

(2) *Disadvantages.* Automatic drain valves can become clogged and frozen, resulting in the danger of the valve sticking open or closed. Particularly in the southwestern United States, an automatic drain valve would add costs without providing any significant benefits. Unlike air dryers, such valves do not provide any significant dew point reduction. Thus, the air in the brake system could still retain sufficient moisture to degrade the pneumatic valves.

b. Supply reservoir (wet tank). (1) *Advantages.* The supply reservoir or wet tank provides a means of collecting moisture and contaminants before they enter the air brake system, thereby acting as a buffer between the compressor and the service reservoirs. The supply reservoir traps most of the condensate and contaminants before they reach the service reservoirs and provides a backup for desiccant-type dryers in the event of failure.<sup>1</sup>

(2) *Disadvantages.* The presence of the wet tank complicates the air system and reduces the amount of compressed air available for the emergency brake system.

c. Air Dryer. (1) *Advantages.* Air dryers with an integrated condensate drain valve are currently the most effective method of removing moisture and other contaminants from an air brake system. Air dryers also provide some filtration of the compressed air by removing some oils and contaminants from the air. Automatic drain valves do not provide any dew point reduction, while air dryers can provide a 10° to 20° Fahrenheit reduction. This is important because moisture can still be present even with automatic drain valves installed in the system.

(2) *Disadvantages.* Air dryers can fail, and can increase the application times for service and parking brakes. Further, air dryers could place an unnecessary cost burden on some operators and fleets, such as those operating in the southwestern United States, where humidity is low and there is less need for air dryers.

After much consideration and analysis of this issue, NHTSA now believes that it should address this issue through more broadly worded

performance requirements that would give manufacturers flexibility to choose the type of air cleaning and drying system appropriate for their new air-braked vehicles. However, the agency is not yet ready to propose such requirements. Accordingly, NHTSA is terminating this rulemaking action.

The agency's goal throughout its consideration of these issues has been, and remains, ensuring the removal of moisture and contaminants from air brake systems by improving the reliability and durability of ABS and associated modular valves and pneumatic control valves. To that end, the agency is actively working with the Society of Automotive Engineers (SAE) to establish an SAE Recommended Practice and associated test procedures for air drying and cleansing equipment used in air brake systems. These procedures would be valuable for testing the vast majority of new heavy trucks. NHTSA estimates that, currently, over 80 percent of new air-braked heavy trucks are being built with air dryers and of those, more than 90 percent are the desiccant type dryers. Regardless of the results of SAE's efforts, however, NHTSA intends to propose performance requirements for the removal of moisture and contaminants from air brake systems, and provide comprehensive test procedures to measure that performance.

Meanwhile, the agency notes that paragraph S5.1.2 of Standard 121 requires that manufacturers provide "either an automatic condensate drain valve for each service reservoir or a supply reservoir between the service reservoir system and the source of air pressure." This will assure that trucks and buses equipped with air brakes will have a means of moisture/contaminant removal adequate to maintain the safety of such systems. Completion of the SAE studies is estimated to be in the fall of 1998.

For the reasons stated above, NHTSA is terminating this rulemaking action.

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

Issued on March 20, 1998.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 980319068-8068-01; I.D. 021998A]

RIN 0648-AK59

### Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Fishing Moratorium

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

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

**SUMMARY:** NMFS proposes to extend the current moratorium on harvesting seamount groundfish from the Hancock Seamount in the Northwestern Hawaiian Islands for 6 years, through August 31, 2004. The fishery has been under a moratorium since 1986. At its meeting the week of April 21, 1997, the Western Pacific Fishery Management Council (Council) heard reports from its Bottomfish Plan Team and Scientific and Statistical Committee that indicated that armorhead (*Pentaceros richardsoni*), an overfished seamount species, has not recovered; therefore, the Council recommended that the moratorium be extended. This proposed rule would allow the protection provided for this resource to continue.

