

1. A copy of all accident reports prepared and required by State or other governmental entities or insurers.

2. Interview information with the driver and occupants of the CMV involved. The information shall specifically indicate whether the driver of the transponder-equipped vehicle believed that the presence of the transponder was a factor in the accident. The interview shall be conducted by a motor carrier employee responsible for supervising the driver of the transponder-equipped vehicle.

IV. State and Local Laws

This waiver applies to all participating vehicles operating in interstate commerce. Although incompatible State laws or regulations perhaps cannot be changed to coincide with the start of the waiver period, the FHWA strongly encourages State and local authorities with safety regulations that would prohibit the use of the proposed transponders to accept the terms and conditions of this waiver.

V. Vehicles To Be Equipped With Transponders

The names and USDOT numbers of the motor carriers participating in the ADVANTAGE I-75 and HELP programs, as well as the number of transponder-equipped CMVs operated by each carrier, shall be provided to the FHWA. Motor carriers not participating in these programs may not equip straight trucks, tractors, or motor coaches with the transponders discussed in this waiver.

VI. Termination of Waiver

The FHWA may terminate this waiver at any time without prior warning if it determines that continued use of the transponders decreases the operational safety of the vehicles on which they are installed. Upon receipt of a notice of termination, motor carriers participating in the ADVANTAGE I-75 and HELP projects must immediately remove the transponders from their vehicles.

VII. Report

ADVANTAGE I-75 and HELP shall provide separate reports describing the transponder's installation and use within two years after the effective date of the waiver. The reports shall include information obtained from the drivers on the device's effect on visibility through the windshield.

The FHWA has fully considered the information presented in the request for waiver, engineering and other technical material reviewed concerning requirements for visibility from vehicles, and the comments received. The FHWA hereby concludes that the

waiver is consistent with the public interest and the safe operation of commercial motor vehicles. Accordingly, the FHWA hereby grants the Commonwealth of Kentucky and Heavy Vehicle Electronic License Plate, Inc., their petition for a waiver from the requirements of 49 CFR 393.60(c).

Authority: 49 U.S.C. 31136, 31502; 49 CFR 1.48.

Issued on: February 21, 1995.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 95-5323 Filed 3-3-95; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 95022357-5057-01; I.D. 120594A]

RIN 0648-AG95

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Pacific Halibut Bycatch

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

ACTION: Final rule; final 1995 specification of Pacific halibut bycatch allowances.

SUMMARY: NMFS issues a final rule to revise the management of seasonal Pacific halibut bycatch allowances annually specified for nontrawl fisheries in the Bering Sea and Aleutian Islands management area (BSAI). This final rule also provides NMFS the authority to determine annually whether to apportion a halibut bycatch allowance to the BSAI jig gear fishery or the BSAI or Gulf of Alaska (GOA) hook-and-line gear fisheries for sablefish or to exempt these fisheries from halibut bycatch restrictions. Final 1995 halibut bycatch allowances for the GOA hook-and-line gear fisheries and the BSAI nontrawl fisheries, seasonal apportionments thereof, and the manner in which these seasonal apportionments will be managed under the final rule are specified. This action is necessary to manage halibut bycatch allowances consistent with seasonal apportionments of groundfish total allowable catch (TAC) amounts, prevent preemption of the BSAI jig gear fisheries by the attainment of halibut bycatch allowances apportioned to other

nontrawl fisheries, and support the implementation of the sablefish/halibut individual fishing quota (IFQ) program. This action is intended to promote management and conservation of groundfish and other fish resources and to further the objectives contained in the fishery management plans for Alaska groundfish fisheries.

EFFECTIVE DATE: April 3, 1995.

ADDRESSES: Copies of the environmental assessment/regulatory impact review prepared for this action may be obtained from the Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: Susan Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Fishing for groundfish by vessels in the exclusive economic zone of the GOA and BSAI is managed by NMFS according to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska and the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 620, 672, 675, and 676.

