mandates as defined by the Unfunded Mandates Reform Act of 1995.

Finally, the proposal does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act of 1995.

List of Subjects in 49 CFR Part 10:

Penalties, Privacy.

Accordingly, DOT proposes to amend 49 CFR part 10 as follows:

PART 10—[AMENDED]

1. The authority citation to part 10 would remain as follows:

Authority: 5 U.S.C. 552a; 49 U.S.C. 322.

2. Part II.A of the appendix to part 10 would be amended by adding a new paragraph 15, to read as follows:

Appendix to Part 10—Exemptions

* * * * *

Part II. Specific exemptions.

A. * * *

* * * * *

15. Marine Safety Information System, maintained by the Operations Systems Center, U.S. Coast Guard (DOT/CG 588). The purpose of this exemption is to prevent persons who are the subjects of criminal investigations from learning too early in the investigative process that they are subjects, what information there is in Coast Guard files that indicates that they may have committed unlawful conduct, and who provided such information.

* * * * *

Issued in Washington, DC, on November 18, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97–31171 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172 and 175

[Docket HM–224A; Notice No. 97–15]

RIN 2137–AC92

Hazardous Materials: Prohibition of Oxidizers Aboard Aircraft; Notice of Public Meeting and Reopening of Comment Period

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Proposed rules; public meeting and reopening of comment period.

SUMMARY: RSPA is inviting additional comments concerning proposals to prohibit the transportation of oxidizers in passenger-carrying aircraft and in inaccessible locations on cargo aircraft, as issued by RSPA in a notice of proposed rulemaking on December 30, 1996, and a supplemental notice of proposed rulemaking on August 20, 1997. RSPA and FAA will hold a public meeting on January 14, 1998, in Washington, DC. In addition, RSPA is reopening the comment period for Docket HM–224A until February 13, 1998.

DATES: *Comments.* Comments must be received by February 13, 1998.

Public meeting The public meeting will be held on January 14, 1998 beginning at 9:00 a.m.

ADDRESSES: *Comments.* Address comments to the Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, room 8421, 400 Seventh Street, SW, Washington, D.C. 20590–0001. Comments should identify the docket number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. Comments may also be submitted by e-mail to the following address: rules@rspa.dot.gov. The Dockets Unit is located in the Department of Transportation headquarters building (Nassif Building) at the above address on the eighth floor. Public dockets may be reviewed there between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Public meeting The public meeting will be held at the Federal Aviation Administration Auditorium, Third floor, 800 Independence Avenue, SW, Washington, D.C. 20591. Any person planning to present a statement at the public meeting should notify Diane LaValle, by telephone or by e-mail before January 9, 1998. Oral statements should be limited to 10 minutes in length.

FOR FURTHER INFORMATION CONTACT: Diane LaValle or John Gale, Office of Hazardous Materials Standards, (202) 366–8553, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590–0001. E-mail address: rules@rspa.dot.gov.

SUPPLEMENTARY INFORMATION: On December 30, 1996, RSPA published a notice of proposed rulemaking in the **Federal Register** [61 FR 68955] which proposed to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) to prohibit the carriage of oxidizers, including compressed oxygen, in passenger-carrying aircraft and in inaccessible locations on cargo aircraft. The December 30, 1996 notice of proposed rulemaking analyzed Class D cargo compartments. On August 20, 1997 a supplemental notice of proposed rulemaking was published in the **Federal Register** [62 FR 44374] which specifically analyzed the prohibition of oxidizers in other than Class D cargo compartments.

Nine associations requested that RSPA schedule a public meeting to more fully explore issues relating to the necessity and effect of the proposed ban on transportation of oxidizers aboard aircraft. RSPA believes the request has merit and will hold a public meeting on January 14, 1998 to provide an opportunity for oral comment on the proposed action. RSPA is also reopening the comment period to provide additional time for submission of written comments.

Issued in Washington, DC on November 21, 1997 under authority delegated in 49 CFR, Part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97–31114 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–97–3148]

RIN 2127–AC62

Federal Motor Vehicle Safety Standards; Fuel System Integrity; Crossover Lines

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Termination of rulemaking.

