

Transportation Specialists (NCSTS) has requested that the Commission postpone the effectiveness of its revised rules for one year. The American Trucking Associations and the American Insurance Association have filed letters supporting the petition. NCSTS indicates that it is working with the motor carrier and insurance industries and the U.S. Department of Transportation to create a new insurance program.

In order to maintain the status quo while interested parties consider alternatives to the existing registration system, the Commission is granting the request. However, as the revised rules went into effect before the NCSTS filed its petition, the Commission is suspending, rather than postponing, the effectiveness of the revised rules and reinstating the rules that previously were in effect.

Regulatory Flexibility Certification

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. No new regulatory requirements are imposed, directly or indirectly, on such entities. We are continuing the effectiveness of rules that have been in place for 2 years and suspending the effectiveness of recently revised rules found not likely to have a significant economic impact. Thus, the economic impact on small entities, if any, is not likely to be significant within the meaning of the Regulatory Flexibility Act.

Environmental and Energy Considerations

We conclude that this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1023

Insurance, Motor carriers, Surety bonds.

Accordingly, 49 CFR chapter X is amended as set forth below.

PART 1023—STANDARDS FOR REGISTRATION WITH STATES

1. The authority citation for part 1023 continues to read as follows:

Authority: 49 U.S.C. 10321 and 11506; 5 U.S.C. 553.

2. Section 1023.5, which was revised at 60 FR 30011 on June 7, 1995, is suspended from August 4, 1995, until January 1, 1997.

3. Section 1023.5 is reinstated from August 4, 1995, until December 31, 1996, to read as follows:

§ 1023.5 Registration receipts.

(a) On compliance by a motor carrier with the annual or supplemental registration requirements of § 1023.4, the registration State must issue the carrier a receipt reflecting that the carrier has filed the required proof of insurance and paid fees in accordance with the requirements of that section.

(1) The receipt must contain only information identifying the carrier and specifying the States for which fees were paid. Supplemental receipts need contain only information relating to their underlying supplemental registrations.

(b) Receipts issued pursuant to a filing made during the annual registration period specified in § 1023.4(b)(2) must be issued within 30 days. All other receipts must be issued by the 30th day following the date of filing of a fully acceptable supplemental registration application. All receipts shall expire at midnight on the 31st day of December of the registration year for which they were issued.

(c) A carrier is permitted to operate its motor vehicles only in those participating States with respect to which it has paid appropriate fees.

(d) A motor carrier may make copies of receipts to the extent necessary to comply with the provisions of paragraph (e) of this section. However, it may not alter a receipt or a copy of a receipt.

(e) A motor carrier must maintain in each of its motor vehicles a copy(ies) of its receipt(s), indicating that it has filed the required proof of insurance and paid the required fees.

(f) The driver of a motor vehicle must present a copy(ies) of a receipt(s) for inspection by any authorized government personnel on reasonable demand.

(g) No registration State shall require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by a motor carrier.

Decided: July 31, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 941265-4365; I.D. 072595B]

Pacific Coast Groundfish Fishery; Canary Rockfish and Lingcod Trip Limits

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS announces inseason adjustments to the trip limits for canary rockfish and establishes a small trip limit for trawl-caught lingcod smaller than 22 inches (56 cm) total length. These actions are intended to enable the 1995 harvest guideline for canary rockfish to be achieved, and to provide a reasonable tolerance for small lingcod. **DATES:** Effective August 1, 1995, until the effective date of the 1996 annual specifications and management measures for the Pacific coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted until August 15, 1995.

ADDRESSES: Comments on these actions should be sent to Mr. William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070; or Ms. Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to these actions has been compiled in aggregate form and is available for public review during business hours at the office of the Director, Northwest Region, NMFS (Regional Director).

FOR FURTHER INFORMATION CONTACT: William L. Robinson 206-526-6140; or Rodney R. McInnis 310-980-4040.

SUPPLEMENTARY INFORMATION: These actions are authorized by the Pacific Coast Groundfish Fishery Management Plan, which governs the harvest of groundfish in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California.

On January 9, 1995, the 1995 Annual Specifications and Management Measures for Pacific Coast Groundfish Fishery were published in the **Federal Register** (60 FR 2331-2344). The management measures were amended

on May 5, 1995 (60 FR 22303), and July 19, 1995 (60 FR 37022). At its June 1995 meeting in Clackamas, OR, the Pacific Fishery Management Council (Council) considered the best available scientific information, comments from its advisory committees, and public testimony before recommending adjustments to the management measures for the groundfish fishery.

