

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: February 9, 2004.

**Wayne Nastri,**

*Regional Administrator, Region IX.*

[FR Doc. 04-4128 Filed 2-24-04; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL MARITIME COMMISSION****46 CFR Part 515**

[Docket No. 04-02]

**Optional Rider for Proof of Additional NVOCC Financial Responsibility**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed rulemaking; extension of time.

**SUMMARY:** Upon consideration of two requests, the Commission has determined to extend the comment period in this matter.

**DATES:** Comments are now due on February 27, 2004.

**ADDRESSES:** Address all comments concerning this proposed rule to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1046, Washington, DC 20573-0001, E-mail: [secretary@fmc.gov](mailto:secretary@fmc.gov).

**FOR FURTHER INFORMATION CONTACT:**

Amy W. Larson, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1018, Washington, DC 20573-0001, (202) 523-5740, E-mail: [GeneralCounsel@fmc.gov](mailto:GeneralCounsel@fmc.gov).

Sandra L. Kusumoto, Director, Bureau of Consumer Complaints and Licensing; Federal Maritime Commission, 800 North Capitol Street, NW., Room 970, (202) 523-5787, E-mail: [otibonds@fmc.gov](mailto:otibonds@fmc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission by Notice of Proposed Rulemaking published January 29, 2004, 69 FR 4271-4273, proposed to amend its regulations governing proof of financial responsibility for ocean transportation intermediaries. The Commission proposes to allow an optional rider for additional coverage to be filed with a licensed non-vessel-operating common carrier's proof of financial responsibility for such carriers serving the U.S. oceanborne trade with the People's Republic of China.

The American Surety Association and The Surety Association of America are

seeking a seven-day extension of time to Friday, February 27, 2004, to file comments. In support of this request, the parties advise that they require additional time to complete and submit their comments. The Commission has determined to grant the requests. Comments are now due on Friday, February 27, 2004.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 04-4071 Filed 2-24-04; 8:45 am]

**BILLING CODE 6730-01-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 600**

[Docket No. 031031272-3272-01; I.D. 102903A]

**RIN 0648-AR76**

**Fisheries of the United States; Essential Fish Habitat**

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

**ACTION:** Advance notice of proposed rulemaking; consideration of revision to Essential Fish Habitat (EFH) guidelines; reopening of the comment period.

**SUMMARY:** In a document published in the **Federal Register** on December 11, 2003, NMFS requested comments on potential revisions to the EFH guidelines. The comment period for the advance notice of proposed rulemaking (ANPR) closed on January 26, 2004. The intent of this document is to announce the reopening of the public comment period.

**DATES:** Written comments must be received no later than 5 p.m. eastern standard time on or before April 26, 2004.

**ADDRESSES:** Written comments must be sent to Rolland A. Schmitt, Director, Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via fax to (301) 427-2570 or by e-mail to [0648-AR76@noaa.gov](mailto:0648-AR76@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: 0648-AR76. The EFH guidelines can be located online at <http://www.nmfs.noaa.gov/habitat/habitatprotection/essentialfishhabitat8.htm> or within the

Code of Federal Regulations at 50 CFR 600.805 to 600.930.

**FOR FURTHER INFORMATION CONTACT:**

Karen Abrams at (301) 713-4300 (ext. 149) or David MacDuffee at (301) 713-4300 (ext. 155).

**SUPPLEMENTARY INFORMATION:** As announced in the **Federal Register** on December 11, 2003 (68 FR 69070), NMFS requested comments on potential revisions to the EFH guidelines. The comment period closed on January 26, 2004. While NMFS received several comments expressing opinions about whether the EFH guidelines should be revised, NMFS was also asked to lengthen the comment period beyond the original 45 days. As one of the functions of the EFH guidelines is to assist the Fishery Management Councils (Councils) in identifying and conserving EFH, and only one Council had the ability to provide substantive comments, NMFS has decided to reopen the comment period to allow the public and the Councils an additional opportunity to comment on the EFH guidelines. The agency believes these additional comments will aid in the evaluation of the EFH guidelines. Comments received between January 26, 2004 and the date of this notice will be given full consideration by NMFS.

**Background**

In January 2002, NMFS promulgated a final rule (67 FR 2343) that established guidelines (50 CFR 600.805 to 600.930) to assist the Councils and the Secretary of Commerce (Secretary) in the description and identification of EFH in fishery management plans (FMPs), the identification of adverse effects to EFH, and the identification of actions required to conserve and enhance EFH. The final rule also detailed procedures the Secretary (acting through NMFS), other Federal agencies, and the Councils will use to coordinate, consult, or provide recommendations on Federal and state actions that may adversely affect EFH. Such guidelines promulgated through regulation were mandated in the 1996 amendments incorporated into the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(b)(1)(A)). The intended effect of the guidelines is to promote the protection, conservation, and enhancement of EFH.

After a 5-year public process, NMFS finalized the EFH guidelines in 2002. Nevertheless, NMFS recognized that a great deal of interest remained from various stakeholders in how to integrate habitat considerations into fishery management. As a result of this interest, NMFS committed to evaluating the

efficacy of the EFH guidelines as they are implemented, to apply the lessons learned from such implementation as appropriate, and to consider changing the regulations if warranted through an appropriate public process.

NMFS recognizes that implementation of the Act's EFH provisions is complex and requires considerable species and habitat information not always equally available across species or geography. In addition, NMFS recognizes that not all habitats exhibit the same characteristics, and that implementation of the EFH

guidelines continues to attract public interest from its stakeholders.

Given ongoing interest in EFH and NMFS' commitment to evaluate the efficacy of the EFH guidelines through an appropriate public process, NMFS solicits input from the public regarding (1) whether the EFH guidelines (50 CFR 600.805 to 600.930) should be revised, and (2) if revisions are desired, what parts of the guidelines should be revised, how should they be revised, and why. NMFS will use this information in determining whether to proceed with a revision to the EFH

guidelines, and, if so, the issues to be addressed.

This ANPR has been determined to be significant for the purposes of Executive Order 12866.

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

Dated: February 19, 2004.

**William T. Hogarth,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 04-4149 Filed 2-24-04; 8:45 am]

**BILLING CODE 3510-22-S**