

S7.9.2. * * *
(a) IBT: ≥65 °C (149 °F), ≥100 °C (212 °F).

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S7.9.3. *Performance requirements.*
The service brakes on a vehicle equipped with one or more variable brake proportioning systems, in the event of any single functional failure in any such system, shall continue to operate and shall stop the vehicle as specified in S7.9.3(a) or S7.9.3(b).

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S7.10.1. *General information.* This test is for vehicles manufactured with or without a split service brake system.

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S7.10.3. * * *
(a) IBT: ≥65 °C (149 °F), ≥100 °C (212 °F).

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(c) Pedal force: ≥65N (14.6 lbs), ≥500 N (112.4 lbs).

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(f) Alter the service brake system to produce any one rupture or leakage type of failure other than a structural failure of a housing that is common to two or more subsystems.

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S7.10.4. *Performance requirements.*
For vehicles manufactured with a split service brake system, in the event of any rupture or leakage type of failure in a single subsystem, other than a structural failure of a housing that is common to two or more subsystems, and after activation of the brake system indicator as specified in S5.5.1, the remaining portions of the service brake system shall continue to operate and shall stop the vehicle as specified in S7.10.4(a) or S7.10.4(b). For vehicles not manufactured with a split service brake system, in the event of any one rupture or leakage type of failure in any component of the service brake system and after activation of the brake system indicator as specified in S5.5.1, the vehicle shall by operation of the service brake control stop 10 times consecutively as specified in S7.10.4(a) or S7.10.4(b). Each of the 10 stops shall meet the applicable stopping distance requirement.

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S7.11. *Brake power unit or brake power assist unit inoperative (System depleted).*

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S7.11.3. * * *
(a) IBT: ≥65 °C (149 °F), ≤100 °C (212 °F).

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(h) If the brake power unit or power assist unit operates in conjunction with a backup system and the backup system

is automatically activated in the event of a primary power service failure, the backup system is operative during this test.

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S7.12. *Parking brake.*

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S7.12.2. * * *

(d) Parking brake applications: 1 application and up to 2 reapplications, if necessary.

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S7.13.3. * * *

(a) * * *

(1) Establish an IBT before the first brake application (snub) of ≥55 °C (131 °F), ≤65 °C (149 °F).

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(d) * * *

(1) Maintain a constant deceleration rate of 3.0 m/s² (9.8 fps²).

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S7.14.3. * * *

(c) Pedal force:

(1) The first stop is done with an average pedal force not greater than the average pedal force recorded during the shortest GVWR cold effectiveness stop.

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(i) Immediately after completion of the second hot performance stop, drive 1.5 km (0.93 mi) at 50 km/h (31.1 mph) before the first cooling stop.

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S7.15.3. * * *

(d) Deceleration rate: Maintain a constant deceleration rate of 3.0 m/s² (9.8 fps²).

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S7.16.3. * * *

(c) Pedal force: The average pedal force shall not be greater than the average pedal force recorded during the shortest GVWR cold effectiveness stop.

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Issued on July 18, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95-18106 Filed 7-21-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 950710176-5176-01; I.D. 061295A]

RIN 0648-AE50

Foreign Fishing Regulations; Approval of Preliminary Management Plan (PMP) for Atlantic Herring and Modification of Subpart C of the Foreign Fishing Regulations

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

ACTION: Interim final rule.

SUMMARY: NMFS announces the approval of the PMP for Atlantic herring and issues this interim final rule to modify the foreign fishing regulations pertaining to the Northwest Atlantic Ocean fishery. In accordance with the PMP, Atlantic herring is removed from the list of species prohibited for possession by foreign vessels and is added to the allocated species list for the exclusive economic zone (EEZ). This rule also removes the foreign fishing regulations pertaining to Atlantic hakes. The PMP sets the initial specifications for Atlantic herring and this rule provides a mechanism for modifying the initial specifications for that species. This rule also removes silver hake and red hake from the allocated species list and adds them, along with several other multispecies finfish, to the prohibited species list. The intended effect of this rule is to encourage the U.S. harvest of an underutilized segment of the stock of Atlantic herring by allowing the issuance of permits to foreign vessels to receive herring from U.S. vessels.