Regulations for the management of halibut bycatch limits established for the GOA groundfish fisheries are set out at § 672.20(f). Regulations for the management of prohibited species bycatch limits established for the BSAI groundfish fisheries are set out at § 675.21. A proposed rule was published in the **Federal Register** on December 29, 1994 (59 FR 67268), that would revise the management of the halibut bycatch limits established for the GOA hook-and-line gear groundfish fisheries and the BSAI nontrawl groundfish fisheries. The proposed action would (1) address concerns about the potential closure of the BSAI jig gear fishery due to halibut bycatch in other nontrawl fisheries, (2) allow for the management of the seasonal apportionment of the halibut bycatch allowances annually specified for the BSAI Pacific cod hook-and-line gear fishery consistent with the management of the amount of Pacific cod TAC allocated to this fishery, and (3) authorize the exemption of the GOA and BSAI hook-and-line gear sablefish fishery from halibut bycatch restrictions to support the new sablefish/halibut IFQ program. Comments on the proposed

rule were invited through January 30, 1995. No written comments were received within the comment period.

Upon reviewing the reasons for revisions to regulations addressing the management of the halibut bycatch limits established for the GOA hook-and-line gear fisheries and the BSAI nontrawl fisheries, NMFS has determined that this final rule implementing the following measures is necessary for fishery conservation and management:

1. Separately define the GOA sablefish hook-and-line gear fishery under § 672.20(f)(1)(ii) and the BSAI groundfish jig gear fishery and the BSAI sablefish hook-and-line gear fishery under § 675.21(b)(2)(ii) so that these fisheries annually either receive a separate halibut bycatch allowance or are exempted from halibut bycatch restrictions. These determinations will be implemented by NMFS, after consultation with the Council, as part of the annual specification process set out at §§ 672.20(c) and 675.20(a)(7); and

2. Authorize NMFS, after consultation with the Council, to specify annually how seasonal bycatch allowances established for the BSAI nontrawl fisheries will be reapportioned among remaining seasons during the same fishing year.

Further explanation of, and reasons for, these measures are contained in the preamble to the proposed rule (59 FR 67268, December 29, 1994).

Final 1995 Specifications of the Pacific Halibut Bycatch Mortality Limit Established for the BSAI Nontrawl Fisheries

NMFS published with the proposed rule the proposed 1995 halibut bycatch allowances for the GOA hook-and-line gear fisheries and the BSAI nontrawl fisheries, seasonal apportionments thereof, and the manner in which these seasonal apportionments would be managed. The proposed specifications were recommended by the Council during its September 1994 meeting.

At its December 1994 meeting, the Council recommended final halibut bycatch specifications under the assumption that this final rule would be implemented early in 1995. These final recommendations would exempt the 1995 GOA and BSAI sablefish hook-and-line gear fisheries from halibut bycatch restrictions and establish a 300 metric ton (mt) halibut bycatch mortality limit for the 1995 GOA hook-and-line gear fisheries.

NMFS concurs with the Council's GOA halibut bycatch specifications for the hook-and-line gear fisheries as set out in Table 1. The justification for the 300 mt bycatch limit is discussed in the preamble to the proposed rule (59 FR 67268, December 29, 1994). This bycatch limit is apportioned between the demersal shelf rockfish fishery (10 mt) and the "other hook-and-line gear" fisheries (290 mt). Over 80 percent of the halibut bycatch mortality allowance apportioned to the "other hook-and-line gear" fisheries is seasonally apportioned to the first 5 months of the year to support the hook-and-line gear fishery for Pacific cod. The remaining amount of this halibut bycatch mortality allowance is divided between the last two seasons of the year to support the hook-and-line gear fishery for rockfish.

TABLE 1.—FINAL 1995 PACIFIC HALIBUT BYCATCH LIMIT, BYCATCH ALLOWANCES, AND SEASONAL APPORTIONMENTS THEREOF, FOR THE GOA HOOK-AND-LINE (H&L) GEAR FISHERIES

Fishery	Halibut bycatch mortality allowance in mt
Demersal shelf rockfish	10 mt.
Sablefish	Exempt.
Other H&L gear fisheries	
Jan. 1–May 14	242 mt.
May 15–Aug. 31	29 mt.
Sep. 1–Dec. 31	19 mt.
Total 1995 bycatch allowance specified for other H&L fisheries.	290 mt.
Total	300 mt

NMFS also concurs with the Council's final recommendation for 1995 BSAI nontrawl fishery halibut bycatch allowances as set out in Table 2. The halibut bycatch allowances are unchanged from those implemented under the final 1995 groundfish specifications published in the **Federal Register** February 14, 1995 (60 FR 8479). Under the authority of this final rule, however, Table 2 specifies that the BSAI sablefish hook-and-line gear fishery is exempt from 1995 halibut-bycatch restrictions. Table 2 also specifies the accounting for any underharvest or overharvest of a seasonal apportionment of the Pacific cod halibut bycatch allowance.

