **ADDRESSES** section) as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the hearing.

#### Author

The primary author of this notice is Pete Benjamin (*see* **ADDRESSES** section).

#### Authority

The authority for this action is the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361-1407).

Dated: November 25, 2002.

#### Craig Manson,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 02-30374 Filed 11-27-02; 8:45 am]

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