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Rosalind A. Knapp,

Acting General Counsel.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 385, 386, 390, 392, 393, 396, and Appendix G to Subchapter B of Chapter III

[Docket No. FMCSA-2005-23315]

RIN 2126-AA86

#### Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment; Reopening of Comment Period

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of public listening sessions; reopening of comment period.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) is reopening until May 21, 2007, the comment period on its December 21, 2006 notice of proposed rulemaking (NPRM) concerning inspection, repair and maintenance responsibilities for intermodal equipment providers and motor carriers operating container chassis. The FMCSA is also announcing a series of public listening sessions to obtain additional feedback on the Agency's NPRM from motor carriers, representatives of the intermodal transportation industry, and interested parties. The listening sessions are intended to provide all interested parties an opportunity to respond to the issues associated with this rulemaking. All oral comments will be transcribed and placed in the public docket identified at the beginning of this notice.

**DATES:** Your comments must be submitted to the docket on or before May 21, 2007.

*Dates for the public listening sessions:* April 27, 2007, from 10 a.m. to 4:30 p.m., in Norfolk, VA; May 3, 2007, from 9:30 a.m. to 4:30 p.m., in Port Newark, NJ; and May 18, 2007, from 9:30 a.m. to 4:30 p.m., in Long Beach, CA.

**ADDRESSES:** The April 27, 2007 meeting will be held at the *Kirn Memorial Library, 301 East City Hall Avenue, Norfolk, Virginia*. The May 3, 2007 meeting will be held at *The Seamen's Church Institute, SCI's Seafarers'*

*Center, 118 Export Street, Port Newark, New Jersey*. The May 18, 2007 meeting will be held at the *Holiday Inn Long Beach Airport, 2640 Lakewood Boulevard, Long Beach, California*.

**FOR FURTHER INFORMATION CONTACT:** Ms Deborah M. Freund, Senior Transportation Specialist, Vehicle and Roadside Operations Division, FMCSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366-4009 or e-mail [deborah.freund@dot.gov](mailto:deborah.freund@dot.gov). Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

If you wish to make a formal presentation, please contact Ms. Deborah Freund no later than 5 p.m., e.t., 2 business days before the date of the session you will attend. *Information on Services for Individuals with Disabilities:* For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, please e-mail or telephone Deborah Freund. To request special assistance for one or more of the Listening Sessions, contact Ms. Freund no later than 5 business days before the date of the session.

You may also submit comments to the DOT Docket Management System (DMS), referencing Docket Number FMCSA-2005-23315, using any of the following methods:

- *Web Site:* <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- *Fax:* 1-202-493-2251. Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions must include the Agency name and docket number or Regulatory Identification Number (RIN 2126-AA86) for this rulemaking. Note that all comments received will be posted without change to <http://dms.dot.gov> including any personal information provided. For additional information on submitting comments, see the Supplemental Information section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to <http://>

[dms.dot.gov](http://dms.dot.gov) at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 21, 2006 (71 FR 76796), FMCSA published an NPRM to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to address the safety of intermodal equipment (IME) used by motor carriers for transportation of intermodal containers in interstate commerce. As mandated by section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), this rulemaking would require intermodal equipment providers (IEPs) to register and file with FMCSA an Intermodal Equipment Provider Identification Report (Form MCS 150C); display the USDOT Number, or other unique identifier, on each intermodal container chassis offered for transportation in interstate commerce; establish a systematic inspection, repair, and maintenance program to ensure the safe operating condition of each intermodal container chassis; maintain documentation of the program; and provide a means to effectively respond to driver and motor carrier reports about intermodal container chassis mechanical defects and deficiencies.

The proposed regulations would for the first time make IEPs subject to the Federal Motor Carrier Safety Regulations (FMCSRs). The agency is also proposing additional inspection requirements for motor carriers and drivers operating intermodal equipment. The intent of this rulemaking is to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained. Improved maintenance is expected to result in fewer out-of-service orders and highway breakdowns involving intermodal chassis and improved efficiency of the Nation's intermodal transportation system. To whatever extent inadequately maintained intermodal chassis are responsible for,

or contribute to, crashes, this proposal would also help to ensure that commercial motor vehicle (CMV) operations are safer.

#### Purpose of the Listening Session

The FMCSA is committed to providing all interested parties an opportunity to discuss their perspectives on the pertinent issues that could affect any potential rulemaking changes. The Agency has received numerous comments in response to its NPRM but believes additional information could be obtained through these listening sessions.