TABLE 2.—FINAL 1995 PACIFIC HALIBUT BYCATCH ALLOWANCES, AND SEASONAL APPORTIONMENTS THEREOF, FOR THE BSAI NONTRAWL FISHERIES

Fishery	Halibut bycatch mortality allowance in mt
Pacific cod hook-and-line ¹	
Jan. 1–Apr. 30	475 mt.
May 1–Aug. 31	40 mt.
Sep. 1–Dec. 31	210 mt.
Total	725 mt.
Sablefish hook-and-line	Exempt.
Jig gear	Exempt.
Other nontrawl	175 mt.
Groundfish pot gear	Exempt.
Total	900 mt.

¹ Any unused portion of the first season's halibut bycatch allowance specified for the Pacific cod hook-and-line gear fishery would be reapportioned to the third seasonal allowance. Any overage of a seasonal bycatch allowance specified for this fishery would be deducted from the remaining seasonal bycatch allowances specified for 1995 in amounts proportional to these remaining seasonal bycatch allowances.

The specifications set out in Tables 1 and 2 supersede the halibut bycatch specifications for the GOA hook-and-line gear fisheries published in the **Federal Register** February 14, 1995 (60 FR 8470) and for the BSAI nontrawl fisheries published in the **Federal Register** February 14, 1995 (60 FR 8479), respectively.

NMFS notes that separate halibut bycatch allowances may be established for the GOA and BSAI sablefish hook-and-line gear fisheries in future years under the annual specification process if halibut discard mortality in these fisheries is not reduced in the manner anticipated under the IFQ program.

Classification

This final rule is exempt from review under E.O. 12866.

The Assistant General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this would not have a significant economic impact on a substantial number of small entities. The reasons were published in the **Federal Register** on December 29, 1994 (59 FR 67268). As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: February 28, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are amended as follows:

PART 672—GROUND FISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

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

2. In § 672.20, paragraphs (f)(1)(ii) and (f)(3)(ii) are revised to read as follows:

§ 672.20 General limitations.

* * * * *

(f) * * *

(1) * * *

(ii) *Hook-and-line and pot gear fisheries.* (A) After consultation with the Council, NMFS will publish notification in the **Federal Register** specifying the proposed and final halibut PSC limits for vessels using hook-and-line gear. The notification also may specify a halibut PSC limit for the pot gear fisheries. The halibut PSC limit specified for vessels using hook-and-line gear may be further apportioned, as bycatch allowances, to the fishery categories listed in paragraph (f)(1)(ii)(B) of this section, based on each category's proportional share of the anticipated halibut bycatch mortality during a fishing year and the need to optimize the amount of total groundfish harvest under the halibut PSC limit. The sum of all bycatch allowances will equal the halibut PSC limit established under this paragraph (f)(1)(ii).

(B) For purposes of apportioning the hook-and-line halibut PSC limit among fisheries, the following fishery categories are specified and defined in terms of round-weight equivalents of those groundfish species for which a TAC has been specified under paragraphs (a) and (c) of this section:

(1) *Demersal shelf rockfish in the Southeast Outside District.* Fishing with hook-and-line gear in the Southeast Outside District of the Eastern Regulatory Area of the Gulf of Alaska during any weekly reporting period that results in a retained catch of demersal shelf rockfish that is greater than the retained amount of any other fishery category defined under this paragraph (f)(1)(ii)(B).

(2) *Sablefish fishery.* Fishing with hook-and-line gear during any weekly reporting period that results in a retained catch of sablefish that is greater than the retained amount of any other fishery category defined under this paragraph (f)(1)(ii)(B).

(3) *Other hook-and-line gear fishery.* Fishing with hook-and-line gear during any weekly reporting period that results in a retained catch of groundfish and is not a demersal shelf rockfish fishery or a sablefish fishery as defined under paragraphs (f)(1)(ii)(B) (1) and (2) of this section.

