

condition for shipment as required or authorized by applicable requirements of this subchapter, or an exemption, approval or registration issued under this subchapter or subchapter A of this chapter.

(b) No person may transport a hazardous material in commerce unless that person is registered in conformance with subpart G of part 107 of this chapter, if applicable, and the hazardous material is handled and transported in accordance with applicable requirements of this subchapter, or an exemption, approval or registration issued under this subchapter or subchapter A of this chapter.

(c) No person may represent, mark, certify, sell, or offer a packaging or container as meeting the requirements of this subchapter or an exemption, approval or registration issued under this subchapter or subchapter A of this chapter, governing its use in the transportation in commerce of a hazardous material, whether or not it is used or intended to be used for the transportation of a hazardous material, unless the packaging or container is manufactured, fabricated, marked, maintained, reconditioned, repaired and retested, as appropriate, in accordance with applicable requirements of this subchapter, or an exemption, approval or registration issued under this subchapter or subchapter A of this chapter.

(d) The representations, markings, and certifications subject to the prohibitions of paragraph (c) of this section include, but are not limited to—

(1) Specification identifications that include the letters "ICC," "DOT," "MC," or "UN";

(2) Exemption, approval, and registration numbers that include the letters "DOT," "EX," "M," or "R"; and

(3) Test dates associated with specification, registration, approval, retest or exemption markings indicating compliance with a test or retest requirement of this subchapter, or an exemption, an approval or a registration issued under this subchapter or subchapter A of this chapter.

(h) No person shall—

(1) Falsify or alter an exemption, approval, registration or other grant of authority issued under this subchapter or subchapter A of this chapter; or

(2) Offer a hazardous material for transportation or transport a hazardous material in commerce, or represent, mark, certify, or sell a packaging or container, under a false or altered exemption, approval, registration or

other grant of authority issued under this subchapter or subchapter A of this chapter.

**§ 171.3 [Amended]**

33. In § 171.3, paragraph (c) and the Note are removed, and paragraph (d) is redesignated as paragraph (c).

34. In § 171.8, the definitions of "Approval" and "Exemption" are added in alphabetical order and the definition of "Person" is revised to read as follows:

**§ 171.8 Definitions and abbreviations.**

\* \* \* \* \*

*Approval* means a written authorization, including a competent authority approval, from the Associate Administrator to perform a function for which prior authorization by the Associate Administrator is required under subchapter C of this chapter.

\* \* \* \* \*

*Exemption* means a document issued under the authority of 49 U.S.C. 5117 by the Associate Administrator that authorizes a person to perform a function that is not otherwise authorized under this subchapter, subchapter C, or other regulations issued under 49 U.S.C. 5101–5127 (e.g., Federal Highway Administration routing).

\* \* \* \* \*

*Person* means an individual, firm, copartnership, corporation, company, association, joint-stock association, including any trustee, receiver, assignee, or similar representative thereof; or government, Indian tribe, or agency or instrumentality of any government or Indian tribe when it offers hazardous material for transportation in commerce or transports hazardous material to further a commercial enterprise, but such term does not include:

- (1) The United States Postal Service;
- (2) For the purposes of 49 U.S.C. 5123 and 5124, any agency or instrumentality of the Federal Government.

\* \* \* \* \*

**PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS**

35. The authority citation for Part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

36. In § 173.22a, a new paragraph (c) is added to read as follows:

**§ 173.22a Use of packagings authorized under exemptions.**

\* \* \* \* \*

(c) When an exemption issued to a person who offers a hazardous material contains requirements that apply to a

carrier of the hazardous material, the offeror shall furnish a copy of the exemption to the carrier before or at the time a shipment is tendered. When the provisions of the exemption require it to be in the possession of a carrier during transportation in commerce, the carrier shall maintain the copy of the exemption in the same manner as required for a shipping paper.

**PART 178—SPECIFICATIONS FOR PACKAGINGS**

37. The authority citation for Part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

38. In § 178.3, a new paragraph (d) is added to read as follows:

**§ 178.3 Marking of packagings.**

\* \* \* \* \*

(d) No person may mark or otherwise certify a packaging or container as meeting the requirements of a manufacturing exemption unless that person is the holder of or a party to that exemption, an agent of the holder or party for the purpose of marking or certification, or a third party tester.

