

Type of motor vehicle	Service Brake Systems			Emergency brake systems: application and braking distance in feet from initial speed of 20 mph
	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Application and braking distance in feet from initial speed of 20 mph	
B. Property-carrying vehicles:				
(1) Single unit vehicles having a manufacturer's GVWR of 10,000 pounds or less .....	52.8	17	25	66
(2) Single unit vehicles having a manufacturer's GVWR of more than 10,000 pounds, except truck tractors. Combinations of a 2-axle towing vehicle and trailer having a GVWR of 3,000 pounds or less. All combinations of 2 or less vehicles in driveaway or towaway operation	43.5	14	35	85
(3) All other property-carrying vehicles and combinations of property-carrying vehicles .....	43.5	14	40	90

**Note:** (a) There is a definite mathematical relationship between the figures in columns 2 and 3. If the decelerations set forth in column 3 are divided by 32.2 feet per second per second, the figures in column 2 will be obtained. (For example, 21 divided by 32.2 equals 65.2 percent.) Column 2 is included in the tabulation because certain brake testing devices utilize this factor.

(b) The decelerations specified in column 3 are an indication of the effectiveness of the basic brakes, and as measured in practical brake testing are the maximum decelerations attained at some time during the stop. These decelerations as measured in brake tests cannot be used to compute the values in column 4 because the deceleration is not sustained at the same rate over the entire period of the stop. The deceleration increases from zero to a maximum during a period of brake system application and brake-force buildup. Also, other factors may cause the deceleration to decrease after reaching a maximum. The added distance which results because maximum deceleration is not sustained is included in the figures in column 4 but is not indicated by the usual brake-testing devices for checking deceleration.

(c) The distances in column 4 and the decelerations in column 3 are not directly related. "Brake-system application and braking distance in feet" (column 4) is a definite measure of the overall effectiveness of the braking system, being the distance traveled between the point at which the driver starts to move the braking controls and the point at which the vehicle comes to rest. It includes distance traveled while the brakes are being applied and distance traveled while the brakes are retarding the vehicle.

(d) The distance traveled during the period of brake-system application and brake-force buildup varies with vehicle type, being negligible for many passenger cars and greatest for combinations of commercial vehicles. This fact accounts for the variation from 20 to 40 feet in the values in column 4 for the various classes of vehicles.

(e) The terms "GVWR" and "GVW" refer to the manufacturer's gross vehicle weight rating and the actual gross vehicle weight, respectively.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 216

[Docket No. 000720213-0213-01; I.D. 062000C]

RIN 0648-AO40

#### Marine Mammals; Subsistence Taking of Northern Fur Seals; Harvest Estimates

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

**ACTION:** Proposed estimates of annual fur seal subsistence needs; request for comments.

**SUMMARY:** Pursuant to the regulations governing the subsistence taking of northern fur seals, this action proposes annual estimates of fur seal subsistence needs for 2000 through 2002 on the Pribilof Islands, Alaska, and summarizes the annual fur seal subsistence harvests on St. George and St. Paul Islands (the Pribilof Islands) for 1997 through 1999. NMFS solicits

public comments on the proposed estimates.

**DATES:** Written comments must be received at the appropriate address or fax number (See **ADDRESSES**) no later than 5 p.m., eastern daylight time, on September 8, 2000.

**ADDRESSES:** Comments or requests for a copy of the draft Environmental Assessment should be addressed to the Chief, Marine Mammal Division, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910. Comments also may be sent via facsimile (fax) to (301) 713-4060. Comments will not be accepted if submitted via email or Internet.

**FOR FURTHER INFORMATION CONTACT:**

Dave Cormany, (907) 271-3024, fax (907) 271-3030, email [Dave.Cormany@noaa.gov](mailto:Dave.Cormany@noaa.gov); Michael Payne, (907) 586-7235, fax (907) 586-7012, email [Michael.Payne@noaa.gov](mailto:Michael.Payne@noaa.gov); or Thomas Eagle, (301) 713-2322, ext. 105, fax (301) 713-4060, email [Tom.Eagle@noaa.gov](mailto:Tom.Eagle@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The subsistence harvest from the depleted stock of northern fur seals, *Callorhinus ursinus*, on the Pribilof Islands, Alaska, is governed by regulations found in 50 CFR part 216, subpart F. The purpose of these regulations, published under the authority of the Fur Seal Act (FSA), 16 U.S.C. 1151, *et seq.*, and the Marine

Mammal Protection Act (MMPA), 16 U.S.C. 1361, *et seq.*, is to limit the take of fur seals to a level providing for the subsistence needs of the Pribilof residents, while restricting taking by sex, age, and season for herd management purposes. To further minimize negative effects on the Pribilof Islands' fur seal population, the harvest has been limited to a 47-day season (June 23-August 8).

Pursuant to the regulations governing the taking of fur seals for subsistence purposes, NMFS must publish a summary of the fur seal harvest for the previous 3-year period and an estimate of the number of seals expected to be taken in the subsequent 3-year period to meet the subsistence needs of the Aleut residents of the Pribilof Islands.

