

rule does not impose any new recordkeeping, information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR part 235

Government procurement.

Claudia L. Naugle,

Deputy Director, Defense Acquisition
Regulations Council.

Therefore, 48 CFR Part 235 is amended as follows:

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

1. The authority citation for 48 CFR Part 235 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Section 235.017-1 is added to read as follows:

§ 235.017-1 Sponsoring agreements.

(c)(4) DoD-sponsored FFRDCs that function primarily as research laboratories may respond to solicitations and announcements for programs which promote research, development, demonstration, or transfer of technology (Section 217, Pub. L. 103-337).

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1312 and 1314

[Ex Parte No. 444]

Electronic Filing of Tariffs

AGENCY: Interstate Commerce Commission (ICC).

ACTION: Final rule.

SUMMARY: The ICC amends its regulations to reflect the *status quo* with respect to the rules for filing electronic and printed tariffs, and terminates the Ex Parte No. 444 proceeding. This action codifies in the regulations the tariff filing rules which have existed for the past five years as a result of the partial stay of the Commission's 1989 decision in Ex Parte No. 444, and ends the proceeding.

EFFECTIVE DATES: The amendments in this final rule are effective April 8, 1995. Effective April 8, 1995, the rule removing part 1312, which was published at 54 FR 6404 and stayed at 54 FR 10533 and 54 FR 42959, is withdrawn and part 1312 continues in

effect. The effective date of part 1314, which was added at 54 FR 6404 and stayed at 54 FR 10533 and 54 FR 42959, is November 8, 1989.

FOR FURTHER INFORMATION CONTACT:

James W. Greene, (202) 927-5602, or Thomas A. Mongelli, (202) 927-5150. TDD for the hearing impaired: (202) 927-5721.

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking (NPR) served December 15, 1994, and published at 59 FR 64646 (1994), we proposed to amend parts 1312 and 1314 of our regulations to codify the tariff filing rules which have been in effect for the past five years as a result of a partial stay of an earlier Commission decision,¹ and to terminate the Ex Parte No. 444 proceeding. The current rules authorize electronic tariff filing by rail carriers but not by other carriers; in the NPR we indicated our willingness to consider individual special tariff authority requests for electronic filing by non-rail carriers. Comments were filed by two interested parties,² both of which support the Commission's proposal.

HGCBC states that, although it understands the reasons for and supports the Commission's decision, it is disappointed in the termination of the effort to develop methods and standards for filing electronic tariffs. HGCBC believes that electronic tariff filing has merit, and it indicates its willingness to assist the Commission in a renewed effort to develop an electronic tariff filing system if circumstances change.

NITL strongly endorses the Commission's proposal. NITL states that it has participated in the Ex Parte No. 444 proceeding from the beginning, and that its position throughout the proceeding has been that, if tariff filing is to be retained, tariff filing rules must promote efficient and simple tariff use. NITL expresses its view that the enactment of the Trucking Industry Regulatory Reform Act of 1994 (TIRRA) has eliminated the need for electronic tariff filing, and that the likelihood of further statutory changes to tariff filing requirements makes it unnecessary to expend limited resources on this issue at this time.

¹ *Electronic Filing of Tariffs*, 5 I.C.C.2d 279 (1989); 54 FR 6403 and 9052 (1989).

² The Household Goods Carriers' Bureau Committee (HGCBC), and The National Industrial Transportation League (NITL). The Association of American Railroads and each Class I Railroad, while not filing formal comments, submitted a letter indicating that they did not object to the course of action outlined in the NPR.

After careful consideration, we have decided to amend the regulations and terminate the proceeding as proposed.³

Regulatory Flexibility

The rules adopted herein do not impose additional burdens on tariff filers or others; rather, they merely codify the rules that are currently in effect as a result of the partial stay of an earlier Commission decision.

Environmental Statement

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Part 1312

Household goods freight forwarders, Motor carriers, Moving of household goods, Pipelines, Tariffs, Water carriers.

49 CFR Part 1314

Railroads, Tariffs.

Decided: February 17, 1995.

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

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1312 and 1314 of the Code of Federal Regulations are amended as follows:

PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS, SCHEDULES AND RELATED DOCUMENTS OF MOTOR, PIPELINE AND WATER CARRIERS, AND HOUSEHOLD GOODS FREIGHT FORWARDERS

1. The heading of part 1312 is revised to read as set forth above.

2. The authority citation for part 1312 continues to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 10321, 10762 and 10767.