Issued in Washington, DC on May 2, 1996, under authority delegated in 49 CFR part 1. Rose A. McMurray,

*Acting Deputy Administrator, Research and Special Programs Administration.*

[FR Doc. 96–11400 Filed 5–8–96; 8:45 am]

BILLING CODE 4910–60–P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 663**

[Docket No. 951227306–5306–01; I.D. 043096A]

**Pacific Coast Groundfish Fishery; Closure and Trip Limit Reduction**

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

**ACTION:** Closure; fishing restrictions; request for comments.

**SUMMARY:** NMFS announces the closure of the open access fishery for thornyheads taken and retained north of Point Conception, CA (34°27' N. lat.), and a further restriction to the open access fishery for sablefish taken with nontrawl gear north of the Conception subarea (36°00' N. lat.). This action is authorized by the Pacific Coast Groundfish Fishery Management Plan

(FMP), which governs the groundfish fishery off Washington, Oregon, and California. The closure and trip limit are designed to keep landings as close as possible to the 1996 open access allocations for these species.

**DATES:** Effective from 0001 hours (local time) May 3, 1996, until the effective date of the 1997 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the Federal Register. Comments will be accepted through May 24, 1996.

**ADDRESSES:** Submit comments to William Stelle, Jr., Director, Northwest Region (Regional Director), National Marine Fisheries Service, 7600 Sand Point Way NE., BIN-C15700, Seattle, WA 98115-0070; or Hilda Diaz-Soltero, Regional Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

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

**SUPPLEMENTARY INFORMATION:** Management measures for the open access fishery apply to any vessel that takes and retains groundfish and that does not have a valid limited entry permit for the Pacific coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. Open access gear includes longline, trap, pot, hook and line (fixed or mobile), set net (south of 38° N. lat. only), and trawls used to target non-groundfish species (pink shrimp or prawns and, south of Pt. Arena, CA (38°57'30" N. lat.), California halibut or sea cucumbers). The following changes to routine management measures in the open access fisheries for thornyheads and sablefish were recommended by the Pacific Fishery Management Council (Council) at its April 8-12, 1996, meeting in San Francisco, CA.

*Open Access Thornyhead Fishery.* Thornyheads consist of two species (shortspine and longspine thornyheads) that often are caught together. Because of difficulties in identifying and monitoring the two species separately in the open access fishery, this fishery has been managed for both species combined. Through 1995, separate open access and limited entry allocations had not been implemented for shortspine thornyheads because landings were thought to be negligible in the open access fishery. However, at its October 1995 meeting, the Council concluded that the best available information indicated that about 24 metric tons (mt) had been taken north of Pt. Conception in 1995, indicating expansion in the

fishery since the 1984-88 window period used to determine open access and limited entry allocations. The Council responded by recommending that limited entry and open access allocations be implemented for shortspine thornyheads for 1996. The 1996 open access allocation for shortspine thornyheads is only 4 mt, and applies north of Pt. Conception (34°27' N. lat.). To keep landings close to the open access allocation, a coastwide daily trip limit of 50 lb (23 kg) (round weight) was applied for both species of thornyheads combined on January 1, 1996 (61 FR 279, January 4, 1996). A daily trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time, and only one landing of the trip-limit species may be made in that 24-hour period. Daily trip limits may not be accumulated.

The best available information at the April 1996 Council meeting indicated that landings of thornyheads in the open access fishery had reached 18.7 mt north of Pt. Conception by the end of March 1996. Of this, about 11 mt was shortspine thornyheads taken in California, exceeding the 1996 open access allocation for shortspine thornyheads north of Pt. Conception. The Council recommended that the open access fishery for thornyheads be closed north of Pt. Conception as soon as practicable for the rest of the year. Closure means taking and retaining, possessing, or landing thornyheads caught north of Pt. Conception with any open access gear (including open access trawl gear) is prohibited, and offloading must begin before the time the fishery closes. The 50-lb (23-kg) daily trip limit on thornyheads remains in effect south of Pt. Conception because the harvest guideline does not apply in that area. This daily trip limit is believed to be too small to encourage effort shifts into the area.

*Open Access Sablefish Fishery.* In 1995, the daily trip limits for sablefish in the open access nontrawl fishery were 300 lb (136 kg) per day north of the Conception subarea (36°00' N. lat.) and 350 lb (159 kg) per day in the Conception subarea (36°00' N. lat. to the U.S.-Mexican border). The best available information at the April 1996 Council meeting indicated that 119 mt of sablefish had been taken in the open access fishery in California by the end of March and that the rate of landings would need to be reduced by 40 percent to avoid reaching the 463-mt open access allocation before the end of the year. After hearing considerable testimony that a target fishery for less

than 300 lb (136 kg) of sablefish per day would result in substantial discards, or would be too low to sustain a viable fishery, the Council agreed to maintain the current daily trip limit. However, it recommended further constraining landings by adding a cumulative trip limit of 2,100 lb (952 kg) north of 36° N. lat. per vessel per month. A cumulative trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time (in this case, 1 month). Landings made under the daily trip limits count toward the cumulative limit. This cumulative monthly limit would accommodate seven daily landings at 300 lb (136 kg). Any open access landings of sablefish made in May 1996 (even if made before this closure is filed with the Office of the Federal Register) will be counted toward the 2,100-lb (952-kg) cumulative limit for the month. This cumulative monthly limit does not apply to open access trawl fisheries because they target on non-groundfish species (pink shrimp, prawns, California halibut, and sea cucumbers) and are constrained by other limits.