Canary Rockfish. Canary rockfish is one of more than 50 species in the *Sebastes* complex of rockfish. Based upon the best available information through May 31, 1995, NMFS projected the total annual catch of canary rockfish to be only 435 mt in 1995, about half the 850-mt harvest guideline for the Vancouver and Columbia subareas. The rate of landings would need to almost double to enable the harvest guideline to be reached by the end of the year. The Council heard testimony that canary rockfish were hard to catch in some areas, and that, therefore, the trip limit should not be increased in case there is a conservation problem. Other fishers reported that the current trip limit was too small, and the surplus catch was being discarded. The Council had no new information to conclude that the harvest guideline for this species was inappropriate. Noting that canary rockfish can have a patchy distribution and may be available to some gear types in some areas but not in others, the Council recommended increasing the monthly cumulative trip limit for canary rockfish from 6,000 lb (2,722 kg) to 9,000 lb (4,082 kg), so that the harvest guideline may be reached in 1995. (A cumulative monthly trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in a calendar month, without a limit on the number of landings or trips.) If landings fall short of the increased trip limit, further analysis will be conducted to determine if this is related to markets, fishing gear, or resource availability. NMFS concurs with the Council's recommendation to provide for full achievement of the harvest guideline, and to minimize trip limit induced discards. No change is made to the cumulative monthly trip limit for the *Sebastes* complex.

Lingcod. A 22-inch (56 cm) total length minimum size limit for lingcod was implemented coastwide for the first time in 1995 (60 FR 2343, January 9, 1995). At its June 1995 meeting, the Council heard testimony from trawl fishers that it was unreasonable to be found in violation if only a few fish in the catch were smaller than 22 inches. The Council agreed and recommended that a small trip limit of 100 pounds (45 kg) of trawl-caught sablefish smaller

than 22 inches (56 cm) be allowed in each landing. This level is too small to encourage targeting on small juvenile fish, will provide for landing fish that otherwise would be discarded but probably would not survive, and will provide a reasonable level of tolerance to the size limit restriction. (This trip limit does not apply to hook-and-line caught lingcod, which are more likely to survive. Even at this low level, allowing retention of small lingcod with hook-and-line gear could encourage target fishing on them.)

NMFS Actions

NMFS announces the following changes to the 1995 fishery specifications and management measures for the limited entry fishery published at 60 FR 2331-2344, January 9, 1995, as modified. All other provisions remain in effect.

1. In paragraphs IV.C.(2)(a)(i), (ii), and (iii) the measures dealing with canary rockfish are revised as follows:

(i) **North of Cape Lookout.** The cumulative trip limit for the *Sebastes* complex taken and retained north of Cape Lookout is 35,000 lb (15,876 kg) per vessel per month. Within this cumulative trip limit for the *Sebastes* complex, no more than 18,000 lb (8,165 kg) may be yellowtail rockfish taken and retained north of Cape Lookout, and no more than 9,000 lb (4,082 kg) may be canary rockfish.

(ii) **Cape Lookout to Cape Mendocino.** The cumulative trip limit for the *Sebastes* complex taken and retained between Cape Lookout and Cape Mendocino is 50,000 lb (22,680 kg) per vessel per month. Within this cumulative trip limit for the *Sebastes* complex, no more than 40,000 lb (18,144 kg) may be yellowtail rockfish taken and retained between Cape Lookout and Cape Mendocino, and no more than 9,000 lb (4,082 kg) may be canary rockfish.

(iii) **South of Cape Mendocino.** The cumulative trip limit for the *Sebastes* complex taken and retained south of Cape Mendocino is 100,000 lb (45,359 kg) per vessel per month. Within this cumulative trip limit for the *Sebastes* complex, no more than 30,000 lb (13,608 kg) may be bocaccio taken and retained south of Cape Mendocino, and no more than 9,000 lb (4,082 kg) may be canary rockfish.

2. Paragraph IV.G.(1) on the lingcod limited entry fishery is revised as follows:

(1) **Limited entry fishery.** The cumulative trip limit for lingcod is 20,000 lb (9,072 kg) per vessel per month. Within this cumulative trip limit, no more than 100 lb (45 kg) of

trawl-caught lingcod smaller than 22 inches (56 cm) total length may be taken and retained, possessed, or landed per vessel per fishing trip. Length measurement is explained at paragraph IV.A.(6).