Participants at the listening sessions will be given the opportunity to submit questions that they would like to hear discussed by others in attendance. FMCSA encourages persons who have prepared statements to submit them to the public docket rather than use time at a listening session to read them aloud. Persons who wish to submit written comments or statements should submit the information to the public docket identified in this notice. Those who desire notification of receipt of their 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.

Issued on: April 10, 2007.

Larry W. Minor,

Acting Associate Administrator, Policy and Program Development.

[FR Doc. 07-1865 Filed 4-11-07; 12:48 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 223 and 224

[Docket No. 070402074-7074-01; I.D. No. 032207B]

#### Endangered and Threatened Wildlife and Plants: 90-Day Finding for a Petition to List Black Abalone as Threatened or Endangered under the Endangered Species Act

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

**ACTION:** Proposed rule; petition finding; request for information.

**SUMMARY:** We, the NMFS, have received a petition to list the black abalone (*Haliotis cracherodii*) as a threatened or endangered species and to designate

critical habitat under the Endangered Species Act (ESA). We find that the petition presents substantial scientific information indicating that the petitioned action may be warranted. This finding normally initiates a formal status review, but as described below in the Background section (see **SUPPLEMENTARY INFORMATION**), in this case, we had already initiated a formal status review on October 17, 2006. To ensure that the review is comprehensive, we are soliciting information pertaining to this species, any potential critical habitat, and recommendations of qualified individuals to peer review the agency's black abalone status review report.

**DATES:** Information and comments on this action must be received by June 12, 2007.

**ADDRESSES:** You may submit information and/or comments by any of the following methods:

- E-Mail:

*BlackAbalone.Comments@noaa.gov*

- Mail: Submit written comments to Chief, Protected Resources Division, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA, 90802-4213.

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

An electronic version of the petition can be obtained via the Internet at: <http://www.nmfs.noaa.gov> or by submitting a request to the Assistant Regional Administrator, Protected Resources Division, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Melissa Neuman, NMFS, Southwest Region (562) 980-4115 or Lisa Manning, NMFS, Office of Protected Resources (301) 713-1401.

#### SUPPLEMENTARY INFORMATION:

##### Background

Black abalone was added to NMFS' Candidate Species list on June 23, 1999 (64 FR 33466), transferred to NMFS' Species of Concern list on April 15, 2004 (69 FR 19975), and has since been considered for listing on the List of Endangered and Threatened Species under the ESA. The species is currently listed on the International Union for the Conservation of Nature and Natural Resources (IUCN) Red List of Threatened Species (Smith *et al.* 2003). We initiated an informal ESA status review of black abalone on July 15, 2003, and conducted biological scoping workshops on January 29-30, 2004 and July 31-August 1, 2006. We formally

announced initiation of a black abalone status review on October 17, 2006 (71 FR 61021), and at that time solicited information from the public on the following topics: (1) long-term trends in abundance throughout the species' range; (2) potential factors for the species' decline throughout its range (e.g., overharvesting, natural predation, disease, habitat loss etc.); (3) status of the black abalone fishery in Mexico; (4) implication of low population size for black abalone conservation; (5) factors important for black abalone management; (6) current estimate of population size and available habitat; (7) knowledge of various life history parameters (size/age at maturity, fecundity, length of larval stage, larval dispersal dynamics, etc.); and (8) projections on population growth or decline and risk of extinction. On December 27, 2006, we received a petition from the Center for Biological Diversity (CBD) requesting that we list black abalone as either an endangered or threatened species under the ESA and designate critical habitat for the species concurrently with any listing determination.

Section 4(b)(3)(A) of the ESA (16 U.S.C. 1531 *et seq.*) requires that we make a finding as to whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. Our joint NMFS/U.S. Fish and Wildlife Service ESA implementing regulations (50 CFR 424.14) define "substantial information" as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. In determining whether substantial information exists for a petition to list a species, we consider several factors, including information submitted with and referenced in the petition and all other information readily available in our files. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If we find that a petition presents substantial information indicating that the requested action may be warranted, section 4(b)(3)(B) of the ESA requires the Secretary of Commerce (Secretary) to conduct a status review of the species and make a finding as to whether the petitioned action is warranted within 1 year of the receipt of the petition.