For the above reasons, NMFS concurs with the Council's recommendations and modifies the annual management measures announced at 61 FR 279 (January 4, 1996), as amended, as follows:

1. Paragraph IV.I(1)(c)(ii) is revised to read as follows:

“(ii) A daily trip limit of 50 lb (23 kg) of thornyheads taken and retained south of Pt. Conception, CA.”

2. A new paragraph IV.I(1)(e) is added to read as follows:

“(e) *Closure - thornyheads north of Pt. Conception.* The open access fishery for thornyheads (shortspine or longspine) north of Pt. Conception, CA is closed. This closure applies to thornyheads taken and retained with all open access gear. Open access gear is gear used to take and retain groundfish that does not have a valid limited entry permit for the Pacific coast groundfish fishery with an endorsement for the gear used to harvest the groundfish, including longline, trap, pot, hook-and-line (fixed or mobile), set net (south of 38° N. lat. only), and trawls used to target non-groundfish species (pink shrimp or prawns, and, south of Pt. Arena, CA (38°57'30" N. lat.), California halibut or sea cucumbers).”

3. Paragraph IV.I.(2)(a) is revised to read as follows:

“(a) *North of 36°00' N. lat.* The cumulative trip limit for sablefish taken and retained north of 36°00' N. lat. is 2,100 lb (952 kg) per month. The daily trip limit for sablefish taken and retained north of 36°00' N. lat., which

counts toward the cumulative limit, remains at 300 lb (136 kg)."

#### Classification

These actions are authorized by the FMP, which governs the harvest of groundfish in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. 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 (see ADDRESSES) during business hours. Because of the need for immediate action to reduce the harvest of shortspine thornyheads, and because the public had an opportunity to comment on the action at the April 1996 Council meeting, NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. These actions are taken under the authority of 50 CFR 663.23(c)(1)(i)(E), (G), and (L), and are exempt from review under E.O. 12866.

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

Dated: May 2, 1996.

Richard W. Surdi,

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

[FR Doc. 96-11546 Filed 5-3-96; 4:47 pm]

BILLING CODE 3510-22-F

#### 50 CFR Part 672

[Docket No. 960129018-6018-01; I.D. 050396C]

#### Groundfish of the Gulf of Alaska; Pacific cod in the Western Regulatory Area

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting retention of Pacific cod in the Western Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catches of Pacific cod in the Western Regulatory Area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the total allowable

catch (TAC) of Pacific cod in this area has been reached.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), May 5, 1996, until 12 midnight A.l.t., December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 672.

In accordance with § 672.20(c)(1)(ii)(B), the TAC for Pacific cod in the Western Regulatory Area was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996) as 18,850 metric tons (mt).

The Director, Alaska Region, NMFS, has determined, in accordance with § 672.20(c)(3), that the TAC for Pacific cod in the Western Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that further catches of Pacific cod in the Western Regulatory Area of the GOA be treated as prohibited species in accordance with § 672.20(e).

#### Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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

Dated: May 3, 1996.

Richard W. Surdi,

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

[FR Doc. 96-11547 Filed 5-3-96; 4:47 pm]

BILLING CODE 3510-22-F

#### 50 CFR Part 672

[Docket No. 960129018-6018-01; I.D. 050396B]

#### Groundfish of the Gulf of Alaska; Pacific cod in the Central Regulatory Area

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting retention of Pacific cod in the Central Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catches of Pacific cod in the Central Regulatory Area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the total allowable catch (TAC) of Pacific cod in this area has been reached.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), May 5, 1996, until 12 midnight A.l.t., December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 672.

In accordance with § 672.20(c)(1)(ii)(B), the TAC for Pacific cod in the Central Regulatory Area was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996) as 42,900 metric tons (mt).

The Director, Alaska Region, NMFS, has determined, in accordance with § 672.20(c)(3), that the TAC for Pacific cod in the Central Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that further catches of Pacific cod in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 672.20(e).

#### Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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

Dated: May 3, 1996.

Richard W. Surdi,

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

[FR Doc. 96-11548 Filed 5-3-96; 4:47 pm]

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