

Acquisition Regulation Supplement (DFARS) to encourage increased use of commercial quality standards in DoD contracts.

DATES: *Effective date:* June 13, 1995.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before August 28, 1995, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Mr. Richard G. Layser, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D007 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Layser, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

Current DoD initiatives to merge the Defense and private sector industrial base require increased use of commercial standards and recognition of contractor quality systems. This interim rule amends DFARS Part 246 to encourage increased use of commercial quality standards by removing existing requirements to use military quality standards in DoD contracts. The rule revises the definition of "quality program"; replaces direct references to MIL-I-45208 and MIL-Q-9858 with references to higher-level quality requirements; and deletes Table 46-1, Contract Quality Requirements Guide.

B. Regulatory Flexibility Act

This interim rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule encourages increased use of commercial quality standards. The rule will enable contractors to use a single quality system in their facilities, rather than maintaining duplicative commercial and military quality systems. This is expected to result in lower costs, as well as improved process capability, process controls, and product quality. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the address stated herein. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section

610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D007 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this interim rule does not impose any new information collection requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This action is necessary to permit the Government and industry to realize, as soon as possible, the significant cost savings anticipated from allowing contractors to maintain a single quality system in their facilities. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Part 246

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 246 is amended as follows:

1. The authority citation for 48 CFR Part 246 is revised to read as follows:

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

PART 246—QUALITY ASSURANCE

2. Section 246.101 is amended by revising the definition of "Quality program" to read as follows:

246.101 Definitions.

* * * * *

Quality program is a program which is developed, planned, and managed to carry out cost-effectively all efforts to effect the quality of materials and services from concept exploration and definition through demonstration and validation, engineering and manufacturing development, production and deployment, and operations and support.

3. Section 246.102 is amended by adding a second sentence in paragraph (4) to read as follows:

246.102 Policy.

* * * * *

(4) * * * Contractor quality programs may be modeled on military, commercial, national, or international quality standards.

4. Section 246.202-3 is revised to read as follows:

246.202-3 Higher-level contract quality requirements.

(i) Higher-level contract quality requirements are used in addition to a standard inspection requirement.

(ii) Higher-level contract quality requirements, including nongovernment quality system standards adopted to meet DoD needs, are listed in the DoD Index of Specifications and Standards.

5. Section 246.204 is revised to read as follows:

246.204 Application of criteria.

When purchasing a commercial item, the technical, quality assurance, and contracting activities must work together to tailor contract quality requirements to—

(1) Eliminate or minimize special Government testing, quality control, and inspection requirements. Consider—

(i) The item's application;

(ii) The cost objectives of the acquisition; and

(iii) The item's reliability as established in the commercial market;

(2) Maximize use of the certificate of conformance consistent with FAR 46.504; and

(3) Provide for examination and acceptance at the most economical point (source or destination).

6. Section 246.704 is amended by revising paragraph (4) to read as follows:

246.704 Authority for use of warranties.

* * * * *

(4) Supplies and services in fixed-price type contracts containing quality assurance provisions that reference higher-level contract quality requirements (see 246.202-3); or

* * * * *

[FR Doc. 95-15252 Filed 6-26-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 544

[Docket No. 95-004; Notice 3]

RIN 2127-AE94

Insurer Reporting Requirements; List of Insurers Required to File Reports

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: In this final rule, NHTSA publishes an update to its list in

Appendices A, B, and C of part 544 of passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experiences, pursuant to 49 U.S.C. section 33112. Each insurer listed in these appendices must file a report for the 1992 calendar year not later than October 25, 1995. Further, as long as they remain listed, they must submit reports on each subsequent October 25.

DATES: The final rule on this subject is effective July 27, 1995.

