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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Part 173

[Docket Number PHMSA-2009-0303 (HM-213D)]

RIN 2137-AE53

#### Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** PHMSA is notifying the public of our intent to extend the comment period by 30 days for a notice of proposed rulemaking published on January 27, 2011.

**DATES:** The comment period for the NPRM closing on March 28, 2011, is extended until April 27, 2011.

**ADDRESSES:** You may submit comments identified by the docket number (PHMSA-2009-0303) by any of the following methods:

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

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* To Docket Operations, Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**Instructions:** All submissions must include the agency name and docket number for this notice at the beginning of the comment. Note that all comments received will be posted without change to the docket management system, including any personal information provided.

**Docket:** For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov>, or DOT's Docket Operations Office (see **ADDRESSES**).

[www.regulations.gov](http://www.regulations.gov), or DOT's Docket Operations Office (see **ADDRESSES**).

**FOR FURTHER INFORMATION CONTACT:** Dirk Der Kinderen, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, telephone (202) 366-8553; or Leonard Majors, Engineering and Research Division, Pipeline and Hazardous Materials Safety Administration, telephone (202) 366-4545.

**Privacy Act:** Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, 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 (65 FR 19477) or you may visit <http://www.regulations.gov>.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On January 27, 2011, PHMSA published a notice of proposed rulemaking (NPRM) (HM-213D; 76 FR 4847) seeking public comment on a proposal to prohibit the transportation of flammable liquids in exposed external product piping (wetlines) on a cargo tank motor vehicle (CTMV) unless the CTMV is equipped with bottom damage protection that conforms to the requirements of § 178.337-10 or § 178.345-8(b)(1), as appropriate. We also invited comment on a number of provisions associated with this proposed prohibition such as the residue performance standard relating to applicability of the proposed prohibition as well as conditional exceptions and the proposed transition period and compliance dates. See the January 27, 2011 NPRM for background and a complete discussion of the proposals.

##### II. Comment Period Extension

We received comments from the American Trucking Associations, Inc. (ATA), the Commercial Vehicle Safety Alliance, the National Tank Truck Carriers, Inc., and the Tank Truck Manufacturers Association requesting an extension of the comment period. These member organizations represent carriers, manufacturers, and officials affected by the NPRM. They state their primary basis for extension is to allow for thorough review and analysis of the HM-213D docket materials. For example, the ATA notes in their comment that the regulatory evaluation

for this NPRM contains numerous new assumptions and revised economic analyses that warrant extensive evaluation by industry experts and outside consultants. They indicate that the evaluation will require a review of (1) The wetlines incidents cited by PHMSA; (2) the use and retrofit requirements associated with a manual purging system; and (3) the feasibility of alternatives available to comply with the proposed prohibition. The associations also indicate the need for time to convene with members at meetings scheduled to occur in April and May of 2011 to present findings and to obtain feedback. Additionally, the comment period for this NPRM overlaps with numerous other regulatory initiatives within DOT and other Federal agencies, such as the Environmental Protection Agency, the Occupational Safety and Health Administration, and the U.S. Customs and Border Protection that impact their members. Finally, they note that the trucking industry is dominated by small businesses that do not have the resources to understand and meaningfully participate in the rulemaking process of so many concurrent rulemaking actions. In light of the significance of this rulemaking to their members and for the reasons summarized above, the associations request that PHMSA grant an extension to the HM-213D NPRM comment period ranging from sixty days to six months.

Although PHMSA continues to believe that the initial 60-day comment period provides enough time to review and respond to the rulemaking proposals and supporting material, PHMSA is consenting to the commenter requests to extend the comment period to ensure sufficient time for public review. However, we do not consider a lengthy extension (e.g., 120 days) to be warranted. Accordingly, in the interest of moving this rulemaking action forward in a timely manner, we believe, in addition to the time that remains in the current comment period, extending the comment period by 30 days would be sufficient to relieve the burdens of conducting an extensive evaluation, overlapping rulemaking actions, and needing time to meet with respective trucking industry members for feedback. Thus, the comment period for the HM-213D NPRM is extended from March 28, 2011 until April 27, 2011.

Issued in Washington, DC, on March 11, 2011 under authority delegated in 49 CFR part 106.