SUMMARY: This document terminates a rulemaking in which the agency had considered amending Federal Motor Vehicle Safety Standard No. 301, *Fuel System Integrity,* to limit fuel spillage experienced by vehicles equipped with a crossover fuel line. Upon reviewing the comments on its proposal, the agency concludes that the safety benefits of the proposed amendment are too small to justify its issuance.

FOR FURTHER INFORMATION CONTACT: *For technical issues:* Dr. William J.J. Liu, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C., 20590. Telephone: (202) 366–4923. FAX (202) 366–4329.

For legal issues: Ms. Nicole Fradette, Office of Chief Counsel, NCC–20, telephone (202) 366–2992, FAX (202) 366–3820.

SUPPLEMENTARY INFORMATION:

I. Background

A. Standard No. 301, Fuel System Integrity

Federal Motor Vehicle Safety Standard No. 301, *Fuel System Integrity,* specifies requirements for the integrity of motor vehicle fuel systems, including the fuel tanks, lines and connections and emission controls. The standard's principal purpose is to reduce deaths and injuries from fires caused by fuel spillage during and after motor vehicle crashes. The standard currently applies to passenger cars, and to multipurpose passenger vehicles, trucks and buses that have a gross vehicle weight rating (GVWR) of 10,000 pounds or less and use fuel with a boiling point above 32° Fahrenheit. The only type of vehicle with a GVWR over 10,000 pounds to which the Standard applies is school buses.

B. California Highway Patrol Rulemaking Petition

On May 30, 1986, the California Highway Patrol (CHP) submitted a rulemaking petition requesting NHTSA to amend Standard No. 301 to establish requirements to protect fuel lines, crossover lines and bottom fittings on medium and heavy trucks [1] against breakage when struck by road debris. The petitioner believed that such requirements would reduce the frequency and magnitude of fuel spills caused when road debris damage the fuel tank, the shut-off valve, or the crossover line on medium and heavy trucks and truck tractors.

The CHP based its petition on data gathered from 142 diesel fuel spills that occurred on Southern California highways during 1984 and 1985. According to the petition, ''one-third of the 142 spills were caused by an object on the road being struck by [a heavy vehicle's] front wheels and thrown against the tank or fuel lines.'' CHP stated that the major consequence of these diesel fuel spills was the cost to the State of cleaning the spill, investigating the leak, and undertaking traffic control. In addition, CHP stated that seven ''secondary'' crashes were caused by vehicles that struck a dropped fuel tank or skidded out-of-control on spilled fuel. Based on the above considerations, CHP requested that NHTSA issue standards that would protect fuel lines, crossover lines and bottom fittings against breakage from road debris.

On May 2, 1988, NHTSA published a notice granting the CHP petition to establish performance requirements for crossover lines, end fittings, and shut off valves. (53 FR 15578). In the grant notice, the agency stated that—

> The issues raised by the petitioner warrant further consideration. NHTSA plans to conduct research into the issue of heavy vehicle post-crash fires to determine whether rulemaking is appropriate on this issue.

C. Crossover Fuel Lines

The principal focus of the CHP petition was crossover fuel lines. These fuel lines are used on heavy vehicles with dual fuel tanks to enable the tanks to maintain a constant fuel level and to allow the engine to draw fuel from only one tank. The crossover line is typically one of the fuel system components closest to the ground. In this location, an unprotected crossover line is susceptible to being struck by road debris, or being snagged in crashes when the truck rides over another vehicle or highway structure.

Given the vulnerability of a crossover line, fuel spills can be prevented by routing the fuel line through a metal sleeve or attaching the fuel line to the rear of an angle iron or beam. Such means of protection have become increasingly common. Another way to prevent fuel spills is through the use of breakaway/frangible valves installed at the point where the line would otherwise be attached to each tank. These valves are designed to break before any other part of the line and to seal both sides of the break. [2] To date, relatively few motor vehicles have been equipped with these devices.