3. Paragraphs IV.G.(1)(b)(i) and (ii) on lingcod weight conversion are revised as follows:

(i) **Headed and gutted.** The product recovery rate (PRR) for headed and gutted lingcod is 1.5. Therefore, the cumulative trip limit for headed and gutted lingcod is 13,333.3 lb (6,048 kg) processed weight per vessel per month, which corresponds to 20,000 lb (9,072 kg) round weight. Within this cumulative trip limit, no more than 67 lb (30 kg) of trawl-caught lingcod that is headed and gutted, and smaller than 18 inches (46 cm) (measured according to paragraph G.(1)(a)), may be taken and retained, possessed, or landed per vessel per fishing trip. (The State of Washington currently uses a PRR of 1.5.)

(ii) **Gutted, with the head on.** The PRR for lingcod that has only been eviscerated is 1.1. Therefore, the cumulative trip limit for gutted lingcod is 18,182 lb (8,246 kg) processed weight per vessel per month, which corresponds to 20,000 lb (9,072 kg) round weight. Within this cumulative trip limit, no more than 91 lb (41 kg) of trawl-caught lingcod smaller than 22 inches (56 cm) (measured according to paragraph IV.A.(6)) that is gutted (with the head on) may be taken and retained, possessed, or landed per vessel per fishing trip.

Classification

The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Regional Director, Northwest Region, (see ADDRESSES) during business hours. At its August and October 1994 meetings, the Council reviewed the analysis for, and subsequently recommended, designating trip and size limits "routine" for canary rockfish, lingcod, and several other species and species groups. However the rulemaking procedures designating these actions routine have not been completed. (A routine designation means that a particular management measure such as trip and size limits may be changed inseason after a single Council meeting.) In its discussions, the Council anticipated the potential need for rapid adjustments to trip and size limits during the season to keep landings within the species' harvest guideline, to

minimize disruption of traditional fishing and marketing patterns, and to protect juvenile fish. The public had the opportunity to comment at those meetings. There was an opportunity for additional public comment and review of supporting documents (catch projections) at the June 1995 Council meeting, during which these issues were discussed further. Therefore, these actions may be taken under the abbreviated rulemaking procedures at section III.B.(3) of the appendix to 50 CFR part 663.

The increase to the canary rockfish cumulative trip limit and the 100-lb trip limit for small lingcod both relax restrictions that currently are in effect, and both were contemplated at three Council meetings during which the public had opportunity to comment. Public comments were considered, and are the basis for establishing the trip limit for small lingcod. NMFS therefore finds good cause under 5 U.S.C. 553(b)(B) to waive the requirements for publication of a general notice of proposed rulemaking. For the same reasons, according to 5 U.S.C. 553(d)(1), these actions are not subject to the 30-day delayed effectiveness requirement of the Administrative Procedure Act. This action is exempt from review under E.O. 12866.

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

Dated: July 28, 1995.

Donald J. Leedy,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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50 CFR Part 675

[Docket No. 950206041-5041-01; I.D. 073195B]

Groundfish of the Bering Sea and Aleutian Islands Area; Rock Sole/Flathead Sole/"Other Flatfish" Fishery

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for species in the rock sole/flathead sole/"other flatfish" fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1995 bycatch allowance of Pacific halibut apportioned to the trawl rock sole/flathead sole/"other flatfish" fishery category in the BSAI.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), August 1, 1995, until 12 midnight, A.l.t., December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by

regulations implementing the FMP at 50 CFR parts 620 and 675.

The 1995 bycatch allowance of Pacific halibut for the BSAI trawl rock sole/flathead sole/"other flatfish" fishery category, which is defined at § 675.21(b)(1)(iii)(B)(2), was established as 690 metric tons by the final 1995 harvest specifications of groundfish (60 FR 8479, February 14, 1995).

The Director, Alaska Region, NMFS, has determined, in accordance with § 675.21(c)(1)(iii), that the 1995 bycatch allowance of Pacific halibut apportioned to the trawl rock sole/flathead sole/"other flatfish" fishery in the BSAI has been caught. Therefore, NMFS is prohibiting directed fishing for species in the rock sole/flathead sole/"other flatfish" fishery category by vessels using trawl gear in the BSAI.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under § 675.21 and is exempt from review under E.O. 12866.

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

Dated: July 31, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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