Reporting Date: Insurers listed in the appendices are required to submit reports on their calendar year 1992 experience, which is due October 25, 1995. Previously listed insurers whose names are removed by this notice need not submit reports for that year. Insurers newly listed in this final rule must submit their reports for calendar year 1992 on or before October 25, 1995. Under part 544, as long as an insurer is listed, it must file reports each October 25. Thus, any insurer listed in the appendices as of the date of the most recent final rule must file a report on the following October 25, and on each succeeding October 25, absent a further amendment removing the insurer's name from the appendices.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Gray, Office of Market Incentives, NHTSA, 400 Seventh St., SW., Washington, DC 20590. Ms. Gray's telephone number is (202) 366-1740. Her fax number is (202) 366-4329.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 49 U.S.C. section 33112, *Insurer reports and information*, NHTSA requires certain passenger motor vehicle insurers to file an annual report with NHTSA unless the agency exempts the insurer from filing such reports. Each insurers' report includes information about thefts and recoveries of motor vehicles, the rating rules used by the insurer to establish premiums for comprehensive coverage, the actions taken by the insurer to reduce such premiums, and the action taken by the insurer to reduce or deter theft. Under the agency's implementing regulation, part 544, the following insurers are subject to the reporting requirements:

(1) Those issuers of motor vehicle insurance policies whose total premiums account for 1 percent or more of the total premiums of motor vehicle insurance issued within the United States; (2) those issuers of motor vehicle insurance policies whose premiums account for 10 percent or more of total premiums written within any one State; and (3) rental or leasing companies with

a fleet of 20 or more vehicles not covered by theft insurance policies issued by insurers of motor vehicles, other than any governmental entity.

Pursuant to its statutory exemption authority, the agency has exempted smaller passenger motor vehicle insurers from the reporting requirements.

A. Small Insurers of Passenger Motor Vehicles

Section 33112(f)(2) provides that the agency shall exempt small insurers of passenger motor vehicles if NHTSA finds that such exemptions will not significantly affect the validity or usefulness of the information in the reports, either nationally or on a State-by-State basis. The term "small insurer" is defined in section 33112(f)(1)(A) and (B) as an insurer whose premiums for motor vehicle insurance issued directly or through an affiliate, including pooling arrangements established under State law or regulation for the issuance of motor vehicle insurance account for less than 1 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States. However, that section also stipulates that if an insurance company satisfies this definition of a "small insurer," but accounts for 10 percent or more of the total premiums for all motor vehicle insurance issued in a particular State, the insurer must report about its operations in that State.

As described in the final rule establishing the requirement for insurer reports (52 FR 59, January 2, 1987), in 49 CFR part 544, NHTSA exercises its exemption authority by listing in Appendix A each insurer which must report because it had written at least 1 percent of the motor vehicle insurance premiums nationally. Listing the insurers subject to reporting instead of each insurer exempted from reporting because it had less than 1 percent of the premiums nationally is administratively simpler since the former group is much smaller than the latter. In Appendix B, NHTSA lists those insurers that are required to report for particular States because each insurer had a 10 percent or greater market share of motor vehicle premiums in those States. In the January 1987 final rule, the agency stated that Appendices A and B will be updated annually. It has been NHTSA's practice to update the appendices based on data voluntarily provided by insurance companies to A. M. Best, and made available to the agency each spring. The agency uses the data to determine the insurers' market share nationally and in each State.

B. Self-Insured Rental and Leasing Companies

In addition, upon making certain determinations, NHTSA is authorized to grant exemptions to self insurers, i.e., any person who has a fleet of 20 or more vehicles (other than any governmental entity) which are used primarily for rental or lease and which are not covered by theft insurance policies issued by insurers of passenger motor vehicles, 49 U.S.C. 33112(e) (1) and (2). NHTSA may exempt a self insurer from reporting, if the agency determines:

(1) The cost of preparing and providing the information is excessive in relation to the size of the insurer's business; and

(2) the information from that insurer will not contribute significantly to carrying out chapter 331.

Conversely, NHTSA may not exempt a self insurer solely based on meeting the definition of insurer as defined in section 33112(b)(1).