**DATES:** Comments must be submitted by May 11, 1998.

**ADDRESSES:** Comments on the proposed rule should be sent to William T. Hogarth, Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

**FOR FURTHER INFORMATION CONTACT:** James J. Morgan or Svein Fougner, Assistant Regional Administrator for Sustainable Fisheries, (562) 980-4030, or Mr. Al Katekaru, Pacific Islands Area Office, (808) 973-2985.

**SUPPLEMENTARY INFORMATION:** When the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP) was implemented (51 FR 27413, July 31, 1986), a 6-year moratorium was established to aid the recovery of armorhead (*Pentaceros richardsoni*) on Hancock Seamount. This resource was overfished by foreign vessels before the Magnuson Fishery Conservation and Management Act was implemented; it has never been the target of domestic

<sup>1</sup> In a typical desiccant-style system, the incoming air is routed into the bottom end of an air dryer where a large portion of the moisture and contaminants falls to the bottom. The partially cleaned air then passes through an oil separator. The air, still moist, then is passed through a drying bed of desiccant material (a substance, such as calcium oxide, used as a drying agent) that absorbs the remaining moisture. These dryers are equipped with an automatic drain valve that periodically purges moisture and contaminants from the air system.

fishermen. Periodic reviews of the stocks indicated that no recovery had occurred; therefore, on August 17, 1992, (57 FR 36907), the moratorium was extended to August 31, 1998.

Armorhead was listed as overfished in the September 1997 "Report to Congress Status of Fisheries of the United States."

The last U.S. research cruise of Hancock Seamount was conducted in 1993; however, the Japanese trawl fleet continues to harvest armorhead on neighboring seamounts outside the exclusive economic zone (EEZ). According to bottom trawl catch and effort statistics provided by the National Research Institute of the Far Seas Fisheries, the most current (1995) spawning potential ratio (SPR) for the armorhead stock is 1.8 percent at all seamounts outside the EEZ. These seamounts comprise 95 percent of the trawl grounds and 91 percent of the total historic seamount-wide catch in the Japanese trawl fishery. Based on the low SPR value, it is inferred that the status of the Hancock Seamount armorhead stock is similarly depressed and well under the current 20 percent SPR definition for an overfished stock.

At its April 21, 1997, meeting the Council heard reports from its Bottomfish Plan Team and Scientific and Statistical Committee on the status of seamount groundfish resources. On the basis of those reports, and in accordance with the framework procedures at 50 CFR 660.67, the Council recommended that the moratorium be extended for at least

another 6 years, through August 31, 2004.

The Council recognizes that the stocks extend outside the EEZ and that the moratorium will not ensure recovery of the resource within the EEZ; however, the action is in accordance with U.S. responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act. The Council has also taken action to convene a panel of international experts to explore possible international management of the Emperor and Hawaiian Ridge Seamount armorhead fishery under the aegis of the United Nations Agreement Relating to Straddling Fish Stocks and Highly Migratory Fish Stocks.

#### Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities as follows:

The National Marine Fisheries Service (NMFS) considers an impact to be "significant" if it results in a reduction in annual gross revenues by more than 5 percent, an increase in annual compliance costs of greater than 5 percent, compliance costs at least 10 percent higher for small entities than for large entities, compliance costs that require significant capital expenditures, or the likelihood that 2 percent

of the small entities would be forced out of business. NMFS considers a "substantial number" of small entities to be more than 20 percent of those small entities affected by the regulation engaged in the fishery. Because there have never been U.S. interests actively involved in the seamount groundfish fishery, this rule would not result in a significant economic impact on small entities. As a result, a regulatory flexibility analysis was not prepared.

#### List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 18, 1998.

**David L. Evans,**

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

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

#### PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. Section 660.68 is revised to read as follows:

#### **§ 660.68 Fishing moratorium on Hancock Seamount.**

Fishing for bottomfish and seamount groundfish on the Hancock Seamount is prohibited through August 31, 2004.  
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