#### Summary of Harvest Operations and Monitoring 1997-1999

The annual harvests were conducted in the established manner and employed the standard methods required under regulations at 50 CFR 216.72. NMFS personnel monitored each daily harvest and worked closely with the tribal governments of each island to further improve the efficiency of the annual harvest and full utilization of the animals taken. NMFS personnel also monitored the disposal of by-products of the subsistence harvest in an effort to ensure that certain parts, such as bacula, of harvested seals were

not taken illegally and that waste of edible portions was not occurring.

The number of northern fur seals harvested on St. Paul Island from 1986 to 1999 ranged from 1,000 to 1,710, and the number harvested on St. George Island from 1986 to 1999 ranged from 92 to 319 seals. The actual number of animals harvested has never reached the upper end of the estimated take range for either island and has reached the lower limit only once on St. Paul (1991) and twice on St. George (1991, 1993) in the past 10 years. The average number of seals harvested during the past 10 years on St. Paul and St. George Islands has been 1,524 seals (range: 1,000 to 1,645) and 247 seals (range: 193 to 319), respectively (Table 1).

Beginning with the 1995 harvest, the tribal government of St. Paul voluntarily eliminated the "butterfly cut" as a standard method of field dressing harvested seals and resolved to utilize more of the carcass from each animal. Only whole carcasses were removed from the harvesting field. The following exceptions, as permitted by the tribal government, are: (a) Those animals taken to accommodate some of the elder residents who are physically unable to

butcher whole animals supplied to them by the tribal government, and; (b) those carcasses in which the gall bladder was inadvertently ruptured, thus contaminating some of the meat with bile. A total of 12 butterfly cuts (0.29 percent of the combined Pribilof total take of 4,126 seals for the 3 years 1997–1999), were taken from the field under these exceptions.

As a result of the elimination of the butterfly cut as a standard field dressing method and because the removal of whole carcasses constitutes full utilization of the edible portions of harvested seals, NMFS determined that continuing the percent-use calculations previously applied to the harvest was no longer necessary. The butterfly cut was never a standard field dressing method on St. George Island; therefore, removal of only whole carcasses from the harvesting field is now a uniform practice in the Pribilofs.

Regarding the utilization of the inedible portions of harvested seals, the tribal governments of both islands have implemented a program that promotes full utilization of inedible seal parts for traditional arts, crafts, and other uses permitted under regulations at 50 CFR

216.73. The result has been an expanded use of these materials by the Aleut residents and increased fulfillment of the non-wasteful harvest requirements.

From 1997 through 1999, NMFS and the tribal governments of both islands worked closely and successfully to improve the conduct of the subsistence harvest and to promote full utilization of all the products thereof. Through the emerging co-management process, NMFS and tribal authorities have developed a cooperative and collaborative working relationship, which increases local participation and responsibility regarding subsistence uses of fur seals and other marine mammals on and around the Pribilofs. Among the improvements realized through this process from 1997 to 1999 were a lower incidence of heat stroke and fewer females or bulls being accidentally struck. NMFS anticipates that this effort and process will continue to progress and significant harvest improvements are planned or being implemented for the annual harvests 2000–2002.

TABLE 1. SUBSISTENCE HARVEST LEVELS FOR NORTHERN FUR SEALS ON THE PRIBILOF ISLANDS, 1985–1999

Year	Subsistence Take Ranges		Actual Harvest Levels	
	St. Paul	St. George	St. Paul	St. George
1985			3,384	329
1986	2,400–8,000	800–1,800	1,299	124
1987	1,600–2,400	533–1,800	1,710	92
1988	1,800–2,200	600–740	1,145	113
1989	1,600–1,800	533–600	1,340	181
1990	1,145–1,800	181–500	1,077	164
1991	1,145–1,800	181–500	1,645	281
1992	1,645–2,000	281–500	1,482	194
1993	1,645–2,000	281–500	1,518	319
1994	1,645–2,000	281–500	1,616	161
1995	1,645–2,000	281–500	1,525	260
1996	1,645–2,000	281–500	1,591	232
1997	1,645–2,000	300–500	1,153	227
1998	1,645–2,000	300–500	1,297	256
1999	1,645–2,000	300–500	1,000	193

**Estimate of Subsistence Need for the Period 2000–2002**

The projected subsistence harvest estimates are given as a range, the lower end of which may be exceeded if NMFS is given notice and the Assistant Administrator for Fisheries, NOAA, determines that the annual subsistence needs of the Pribilof Aleuts have not been satisfied. Conversely, the harvest can be terminated before the lower end of the range is reached if the annual subsistence needs of the Pribilof residents are determined to have been

met or the harvest has been conducted in a wasteful manner.