In a final rule published June 22, 1990 (55 FR 25606), the agency granted a class exemption to all companies that rent or lease fewer than 50,000 vehicles because it believed that reports from only the largest companies would sufficiently represent the theft experiences of rental and leasing companies. NHTSA concluded that reports by the many smaller rental and leasing companies do not significantly contribute to carrying out NHTSA's statutory obligations, and that exempting such companies will relieve an unnecessary burden on most companies that potentially must report. As a result of the June 1990 final rule, the agency added a new Appendix C, which consists of an annually updated list of the self insurers that are subject to part 544.

Following the same approach as in the case of Appendix A, NHTSA has included in Appendix C each of the relatively few self insurers which are subject to reporting instead of listing relatively numerous self insurers that are exempted. NHTSA updates Appendix C based on information from the publications *Automotive Fleet Magazine* and *Travel Business Travel News*.

Notice of Proposed Rulemaking

(1) Insurers of Passenger Motor Vehicles

On January 19, 1995, NHTSA published a notice of proposed rulemaking (NPRM) to update the list of insurers in Appendices A, B, and C required to file reports (See 60 FR 3830). Based on the 1992 calendar year market share data provided by A.M. Best, NHTSA proposes to amend the listing in

Appendix A of insurers which must report because each had written at least one percent of the motor vehicle insurance premiums on a national basis. The list was last amended in a notice published on December 1, 1993 (See 58 FR 63299). One company, United States F & G Group, included in the December 1993 listing, was proposed to be removed from Appendix A. Three companies, General ACC Group, Hanover Insurance Companies, and Safeco Insurance Companies, that were not listed in Appendix A, were proposed to be added.

Each of the 19 insurers listed in Appendix A in this notice would be required to file a report not later than October 25, 1995, setting forth the information required by part 544 for each State in which it did business in the 1992 calendar year. As long as those 19 insurers remain listed, they would be required to submit reports on each subsequent October 25 for the calendar year ending slightly less than 3 years before.

Appendix B lists those insurers that would be required to report for particular States for the calendar year 1992, because each insurer had a 10 percent or greater market share of motor vehicle premiums in those States. Based on the 1992 calendar year A.M. Best data for market shares, it was proposed that one company, Farm Bureau Mutual Insurance Company, Inc., (Kansas Farm Bureau Group (Farm Bureau)), reporting on its activities in the State of Kansas be added to Appendix B.

The 12 insurers listed in Appendix B of this notice would be required to report on their calendar year 1992 activities in every State in which they had a 10 percent or greater market share. These reports must be filed no later than October 25, 1995, and set forth the information required by part 544. As long as those 12 insurers remain listed, they would be required to submit reports on each subsequent October 25 for the calendar year ending slightly 3 years before.

(2) Rental and Leasing Companies

Based on information in *Automotive Fleet Magazine* and *Travel Trade Business Travel News* for 1992, the most recent year that data are available, NHTSA proposes no changes be made in Appendix C. Accordingly, each of the 10 companies (including franchisees and licensees) listed in this notice in Appendix C would be required to file reports for the calendar year 1992 no later than October 25, 1995, and set forth the information required by part 544. As long as those 10 companies remain listed, they would be required to

submit reports on each subsequent October 25 for the calendar year ending slightly less than 3 years before.

NHTSA notes that on July 5, 1994, the Cost Savings Act, (including Title VI- Theft Prevention) was revised and codified "without substantive change." The passenger motor vehicle theft insurers' reporting provisions, formerly at 15 U.S.C. 2032 are now at 49 U.S.C. 33112. This final rule amends part 544 to reflect the changed statutory authority.

Public Comments and Final Determination

1. Insurers of Passenger Motor Vehicles

In response to the NPRM, the agency received responses from two commentors. Both commentors were companies listed in the January 1995 NPRM. Each commentor questioned the appropriateness of its inclusion in one of the appendices.

No comments were received objecting to the deletion of United States F & G Groups from Appendix A. Accordingly, it has been deleted.

Hanover Insurance Companies (Hanover) wrote to request that it not be included in Appendix A. As stated, NHTSA's proposal to include Hanover was based on market share data provided by A. M. Best. Hanover wrote that for 1992 the total premiums for all forms of motor vehicle insurance issued by Hanover and its affiliates were 1,031,862,294 or .97 percent of the entire market. Hanover believes that because the company and its affiliates wrote less than one percent of the total motor vehicle insurance premiums written by all insurers in 1992 that granting an exemption would not significantly affect the validity or usefulness of the information of the reports.