* * * * *

(3) * * *

(ii) *Hook-and-line fisheries.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the three hook-and-line gear fishery categories listed in paragraph (f)(1)(ii)(B) of this section will catch the Pacific halibut bycatch allowance, or apportionments thereof, specified for that fishery category under paragraph (f)(1) of this section, NMFS will publish notification in the **Federal Register** closing the entire Gulf of Alaska or the applicable regulatory area or district to directed fishing with hook-and-line gear for each species and/or species group that comprises that fishing category.

* * * * *

PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

3. The authority citation for part 675 continues to read as follows:

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

4. In § 675.21, paragraph (b)(2)(ii) (B) and (C) are redesignated as paragraphs (b)(2)(ii) (D) and (E) respectively; paragraphs (b)(3)(ii) and (b)(3)(iii) are redesignated as paragraphs (b)(3)(ii)(A) and (b)(3)(ii)(B), respectively; newly redesignated paragraph (b)(2)(ii)(E) and paragraphs (b)(4) and (d) are revised; and new paragraphs (b)(2)(ii)(B), (b)(2)(ii)(C), (b)(3)(ii) heading, and paragraph (b)(3)(iii) are added to read as follows:

§ 675.21 Prohibited species catch (PSC) limitations.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(B) *Sablefish hook-and-line fishery.* Fishing with hook-and-line gear during any weekly reporting period that results in a retained catch of sablefish that is greater than the retained amount of any other groundfish species.

(C) *Groundfish jig gear fishery.* Fishing with jig gear during any weekly reporting period that results in a retained catch of groundfish.

* * * * *

(E) *Other nontrawl fisheries.* Fishing for groundfish with nontrawl gear

during any weekly reporting period that results in a retained catch of groundfish and does not qualify as a Pacific cod hook-and-line fishery, a sablefish hook-and-line fishery, a groundfish jig gear fishery, or a groundfish pot gear fishery as defined under this paragraph (b)(2)(ii).

(3) * * *

(ii) *Management of seasonal trawl fishery bycatch allowances.*

* * * * *

(iii) *Management of seasonal nontrawl fishery bycatch allowances.* (A) Any unused portion of a seasonal fishery bycatch allowance made under paragraph (b)(3)(i) of this section will be reapportioned to the fishery's remaining seasonal bycatch allowances during a current fishing year in a manner determined by NMFS, after consultation with the Council, based on the types of information listed under paragraph (b)(3)(i) of this section.

(B) If a seasonal apportionment of a fishery bycatch allowance made under paragraph (b)(3)(i) of this section is exceeded, the amount by which the seasonal apportionment is exceeded will be deducted from the fishery's remaining seasonal bycatch allowances during a current fishing year in a manner determined by NMFS, after consultation with the Council, based on the types of information listed under paragraph (b)(3)(i) of this section.

(4) NMFS will publish annually in the **Federal Register** the proposed and final bycatch allowances, seasonal apportionments thereof, and the manner in which seasonal apportionments of nontrawl fishery bycatch allowances will be managed, as required under § 675.20(a)(7). Public comment will be accepted by NMFS on the proposed bycatch allowances, seasonal apportionments thereof, and the manner in which seasonal apportionments of nontrawl fishery bycatch allowances will be managed, for a period of 30 days after publication in the **Federal Register**.

* * * * *

(d) *Attainment of a Pacific halibut nontrawl fishery bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the nontrawl fishery categories listed in paragraphs (b)(2)(ii) (A) through (E) of this section will catch the Pacific halibut bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of this section, NMFS will publish in the **Federal Register** the closure of the entire Bering Sea and Aleutian Islands management area to directed fishing

with the relevant gear type for each species and/or species group in that fishery category.

[FR Doc. 95-5392 Filed 3-3-95; 8:45 am]

BILLING CODE 3510-22-P

50 CFR Parts 672 and 676

[Docket No. 950223056-5056-01; I.D. 022195C]

RIN 0648-AG45

Groundfish of the Gulf of Alaska; Limited Access Management of Federal Fisheries In and Off of Alaska; Authority To Establish the Sablefish Season

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

ACTION: Final rule; season opening date.

SUMMARY: NMFS issues a final rule amending the regulations establishing the Individual Fishing Quota (IFQ) sablefish fishing season. This action is necessary to provide the Director, Alaska Region, NMFS (Regional Director), with the authority to establish the IFQ sablefish season and announce it by publication in the **Federal Register**. It is intended to provide flexibility in starting the IFQ sablefish season to allow coordination with the IFQ halibut season established by the International Pacific Halibut Commission (IPHC).