In September 1996, NMFS requested that the tribal government of each island determine the number of fur seals that would be needed by their communities each year for the 3-year period 1997 through 1999. The response from the St. Paul Island tribal government was to maintain the current range of 1,645–2,000 seals. The St. George Island tribal government requested that the lower end range be increased from 281 to 300 seals and that the upper bound remain at 500 seals. NMFS determined that the

continuing decline of the island's economy had resulted in an increased rate of unemployment and, thus, a greater reliance on subsistence harvesting of food resources by the Aleut residents of St. George Island to meet their needs for the 1997–1999 period. In response to the information provided by the tribal governments of St. Paul and St. George Islands, the estimated range on St. Paul Island for each of the years 1997 to 1999 remained the same as was established for the years 1994 through 1996 (1,645 to 2,000), and that the annual range on St.

George Island for the years 1997 through 1999, was 300–500 seals.

In 1999, NMFS and the Tribal Government of St. Paul (TGSNP) initiated discussions under Section 119 of the MMPA regarding co-management of the subsistence uses of marine mammals in Alaska. These discussions produced a final draft agreement between the NMFS and TGSNP which has been submitted for approval and signature by the respective parties. Discussions have also been initiated with the Tribal Community of St. George regarding a section 119 agreement under the MMPA which is expected to be negotiated within this year.

For the 3 year period, 2000–2002, NMFS proposes no change to the past and current ranges of 1,645–2,000 for St. Paul Island and 300–500 for St. George Island. Retaining these levels will provide adequate flexibility for further refinement of annual harvest levels through the co-management process.

As described earlier in this document, if the Aleut residents of either island reach the lower end of this yearly harvest estimate and have unmet subsistence needs and no indication of waste, they may request an additional number of seals up to the upper limit of the respective harvest estimates. The residents of St. George and St. Paul Islands may substantiate any additional need for seals by submitting in writing the information upon which they base their decision that subsistence needs are unfulfilled. The regulations at 50 CFR 216.72(e)(1) and (3) require a suspension of the fur seal harvest for up to 48 hours once the lower end of the estimated harvest level is reached. The suspension is to last no more than 48 hours, followed either by a finding that the subsistence needs have been met or by a revised estimate of the number of seals necessary to satisfy the Aleuts' subsistence needs. NMFS seeks public comments on the proposed estimates (see **ADDRESSES**).

The harvest of fur seals is anticipated to be non-wasteful and in compliance with the regulations specified at 50 CFR 216.72. NMFS will continue to monitor the harvest on St. Paul Island and St. George Islands during 2000–2002.

#### Electronic Access

The draft Environmental Assessment for this action is accessible via the Internet at the following address:

[http://www.nmfs.noaa.gov/prot\\_res/depleted/furseal.html](http://www.nmfs.noaa.gov/prot_res/depleted/furseal.html).

#### Classification

##### *National Environmental Policy Act*

A draft Environmental Assessment is available for this action (see **ADDRESSES**).

##### *Executive Order 12866 and Regulatory Flexibility Act*

The Assistant Administrator for Fisheries, NOAA, has determined that this is not a significant rule under Executive Order 12866. The regulations are not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. The General Counsel, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed action would not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis was not prepared.

##### *Paperwork Reduction Act*

This proposed action does not require the collection of information.

##### *Executive Order 13132—Federalism*

This proposed action does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132 because this action does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Nonetheless, NMFS worked closely with local governments in the Pribilof Islands, and these estimates of subsistence needs were prepared by the local governments in St. Paul and St. George, with assistance from NMFS officials.

##### *Executive Order 13084—Consultation and Coordination with Indian Tribal Governments*

Executive Order 13084 requires that if NMFS issues a regulation that significantly or uniquely affects the communities of Indian tribal governments and imposes substantial direct compliance costs on those communities, NMFS must consult with those governments, or the Federal

government must provide the funds necessary to pay the direct compliance costs incurred by the tribal governments. This action does not impose substantial direct compliance costs on the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Nonetheless, NMFS took several steps to work with affected tribal governments to prepare and implement the proposed action. These steps included discussions on subsistence needs and mechanisms to ensure that the harvest is conducted in a non-wasteful manner. NMFS and the Tribal Government of St. Paul are negotiating a cooperative agreement pursuant to section 119 of the MMPA to govern future harvests.

Dated: August 3, 2000.

**William T. Hogarth,**

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

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No.000629197-0197-01; I.D. 032900A]

RIN 0648–AN06

#### Atlantic Highly Migratory Species; Billfish Size Limits; Monitoring of Recreational Landings; Post-Release Mortality

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

**ACTION:** Advance notice of proposed rulemaking (ANPR); request for comments.

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**SUMMARY:** NMFS is requesting comments on options for rulemaking to reduce United States recreational landings of Atlantic blue marlin (BUM) to comply with recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). NMFS also requests comments on options to improve the monitoring of recreationally landed billfish and swordfish. In addition, NMFS is seeking comments on prohibiting retention of Atlantic billfish onboard any U.S.-flagged vessels that have been issued a commercial fishing permit for any Atlantic Highly Migratory Species