The agency notes that Hanover's total written premiums are less than 1 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States in 1992. Since Hanover does not meet the criteria for inclusion, NHTSA determines that Hanover should not be added to Appendix A.

Farm Bureau Mutual Insurance Company, Inc., (Kansas Farm Bureau Group (Farm Bureau)) wrote that it not be included in Appendix B. As a rationale, Farm Bureau stated that its market share for 1992 was 10.3 percent, however for 1993 the market share was 9.8 percent.

Farm Bureau stated that because a moratorium was placed on its new auto business in 1993, it believes its market share will decrease for 1994. Thus, Farm

Bureau stated it met the 10 percent requirement for only one year. Farm Bureau believes because it has "very few" auto theft claims, and since it will be reporting for only one year, it questions the relevance of providing its statistical data for the purposes of the law. Additionally, Farm Bureau stated that major catastrophes struck the property casualty industry. In 1992, storm claims (tornados) were paid in Kansas totalling in excess of one billion dollars. Farm Bureau has been faced with major financial responsibilities to its policyholders. Therefore, it believes the cost of preparing and furnishing this report (for only one year) is excessive in relation to the size of its business.

As required by 49 U.S.C. 33112(f)(1)(B), a small insurer means an insurer whose premiums for motor vehicle insurance account for less than 10 percent of the total premiums for all forms of motor vehicle insurance issued by insurers in any State. Additionally, section 33112 provides that if an insurance company satisfies the section's definition of small insurer nationally, but accounts for 10 percent or more of the total premiums for all forms of motor vehicle insurance issued by insurers within a particular State, such insurer must report this information about its operation in that State. Therefore, Farm Bureau does not qualify as a "small insurer" because its total premiums written exceeds 10 percent of the total written in Kansas. Since Farm Bureau does not meet the exemption criterion of less than 10 percent of the total premiums written within the State, Farm Bureau should remain listed on Appendix B. However, section 33112(f)(2) states that the Secretary (NHTSA) " * * * shall exempt by regulation a small insurer from this section if the Secretary finds that the exemption will not significantly affect the validity or usefulness of the information collected and compiled under this section, nationally or State-by-State."

Based on Farm Bureau's petition that auto theft claims are 1.3 percent and less than .75 of the 1 percent of its total claims paid, coupled with the financial burdens inflicted on the industry (in Kansas), the agency has determined the exemption authority provided in section 33112(e)(1) and (2) can be applied. Therefore, the agency believes that the cost of preparing and furnishing this report would be excessive in relation to the size of the insurer's business, and the information would not contribute significantly to carrying out NHTS's statutory obligations. Further, by exempting Farm Bureau, it will be relieved of an unnecessary burden.

Given that Farm Bureau Mutual Insurance Co., is removed from Appendix B.

2. Rental and Leasing Companies

Based on information in Automotive Fleet Magazine and Travel Trade Business Travel News for 1992, the most recent year for which data are available, NHTSA proposes no changes in Appendix C. Accordingly, each of the 10 companies (including franchisees and licensees) listed in the final rule in Appendix C are required to file reports for calendar year 1992 no later than October 25, 1995, and set forth in the information required by part 544. As long as those 10 companies remain listed, they are required to submit reports on or before each subsequent October 25 for the calendar year ending slightly less than 3 years before.

After reviewing the public comments and, as discussed above, making the appropriate adjustments to Appendices A and B, NHTSA has determined that each of the 18 insurers listed in Appendix A, each of the 11 insurers listed in Appendix B, and each of the 10 insurers listed in Appendix C, are required to submit an insurers report under part 544. Each listed insurer must report on its experience for calendar year 1992, and set forth the information required by 49 CFR part 544.

