

was occupied. Each vehicle would also need to be equipped with a wiring harness and internal and external lights, designed to illuminate only when the safety belts in all "occupied" seats registered as fastened. Based on the comparatively simpler weight sensors and wiring harnesses used in the BMW advanced air bag system, the agency estimates that the minimum cost for a vehicle with five seating positions would be at least \$50 per vehicle. Substantially greater costs would be incurred in vehicles with more seating positions and/or vehicles with readily removable seats.

In addition to the potentially high cost of the petitioner's proposal, the agency is also concerned about consumer acceptance of such a system. Vehicle seats, especially rear seats, are frequently used to transport cargo such as groceries, luggage, pets, and other heavy objects. If the system were to work as envisioned by the petitioner, the mere placement of such items on a vehicle's seat coupled with a failure to fasten the associated belt would prevent the continuously burning lights from illuminating, thus indicating falsely to police officers that the vehicle was being operated with unbelted "occupants." Such "false alarms" would likely lead to widespread consumer backlash and disapproval. Other "false alarms" could occur when the light bulbs burn out and need to be replaced by the consumer. Occupants who do not want to wear their seat belts can also easily circumvent the system by placing the seat belt behind them or modifying the light to stay on all the time.

Finally, we note that Congress has requested that NHTSA conduct a study to consider whether unobtrusive technologies could increase belt use. In response, NHTSA has contracted with the Transportation Research Board of the National Academy of Sciences to conduct a study on the benefits and acceptability of these technologies, as well as any legislative or regulatory actions that may be necessary to enable installation of devices to encourage seat belt use in passenger vehicles. In conjunction with this study, NHTSA is also conducting research to determine what levels of intrusiveness would induce non-belt users to wear their seat belt, without causing adverse reactions from current belt users.

For the reasons stated above, NHTSA concludes that it is unlikely that a rulemaking proceeding to require continuously burning lights inside and outside the vehicle tied to safety belt usage as suggested by the petitioner would result in the issuance of a rule

requiring such a device. Accordingly, the petition is denied. Upon completion of the National Academy of Sciences' and our own studies, we will consider what future action the agency will take on this issue.

Authority: 49 U.S.C. 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued: February 10, 2003.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 03-3832 Filed 2-14-03; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 020503A]

Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Scoping Process

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

ACTION: Notice of intent to prepare an environmental impact statement (EIS); notice of scoping meetings; request for comments.

SUMMARY: The Mid-Atlantic and New England Fishery Management Councils (Councils) announce their intention to jointly prepare, in cooperation with NMFS, an EIS in accordance with the National Environmental Policy Act to assess potential effects on the human environment of alternative measures for managing the spiny dogfish (*Squalus acanthias*) fishery pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). The Councils are developing Amendment 1 to the Spiny Dogfish Fishery Management Plan (FMP) to address rebuilding targets and timeframes, methods to estimate discard mortality and reduce discarding, the quota allocation scheme, and potentially other management measures as well. This notification announces a public process for determining the scope of issues to be addressed and for identifying the significant issues relating to management of spiny dogfish. The intended effect of this notification is to alert the interested public of the scoping process and to provide for public participation.

DATES: Written comments on the intent to prepare an EIS must be received on

or before 5 p.m., local time, April 4, 2003. A public scoping meeting will be held on Monday, March 17, 2003, at 7:00 PM.

ADDRESSES: Written comments on the intent to prepare the EIS and requests for the scoping document or other information should be directed to Mr. Daniel T. Furlong, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New St., Dover, DE 19904, (Phone 302-674-2331). Comments may also be sent via facsimile (FAX) to (302) 674-5399. Comments will not be accepted if submitted by e-mail or Internet.

A scoping hearing will be held at 7:00 PM on March 17, 2003 at the Sheraton Oceanfront Hotel (36th Street & Atlantic Ave.), in Virginia Beach, VA.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel T. Furlong, Mid-Atlantic Fishery Management Council, telephone (302) 674-2331.

SUPPLEMENTARY INFORMATION:

Fishery Management Unit

The management unit is all Atlantic spiny dogfish (*Squalus acanthias*) in U.S. waters in the western Atlantic Ocean.

Problems Discussed For this Amendment

1. Define a rebuilding biomass target and agecomposition

Currently, there is no rebuilding target for the spiny dogfish stock because the rebuilding target established in the original FMP was disapproved. It will be necessary to establish a new target that will identify the stock size that corresponds to a recovered spiny dogfish stock as defined under the MSFCMA. Examples of rebuilding targets are BMSY (population biomass (B) that supports Maximum Sustainable Yield (MSY)) and SSBmax (female Spawning Stock Biomass (SSB) that maximizes recruitment). Additionally, identification of a target age structure for the rebuilt stock has been suggested. Target age compositions proposed thus far include those corresponding to (1) the average from 1980-88 and (2) the average from 1989-93.