PART 1314—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS AND RELATED DOCUMENTS OF RAIL CARRIERS

3. The heading of part 1314 is revised to read as set forth above.

4. The authority citation for part 1314 is revised to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 10321, 10708, 10761, and 10762.

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³ We will correct the heading of part 1312 to include reference to household goods freight forwarders, which was inadvertently omitted from the proposed rule.

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 651**

[Docket No. 950306066–5066–01; I.D. 111594A]

RIN 0648–AH46

Northeast Multispecies Fishery; Emergency Interim Rule Extension and Amendment to Allow Vessel Transiting

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

ACTION: Emergency interim rule; amendment and extension of effectiveness.

SUMMARY: An emergency interim rule, as amended, in effect through March 12, 1995, is extended from March 13, 1995, through June 10, 1995, because conditions warranting the emergency rule still exist. This rule also amends the emergency interim rule to allow vessels to transit closed areas, provided that there is a demonstrable safety reason and fishing gear is properly stowed. The intent of this extension and amendment is to provide interim protection to various multispecies finfish stocks, especially haddock, cod, and yellowtail flounder while a more comprehensive set of management measures is developed to protect and begin rebuilding abundance levels of these species.

EFFECTIVE DATE: These amendments are effective March 13, 1995, through June 10, 1995. The emergency interim regulations published at 59 FR 63926, December 12, 1994, and amended at 60 FR 3102, January 13, 1995, in effect through March 12, 1995, are extended from March 13, 1995, through June 10, 1995.

ADDRESSES: Copies of the Environmental Assessment (EA) supporting this action may be obtained from Jon C. Rittgers, Acting Regional Director, National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, Northeast Region, NMFS, 508–281–9252.

SUPPLEMENTARY INFORMATION: Under section 305(c) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), NMFS promulgated an emergency interim rule (59 FR 63926, December 12, 1994) that implemented

protective measures for multispecies finfish for the period December 12, 1994, through March 12, 1995. The emergency interim rule implemented: (1) A simultaneous closure of redefined Closed Area I, the Nantucket Lightship Closed Area, and Closed Area II; (2) a prohibition on scallop vessels in the closed areas; (3) a disallowance of any fishery utilizing mesh smaller than the minimum mesh size allowed for regulated species, with the exception of fisheries that have been determined to have a catch of less than 5 percent by weight of regulated species; (4) a prohibition on the possession of regulated species while fishing with small mesh; (5) a requirement that all mobile gear vessels fishing in the Stellwagen Bank and Jeffreys Ledge areas, with the exception of mid-water trawl and purse seine vessels, use 6-inch (15.24-cm) square mesh codends; and (6) an increase in the minimum mesh size in the Southern New England and Nantucket Lightship Regulated Mesh Areas to 6-inch (15.24-cm) diamond or square mesh.

An amendment to the December 12, 1994, emergency interim rule (60 FR 3102, January 13, 1995) made several modifications and clarifications, beginning January 10, 1995. That amendment, among other things, added allowable bycatch species to the exempted fisheries as defined in the December 12 emergency interim rule, allowed a bycatch fishery for longhorn sculpin in the Northern Shrimp Exemption Area, and allowed transiting in Closed Area I and the Nantucket Lightship Closed Area for vessels seeking safe haven.

At the request of NMFS, the New England Fishery Management Council (Council) is preparing a Framework Adjustment (Framework Adjustment 9) to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP) to implement these emergency measures on a permanent basis while a more comprehensive FMP amendment (Amendment 7) to address the long-term objective of stock rebuilding is developed. On February 15, 1995, the Council voted to recommend extension of the emergency interim rule, as amended, for an additional 90 days as provided for in the Magnuson Act. NMFS agrees with the recommendation, because conditions warranting the emergency rule still exist. Therefore, under provisions of section 305(c)(3)(B) of the Magnuson Act, NMFS extends the emergency interim rule, as amended, an additional 90 days, through June 10, 1995.

Since Amendment 6 to the FMP (59 FR 32134, June 22, 1994) extended the

timeframe for closure of Closed Area II through June of each year, extension of the Closed Area II provisions of the December 12 emergency rule has no impact on the fishery. However, the provisions in § 651.21(d)(2) are extended for simplicity and revised to reflect U.S. Coast Guard policy as discussed below.