Regulatory Impacts

(1) Costs and Other Impacts

This notice has not been reviewed under Executive Order 12866. NHTSA has considered the impact of this final rule and has determined the action not to be "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. This rule implements the agency's policy of ensuring that all insurance companies that are statutorily eligible for exemption from the insurer reporting requirements are in fact exempted from those requirements. Only those companies that are not statutorily eligible for an exemption are expressly required to file reports.

NHTSA does not believe that this rule, reflecting more current data, affects the impacts described in the final regulatory evaluation prepared for the final rule establishing part 544 (52 FR 59, January 2, 1987). Accordingly, a separate regulatory evaluation has not been prepared for this rulemaking action. Using the cost estimates in the 1987 final regulatory evaluation, the agency estimates that the cost of compliance will be about \$50,000 for any insurer that is added to Appendix A, about \$20,000 for any insurer added

to Appendix B, and about \$5,770 for any insurer added to Appendix C. In this final rule, for Appendix A, the agency removed one insurer and added two insurers; for Appendix B, the agency made no changes; and for Appendix C, the agency made no changes. The agency therefore estimates that the net effect of this final rule will be a cost increase to insurers, as a group, of less than \$100,000.

Interested persons may wish to examine the 1987 final regulatory evaluation. Copies of that evaluation have been placed in Docket No. T86-01; Notice 2. Any interested person may obtain a copy of this evaluation by writing NHTSA, Docket Section, Room 5109, 400 Seventh Street S.W., Washington D.C. 20590, or by calling (202) 366-4949.

(2) Paperwork Reduction Act

The information collection requirements in this final rule have been submitted to and approved by the Office of Management and Budget (OMB) pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) This collection of information has been assigned OMB Control Number 2127-0547 ("Insurer Reporting Requirements") and has been approved for use through October 31, 1996.

(3) Regulatory Flexibility Act

The agency has also considered the effect of this rulemaking under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.) I certify that this final rule will not have a significant economic impact on a substantial number of small entities. The rationale of this certification is that none of the companies included on Appendices A, B, or C would be construed to be a small entity within the definition of the RFA. "Small insurer" is defined in part under 49 U.S.C. 33112 as any insurer whose premiums for motor vehicle insurance account for less than one percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States, or any insurer whose premiums within any State, account for less than 10 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the State. This notice would exempt all insurers meeting those criteria. Any insurer too large to meet those criteria is not a small entity. In addition, in this rulemaking, the agency has exempted, by rule, all "self insured rental companies" that have fleets of fewer than 50,000 vehicles. Any self insured rental and leasing company too

large to meet that criterion is not a small entity.

(4) Federalism

This action has been analyzed in accordance with the principle and criteria contained in Executive Order 12612, and it has been determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

(5) Environmental Impacts

In accordance with the National Environmental Policy Act, NHTSA has considered the environmental impacts of this final rule and determined that it will not have a significant impact on the quality of the human environment.

(6) Civil Justice Reform

This final rule does not have any retroactive effect, and it does not preempt any State law. 49 U.S.C. 33117 provides that judicial review of this rule may be obtained pursuant to 49 U.S.C. 32909. Section 32909 does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 544

Crime, Insurance companies, Motor vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 544 is amended as follows:

PART 544—[AMENDED]

1. The authority citation for part 544 is revised to read as follows:

Authority: 49 U.S.C. 33112; delegation of authority at 49 CFR 1.50.

2. Section 544.2 *Purpose*. is revised to read as follows:

§ 544.2 Purpose.

The purpose of these reporting requirement is to aid in implementing and evaluating the provisions of 49 U.S.C. chapter 331 Theft Prevention to prevent or discourage the theft of motor vehicles, to prevent or discourage the sale or distribution in interstate commerce of used parts removed from stolen motor vehicles, and to help reduce the cost to consumers of comprehensive insurance coverage for motor vehicles.

3. Paragraph (a) of § 544.4 Definitions is revised to read as follows:

§ 544.4 Definitions.

(a) *Statutory terms.* All terms defined in 49 U.S.C. 33101 and 33112 are used in accordance with their statutory

meanings unless otherwise defined in paragraph (b) of this section.