2. Choose a rebuilding timeframe consistent with National Standards Guidelines

The National Standards Guidelines of the MSFCMA provide minimum and maximum time limits for rebuilding fish stocks that are classified as overfished. The lower limit of the specified time period for rebuilding is the amount of time that would be required for rebuilding if fishing mortality were

eliminated (50 CFR 600.310(e)(4)(ii)(B)(3)). The longest amount of time allowed for rebuilding is the amount of time required to rebuild the stock with no fishing mortality plus one mean generation time. Other potential rebuilding time frames include those consistent with a constant fishing mortality rate of $F = 0.03$, a constant harvest strategy of 8.8 million pounds, and one mean generation time.

3. Evaluate new methods to estimate discards and discard mortality as well as develop management options to reduce discards in other fisheries

The Dogfish Monitoring Committee concluded at its September 2002 meeting that discard mortality may be compromising the fishery's ability to achieve the FMP objective of rebuilding female spawning stock biomass. The Committee strongly recommended increased observer coverage to allow reliable estimation of discards and additional studies to estimate discard mortality rate by gear type. The mortality of dogfish discarded in other fisheries could be greater than that which will allow stock rebuilding. If this is the case, additional constraints on the fisheries which land and discard dogfish should be considered (e.g., time-area closures).

4. Establish a new quota allocation scheme

The current quota allocation scheme designates 57.9 percent of the annual quota to period 1 (May–October) and 42.1 percent to period 2 (November–April). This scheme may be modified in order to simplify the allocation process and/or distribute harvest more evenly over the course of the year. Alternatives to the current scheme include but are not limited to a 50:50 split between quota periods 1 and 2, alternative seasons (i.e., monthly, bimonthly, quarters), changing the fishing year to be consistent with the calendar year, and adding a provision for overages.

5. Other management concerns

A number of additional management measure changes could be considered in the development of Amendment 1. These modifications could include changing the specification of management measures from an annual to a multiple year approach, adding quota set-asides for biological supply and/or biomedical research, limited access options, establishing a percentage of the quota for research set-asides, allocating the quota regionally or state-by-state, establishing a maximum size or slot sizes, and managing the Northwest

Atlantic spiny dogfish resource in cooperation with Canada.

Possible Management Measures

Commercial Fishery Management Measures

Possible management measures for the commercial fishery include:

Discard Monitoring Program	X
Closed seasons	X
Closed areas	X
Regional Quota Allocation	X
Minimum/Maximum Size Limits	X
Trip limits	X
Limited Access	X

Recreational Fishery Management Measures

Possible management measures for the spiny dogfish recreational fishery include:

Discard Monitoring Program	X
Closed seasons	X
Closed areas	X
Minimum/Maximum Size Limits	X
Trip limits	X

Public Scoping Meeting Schedule

A scoping meeting will be held as follows:

7:00 PM March 17, 2003 at Sheraton Oceanfront Hotel, 36th Street & Atlantic Ave. Virginia Beach, VA 23451 Tel: 757-425-9000

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Mid-Atlantic Council, telephone (302) 674-2331, at least 5 days prior to the scoping meeting.

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

Dated: February 11, 2003.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 03-3845 Filed 2-14-03; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 030128021-3021-01; I.D. 121602A]

RIN: 0648-AQ45

Fisheries of the Exclusive Economic Zone Off Alaska; Opening Waters to Pacific Cod Pot Fishing off Cape Barnabas and Caton Island

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

ACTION: Proposed rule.

SUMMARY: NMFS issues a proposed rule to open waters to Pacific cod pot fishing around Cape Barnabas and Caton Island located in the Gulf of Alaska (GOA). Waters out to 3 nautical miles (nm) around these sites are currently closed to Pacific cod fishing by federally permitted vessels as a Steller sea lion protection measure. State of Alaska regulations do not implement these same closures in State waters. This action is necessary to provide consistency between State and Federal fishing restrictions and to relieve a potential burden on the Pacific cod pot fishing sector. The regulatory amendment is intended to meet the objectives in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and further the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

DATES: Comments on the proposed rule must be received on or before March 20, 2003.

ADDRESSES: Comments should be sent to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Durall, or delivered to the Federal Building, 709 W 9th St., Juneau, Alaska. Comments may also be faxed to 907-586-7557, marked Attn: Lori Durall. Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for this action and the Steller sea lion supplemental environmental impact statement (SEIS) may also be obtained from the same address, from the Alaska Region, NMFS, Web site at <http://www.fakr.noaa.gov>, or by calling the Alaska Region, NMFS, at 907-586-7228.