In § 651.21, paragraphs (d)(1), (2), and (3) are amended to reflect current U.S. Coast Guard policy that allows a fishing vessel to transit closed areas, provided that the vessel operator has a compelling and demonstrable safety reason and provided that the vessel's fishing gear is properly stowed. Paragraph (d)(1)(iv) is added to § 651.21 as a stowage provision for hook gear vessels using gear other than pelagic hook gear.

Classification

The Assistant Administrator, NOAA, finds that good cause exists under 5 U.S.C. 553(b)(B) to waive the requirements to provide prior notice and opportunity for public comment for the amendments to the interim emergency rule made by this action because they are made to reflect current U.S. Coast Guard practices and providing opportunity for public comment would serve no useful purpose. The changes made by the amendment portion of this action were in response to public comments received by the Council at two of its recent meetings since the original emergency rule action first became effective. Further, because the amendment to the emergency rule contained in this action relieves a regulatory restriction under 5 U.S.C. 553(d)(1), it is not subject to a 30-day delay in effective date. This action has been determined to be not significant under E.O. 12866.

This rule is exempt from procedures of the Regulatory Flexibility Act to prepare a regulatory flexibility analysis because the rule is issued without opportunity for prior public comment. No analysis has been prepared.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 7, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows:

**PART 651—NORTHEAST
MULTISPECIES FISHERY**

1. The authority citation for part 651 continues to read as follows:

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

2. Regulations published at 59 FR 63926, December 12, 1994, effective December 12, 1994, through March 12, 1995, and amended at 60 FR 3102, January 13, 1995, effective January 10, 1995, through March 12, 1995, are extended from March 13, 1995, through June 10, 1995.

3. In § 651.21, as temporarily amended at 59 FR 63926, December 12, 1994, and 60 FR 3102, January 13, 1995, paragraphs (d)(1)(ii)(B), (d)(2)(ii)(B), and (d)(3)(ii)(C) are revised, and (d)(1)(iv) is added, effective March 13, 1995, through June 10, 1995, to read as follows (Note: § 651.20(a)(b), and (c) are temporarily suspended through June 10, 1995; § 651.20(d), as amended, remains temporarily added, through June 10, 1995):

§ 651.21 Closed areas.

* * * *

(d) * * *

(1) * * *

(ii) * * *

(B) Transiting for compelling safety reasons, as determined by the fishing vessel operator, provided that fishing net gear is stowed in accordance with § 651.20(c)(7), and scallop dredge gear and hook gear is stowed in accordance with paragraphs (d)(1)(iii) and (iv) of this section. A fishing vessel operator that cannot demonstrate a compelling safety reason for being in the closed area shall be subject to enforcement action.

* * * *

(iv) Hook gear vessels using gear other than pelagic hook gear and transiting closed areas as specified under paragraphs (d)(1), (2), and (3) of this section may not have fishing gear available for immediate use and must secure all anchors and buoys, and have all hook gear, including jigging machines, covered.

(2) * * *

(ii) * * *

(B) Transiting for compelling safety reasons, as determined by the fishing

vessel operator, provided that fishing net gear is stowed in accordance with § 651.20(c)(7), and scallop dredge gear and hook gear is stowed in accordance with paragraphs (d)(1)(iii) and (iv) of this section. A fishing vessel operator that cannot demonstrate a compelling safety reason for being in the closed area shall be subject to enforcement action.

(3) * * *

(ii) * * *

(C) Transiting for compelling safety reasons, as determined by the fishing vessel operator, provided that fishing net gear is stowed in accordance with § 651.20(c)(7), and scallop dredge gear and hook gear is stowed in accordance with paragraphs (d)(1)(iii) and (iv) of this section. A fishing vessel operator that cannot demonstrate a compelling safety reason for being in the closed area shall be subject to enforcement action.

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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 allocation of Pacific cod for the offshore component in the Western Regulatory Area was established by the final groundfish specifications (60 FR 8470, February 14, 1995), as 2,010 metric tons (mt).

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the allocation of Pacific cod total allowable catch for the offshore component in the Western Regulatory Area soon will be reached. The Regional Director established a directed fishing allowance of 1,510 mt, with consideration that 500 mt will be taken as incidental catch in directed fishing for other species in the Western Regulatory Area. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by operators of vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

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: March 6, 1995.

David S. Crestin,

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

[FR Doc. 95-5987 Filed 3-7-95; 2:29 pml]

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