* * * * *

4. Paragraph (a) of § 544.5 is revised to read as follows:

§ 544.5 General requirements for reports.

(a) Each insurer to which this part applies shall submit a report annually not later than October 25, 1986. The report shall contain the information required by § 544.6 of this part for the calendar year three years previous to the year in which the report is filed (e.g., the report due October 25, 1995 shall contain the required information for the 1992 calendar year).

* * * * *

5. Appendix A to part 544 is revised to read as follows:

Appendix A—Insurers of Motors Vehicle Insurance Policies Subject to the Reporting Requirements in Each State in Which They Do Business

Aetna Life & Casualty Group
Allstate Insurance Group
American Family Group
American International Group
California State Auto Association
CNA Insurance Companies
Farmers Insurance Group
Geico Corporation Group
General ACC Group*
ITT Hartford Insurance Group
Liberty Mutual Group
Nationwide Group
Progressive Group
Prudential of America Group
Safeco Insurance Companies*
State Farm Group
Travelers Insurance Group
USAA Group

6. Appendix B to part 544 is revised to read as follows:

Appendix B—Issuers of Motor Vehicle Insurance Policies Subject to the Reporting Requirements Only in Designated States

Alfa Insurance Group (Alabama)
Amica Mutual Insurance Company (Rhode Island)
Arbella Mutual Insurance (Massachusetts)
Auto Club of Michigan Group (Michigan)
Commerce Group, Inc. (Massachusetts)
Commercial Union Insurance Companies (Maine)
Concord Group Insurance Companies (Vermont)
Erie Insurance Companies (Pennsylvania)
Kentucky Farm Bureau Group (Kentucky)
Southern Farm Bureau Casualty Group (Arkansas, Mississippi)
Tennessee Farmers Companies (Tennessee)

7. Appendix C to part 544 is republished to read as follows:

* Indicates a newly listed insurer which must file a report beginning with the report due October 25, 1995.

Appendix C—Motor Vehicle Rental and Leasing Companies (Including Licensees and Franchisees) Subject to the Reporting Requirements of Part 544

Alamo Rent-A-Car, Inc.
American International Rent-A-Car Corp./ ANSA
Avis, Inc.
Budget Rent-A-Car Corporation
Dollar Rent-A-Car Systems, Inc.
Hertz Rent-A-Car Division (subsidiary of Hertz Corporation)
National Car Rental System, Inc.
Penske Truck Leasing Company
Ryder System, Inc. (both rental and leasing operations)
U-Haul International, Inc. (subsidiary of AMERCO)
Issued on: June 16, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95-15524 Filed 6-26-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 950509041-5041-01; I.D. 061995C]

Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Central Regulatory Area

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific ocean perch (POP) in the Central Regulatory Area in the Gulf of Alaska (GOA). This action is necessary to use the total allowable catch (TAC) for POP in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), July 3, 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 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 annual TAC for POP in the Central Regulatory Area was established by the final 1995 harvest specifications of groundfish (60 FR 8470, February 14, 1995) as 2,702 metric tons (mt). At the same time, the directed fishery for POP in the Central Regulatory Area was closed under § 672.20(c)(2)(ii) in order to reserve amounts anticipated to be needed for incidental catch in other fisheries (60 FR 8470, February 14, 1995). NMFS has determined that as of June 3, 1995, 2,376 mt remain unharvested.

The Director, Alaska Region, NMFS, has determined that the 1995 TAC for POP in the Central Regulatory Area has not been reached. Therefore, NMFS is terminating the previous closure and is opening directed fishing for POP in the Central Regulatory Area.

All other closures remain in full force and effect.

Classification

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

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

Dated: June 21, 1995.

Richard W. Surdi,

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

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BILLING CODE 3510-22-F

50 CFR Part 672

[Docket No. 950509041-5041-01; I.D. 061995D]

Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Western Regulatory Area

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific ocean perch (POP) in the Western Regulatory Area in the Gulf of Alaska (GOA). This action is necessary to use the total allowable catch (TAC) for POP in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), July 3, 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 GOA exclusive economic zone is managed by NMFS according to the Fishery Management