II. NHTSA Proposal

Following its grant of the CHP petition, NHTSA conducted a test program at its Vehicle Research and Test Center (VRTC) to develop an appropriate test procedure for crossover lines. On May 17, 1994, NHTSA published a notice of proposed rulemaking (NPRM) proposing to amend Standard No. 301 to limit fuel spillage experienced by vehicles equipped with a crossover fuel line (59 FR 25590). The proposal incorporated the VRTC test procedure, which is documented in a report submitted to the docket. [3]

The agency proposed that fuel leakage be limited to 30 grams (1 ounce) by weight, beginning with the onset of the application of a 11,100 Newtons (2,500 pounds) test force to the crossover fuel line and ending two minutes after the end of the test force application. NHTSA tentatively concluded that the proposed requirements would eliminate most of the fuel spillage from crossover line breakage and estimated that it would prevent one fatality and 55 injuries each year that occur in secondary crashes due to fuel spillage. NHTSA requested comments on whether there is a safety need for the proposal.

D. Society of Automotive Engineers and NHTSA Tests

While NHTSA analyzed the public comments on the NPRM, the agency also conducted a test program to evaluate and compare the proposed test procedure with a test procedure for crossover lines independently developed by the Society of Automotive Engineers (SAE). SAE had drafted Recommended Practice J1624, *Fuel Crossover Line,* to evaluate and set minimum strength requirements for crossover lines. The SAE draft Recommended Practice included a different test procedure than the proposed procedure. The Recommended Practice specifies a different and higher load level of 22,200 Newtons (5,000 pounds) compared to the 11,100-Newton (2,500 pound) load of the proposed procedure, and applies the load in a different manner.

The VRTC report concluded that the proposed test procedure and the SAE draft test procedure were both generally reasonable and practicable.[4] The report further stated that the draft SAE J1624 Recommended Practice included test procedures and requirements that were more rigorous than necessary to evaluate current crossover fuel lines. The report concluded that the SAE test procedure may result in much higher costs to manufacturers and consumers than fuel systems meeting the NHTSA tests. Although it favored the VRTC procedure over the SAE procedure, the report concluded that both procedures needed significant modifications before they could be incorporated into a Federal motor vehicle safety standard.

III. Comments

NHTSA received 15 comments on the NPRM proposing to prevent fuel spillage from crossover fuel lines. The commenters included nine vehicle manufacturers (Mack Trucks,

[1] Those trucks that have a GVWR greater than 10,000 pounds.

[2] These valves are referred to as frangible valves throughout the remainder of the document.

[3] ''Testing to Develop Fuel System Integrity Standard,'' VRTC, March 1992.

[4] ''Testing to Evaluate Two Proposed Fuel Crossover Line Protection Procedures,'' VRTC, June 1995.

Mitsubishi, Ford, PACCAR, Flxible, General Motors (GM), Navistar, Bugatti Automobili, and Lotus), four associations (the California Trucking Association (CTA), the National Truck Equipment Association (NTEA), American Trucking Associations (ATA), and the American Automobile Manufacturers Association (AAMA)), and two safety groups (the National Fire Protection Association (NFPA) and Advocates for Highway and Auto Safety (Advocates).

Commenters expressed differing views about the need to require crossover fuel line protection. Advocates, NFPA, CTA and Mitsubishi supported the proposal. Mack, ATA, NTEA, AAMA, GM, Ford, Bugatti, and Lotus opposed it. ATA, NTEA, and AAMA stated that they were not aware of any safety problem associated with fires resulting from crossover line failure. ATA stated that manufacturers have already recognized the need to provide fuel systems with greater resistance to fuel leakage and are voluntarily providing them. Mack, NTEA, and GM stated that there was a trend in the industry away from crossover fuel lines.

Commenters addressed other issues including harmonization with a SAE Recommended Practice, frangible valves, cost and application, leadtime, and the proposed test procedures and performance requirements.