EFFECTIVE DATE: March 1, 1995.

ADDRESSES: Copies of this action, and the Regulatory Impact Review (RIR), including the Final Regulatory Flexibility Analysis (FRFA), for this action, can be obtained from Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21688, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: Section 676.23(b) is revised to authorize the Regional Director to establish the start of the IFQ sablefish fishing season by publication in the **Federal Register**. This framework provision allows the Regional Director to take into account the opening date of the IFQ halibut season when determining the opening date for the IFQ sablefish season. Allowing flexibility in starting the IFQ sablefish season facilitates its coordination with the start of the IFQ halibut season, which is determined by the IPHC annually each January.

Starting the IFQ sablefish and IFQ halibut seasons concurrently benefits persons harvesting IFQ species and the Nation's fishery resource. Persons harvesting IFQ species would benefit economically because they would be able to retain both species, rather than having to discard one species because its season was closed. Also, the fisheries under the IFQ Program would benefit because regulatory discards, and the resulting mortality caused by those discards, would be reduced.

The IPHC, during its annual January meeting, decided that the Pacific halibut fixed gear season will start March 15, 1995, and end November 15, 1995. Consequently, the Regional Director announces under this final rule that the sablefish fixed gear directed fishing season will start 12 noon, Alaska local time (A.l.t.), March 15, 1995, and end 12 noon, A.l.t., November 15, 1995.

NMFS will publicize the March 15 opening date for both IFQ fisheries, which will give the public sufficient time to prepare for the IFQ season opening date.

No public comments were received on the proposed rule, published at 60 FR 2935 (January 12, 1995).

Changes in the Final Rule from the Proposed Rule

In § 676.23(b), the text of the third sentence of the proposed rule is changed slightly in the final rule to clarify the regulatory text because it was grammatically awkward. The change is not substantive. Also, § 672.23(c) of this chapter currently includes an opening date for the fishing season for sablefish with hook and line gear. This paragraph conflicts with the intent to framework the opening date of the sablefish fishing season under the IFQ Program and is therefore removed.

Classification

The RIR prepared for this action describes changes that are made to the IFQ Program. These changes are minor and do not substantially alter the current management process.

A Final Regulatory Flexibility Analysis (FRFA) was prepared for the IFQ Program. The FRFA described and estimated the total number of small entities affected, and analyzed the economic impact on those small entities. Based on the FRFA, it was determined that the IFQ Program would have a significant economic impact on a substantial number of small entities. A copy of the FRFA can be obtained by contacting the Alaska Region, NMFS (see **ADDRESSES**).

The benefits referenced above will not be realized unless this final rule is

effective March 1, 1995, the IFQ sablefish season start date originally specified in the IFQ regulations. Pursuant to 5 U.S.C. 553(d)(3), a rule may be made effective prior to 30 days after publication for good cause found and published with the rule. Opening the IFQ sablefish season on March 15, rather than March 1, avoids discards of halibut bycatch in the IFQ sablefish fishery from March 1 through March 15. Avoiding unnecessary discards is economically and biologically beneficial to the Nation's fishery resources and constitutes good cause for waiving requirement for a 30-day delay in effective date.

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

List of Subjects in 50 CFR Parts 672 and 676

Fisheries, Reporting and recordkeeping requirements.

Dated: February 28, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 676 are amended as follows:

PART 672—GROUND FISH OF THE GULF OF ALASKA

1. The authority citation for 50 CFR part 672 continues to read as follows:

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

2. Section 672.23 is amended by removing paragraph (c) and redesignating paragraphs (d), (e), and (f) as (c), (d), and (e), respectively.

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

3. The authority citation for 50 CFR part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

4. Section 676.23 is amended by revising paragraph (b) to read as follows:

§ 676.23 IFQ fishing season.

* * * * *

(b) Directed fishing for sablefish using fixed gear in any IFQ regulatory area may be conducted in any fishing year during the period specified by the Regional Director and announced by publication in the **Federal Register**. The Regional Director will take into account the opening date of the Pacific halibut season when determining the opening date for sablefish for the purposes of reducing bycatch and regulatory