**Magdy El-Sibaie,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 2011-6175 Filed 3-16-11; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 110303179-1178-02]

**RIN 0648-XA163**

#### Fisheries of the Northeastern United States; Proposed 2011 Specifications for the Spiny Dogfish Fishery

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes specifications for the spiny dogfish fishery for the 2011 fishing year (FY) (May 1, 2011, through April 30, 2012). The implementing regulations for the Spiny Dogfish Fishery Management Plan (FMP) require NMFS to publish specifications for up to a period of 5 years, and to provide an opportunity for public comment on those specifications. The intent of this rulemaking is to specify the commercial quota and other management measures for FY 2011 only. Specifically, for FY 2011, NMFS proposes that the annual quota be set at 20 million lb (9,071.85 mt), and that the possession limit for dogfish remain 3,000 lb (1.36 mt). These proposed specifications and management measures are consistent with the FMP and promote the utilization and conservation of the spiny dogfish resource.

**DATES:** Public comments must be received no later than 5 p.m. eastern standard time on April 18, 2011.

**ADDRESSES:** You may submit comments, identified by RIN 0648-XA163, by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.
- **Fax:** 978-281-9135, Attn: Lindsey Feldman.
- **Mail:** Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic

Drive, Gloucester, MA 01930. Mark the outside of the envelope: "Comments on 2011 Dogfish Specifications."

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of supporting documents used by the Mid-Atlantic Fishery Management Council (MAFMC), including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N. State St., Dover, DE 19901. The EA/RIR/IRFA is also accessible via the Internet at <http://www.nero.noaa.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Lindsey Feldman, Fishery Management Specialist, *phone:* 978-675-2179, *fax:* 978-281-9135.

**SUPPLEMENTARY INFORMATION:** Spiny dogfish were declared overfished by NMFS on April 3, 1998, and added to the list of overfished stocks in the *Report on the Status of the Fisheries of the United States*, prepared pursuant to section 304 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Consequently, the Magnuson-Stevens Act required NMFS to prepare measures to end overfishing and rebuild the spiny dogfish stock. During 1998 and 1999, the Mid-Atlantic Fishery Management Council (MAFMC) and the New England Fishery Management Council (NEFMC) developed a joint FMP, with the MAFMC designated as the administrative lead.

The regulations implementing the FMP at 50 CFR part 648, subpart L, outline the process for specifying the commercial quota and other management measures (e.g., minimum or maximum fish sizes, seasons, mesh size restrictions, possession limits, and other gear restrictions) necessary to ensure that the target fishing mortality rate (target F) specified in the FMP will not be exceeded in any fishing year

(May 1–April 30), for a period of 1–5 FYs. The annual quota is allocated to two semi-annual quota periods, as follows: Period 1, May 1 through October 31 (57.9 percent); and Period 2, November 1 through April 30 (42.1 percent).

The Spiny Dogfish Monitoring Committee (MC), which is comprised of representatives from states; MAFMC staff; NEFMC staff; NMFS staff; academia; and two non-voting, ex-officio industry representatives (one each from the MAFMC and NEFMC regions), is required to review the best available information and to recommend a commercial quota and other management measures necessary to achieve the target F for 1–5 FYs. The Council's Joint Spiny Dogfish Committee (Joint Committee) considers the MC's recommendations and any public comment in making its recommendation to the two Councils. The MAFMC and the NEFMC then review the recommendations of the MC and Joint Committee and make their recommendations to NMFS. NMFS reviews those recommendations, and may modify them if necessary to assure that the target F will not be exceeded. NMFS then publishes proposed measures for public comment.

#### Spiny Dogfish Stock Status Update

NMFS declared the spiny dogfish stock rebuilt on June 22, 2010, based on an analysis of biological reference points presented at the Transboundary Resource Assessment Committee (TRAC) meeting in January 2010. A group of peer reviewers, using information from the TRAC analysis, accepted a newly defined spiny dogfish biomass target (159,288 mt),  $F_{\text{target}}$  (0.207), and  $F_{\text{threshold}}$  (0.325). The 2009 stochastic estimate of spawning stock biomass (SSB) (163,256 mt) was shown to exceed the newly defined biomass target, which was consistent with a rebuilt stock. Based on the recommendation of the MC and TRAC analysis showing the spiny dogfish stock was rebuilt, NMFS set the FY 2010 spiny dogfish specifications at 15 million lb (5,443.11 mt) (75 FR 36012, June 24, 2010).

In the fall of 2010, the NMFS Northeast Fisheries Science Center (NEFSC) updated the spiny dogfish stock status using the population modeling approach from the 43rd Stock Assessment Workshop (43rd SAW, 2006), 2009 catch data, and results from the 2010 spring bottom trawl survey. The update specified that the female spawning stock biomass (SSB) for 2010 is 164,066 mt (362 million lb), about 3 percent above the maximum spawning