IV. Agency Decision

After reviewing its own reports and the public comments on this proposal, NHTSA has decided not to issue a requirement for crossover fuel line protection and to terminate rulemaking on this issue.

To complete rulemaking on the proposed amendment, the agency would need to devote significant agency resources to refine the proposed test procedures. The agency believes such an expenditure of additional resources is not warranted, given the limited and uncertain benefits that could be obtained from such a requirement.

The comments show that the vehicle manufacturers have developed and implemented new designs that eliminate the need for crossover lines in many vehicles. The agency anticipates that the trend toward new systems that eliminate crossover lines will continue. In the interval since the NPRM was issued, the industry has significantly improved their design for those vehicles that will continue to use crossover lines. Based on information supplied by the industry, the agency estimates that less than 50 percent of trucks are still produced with crossover lines. Of these vehicles, 90 percent are equipped with substantial protective structures that are able to withstand the 2,500-pound test load proposed in the NPRM. Thus, the agency believes that the proposed requirement would affect fewer than five percent of the new truck population. The agency further believes that even fewer heavy trucks will be equipped with crossover lines in the future.

The agency estimated in the NPRM that the requirement would prevent one fatality and two nonfatal injuries per year due to fires (and 0.6 fatality and 55 nonfatal injuries due to secondary crashes caused by fuel spillage). In view of the trends in manufacturing practices noted above, the agency believes that these estimates overstate the benefits that would result in the future from the requirement.

In addition to the reduced benefits from the requirement, the per-vehicle costs would have been substantial ($50 or more per truck and $1,000 per test).

For the reasons set forth above, NHTSA has decided to terminate the rulemaking action to amend Standard No. 301 that would have required crossover fuel line protection.

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

Issued on: September 24, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[Signature page for RIN 2127–AC62]

(Termination of Rulemaking)

[FR Doc. 97–31263 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 285, 630, 644, and 678

[I.D. 100897B]

Atlantic Highly Migratory Species; Scoping Document; Extension of Comment Period

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

ACTION: Notice of availability; request for comments; extension of comment period.

SUMMARY: NMFS announces the extension of the public comment period on the scoping document for Highly Migratory Species (HMS) fishery management. The public comment period is hereby extended from December 1, 1997, to January 9, 1998, to give members of the public additional time to review and comment on the issues and options that are discussed in the scoping document. Any written comments received by that date will be considered by NMFS in developing a set of alternatives for management measures.

DATES: Acceptance of written comments is extended from December 1, 1997, to January 9, 1998.

ADDRESSES: Written comments and requests for copies of the scoping document should be directed to the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD. 20910. PHONE:(301)713–2347. FAX: (301)713–1917. The scoping document is also available on the Internet at http://kingfish.ssp.nmfs.gov/sfa/.

FOR FURTHER INFORMATION CONTACT: Liz Lauck or Jill Stevenson, (301) 713–2347.

SUPPLEMENTARY INFORMATION: NMFS is considering management measures for the fisheries for Atlantic tunas, Atlantic swordfish, Atlantic shark, and Atlantic billfish to be included in a comprehensive Fishery Management Plan (FMP) for Atlantic tunas, swordfish and sharks, and an amendment to the Billfish FMP. Options for management may include long-term rebuilding programs, reallocation of quotas, recreational bag limits, commercial trip limits, minimum size restrictions, time/area closures, regional quotas, consistency between state and Federal regulations, gear restrictions, limited access, identification and protection of essential fish habitat, and permitting and reporting requirements.

Consistent with the new requirements of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS established an HMS Advisory Panel (AP) and a Billfish AP to assist in developing and amending FMPs for HMS species. In the case of any species identified as overfished, the APs will also assist in developing rebuilding programs. The scoping document, developed with input from the APs, outlines major issues and options under consideration.

NMFS has held a series of scoping meetings to gather public input on a broad range of issues and options that may be considered in addressing HMS issues (62 FR 54035, October 17, 1997). Public input is also sought through written comments that may be mailed or faxed to the Highly Migratory Species Management Division (see **ADDRESSES**). Based upon several requests from the