DATES: Effective July 21, 1995. Public comments are invited through August 23, 1995 and should be sent to Dr. Andrew A. Rosenberg, (see ADDRESSES below).

ADDRESSES: Copies of the PMP/ Environmental Assessment supporting this action may be obtained from Dr. Andrew A. Rosenberg, Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, NMFS, Fishery Policy Analyst, 508-281-9272.

SUPPLEMENTARY INFORMATION: The U.S. Atlantic coastal herring resource has grown rapidly from less than 100,000 metric tons (mt) (220 million lb (m lb))

in 1981 to an estimated 2.8 million mt (6.2 billion lb) at the beginning of 1992. This increase is due largely to the recovery of the Georges Bank/Nantucket Shoals component of the stock, which supported a large foreign fishery during the 1960's and early 1970's, but collapsed in the early 1970's due to overexploitation. Currently, the stock is large and considerably underutilized, and may increase in size even further in the near future under current rates of exploitation.

Well over 90 percent of the total commercial harvest for Atlantic herring is taken from the Gulf of Maine in weirs and stop seines (fixed gear) and with purse seines and mid-water trawls (mobile gear). More recently, sales of adult herring to foreign processing vessels operating in internal waters (IWPs) have been conducted after having been approved by the Governors of Massachusetts, Maine, Rhode Island, New York, and New Jersey under section 306(c) of the Magnuson Fishery Conservation and Management Act. The IWPs have provided new market opportunities for nearshore U.S. fishermen.

Atlantic herring was managed on the U.S. east coast pursuant to an agreement between the States of Maine, New Hampshire, Massachusetts, and Rhode Island. This agreement was adopted in 1983 and endorsed by the Atlantic States Marine Fisheries Commission (ASMFC). The agreement replaced the Federal Fishery Management Plan for the Atlantic Herring Fishery (Atlantic Herring FMP) that was developed by the New England Fishery Management Council (NEFMC) and implemented on March 19, 1979 (44 FR 17186). The Atlantic Herring FMP was subsequently withdrawn by the Secretary of Commerce on January 5, 1983 (48 FR 416), once it became clear that catch quotas for herring in the Gulf of Maine were not going to be enforced in State waters. In the absence of an Atlantic Herring FMP, the species was placed on the prohibited species list. This action had the effect of prohibiting all foreign directed fisheries and joint ventures with foreign nationals for Atlantic herring in the EEZ.

With the development of IWP fisheries in the mid-1980's, it became clear that the 1983 interstate agreement was no longer adequate to manage the U.S. Atlantic herring resource. The dramatic growth of the stock, particularly offshore and in southern New England and mid-Atlantic coastal waters, prompted more states to declare their interests in IWP opportunities and in management of the resource. In 1993, a memorandum of understanding was

circulated among the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey, which demonstrated the intent of these States to manage Atlantic herring cooperatively in State waters. The affected states, working through the ASMFC Atlantic Herring section, developed an IWP allocation process among the states, which was incorporated into a new interstate FMP that was adopted by the ASMFC in May 1994.

Since neither the 1983, nor the 1993, agreement was comprehensive enough to manage the U.S. Atlantic herring resource, ASMFC's new FMP established management objectives, defined overfishing, affirmed the existing IWP allocation procedures, and laid the groundwork for future management of domestic fishing activity by the ASMFC and the NEFMC.

The trend toward increasing IWP landings is likely to continue, especially if fishers are forced to reduce the number of days spent trawling for groundfish and turn to underutilized species such as herring, and if foreign nations have an interest in making vessels available to process herring in state waters.

A joint ASMFC and Federal Atlantic Herring FMP would better ensure compatible regulations for Atlantic herring in State waters and the EEZ, throughout the range of the stock (New Brunswick to Cape Hatteras) in U.S. waters. Federal management could also provide joint venture opportunities in Federal waters (outside 3 miles (5.6 km)). Until a Federal FMP is prepared and approved, limitations on IWP landings by U.S. fishers in State waters and an approved PMP that would manage the foreign fisheries in the EEZ are the only means by which exploitation of the resource can be authorized and controlled throughout the range.

On April 5, 1995, the NEFMC requested that NMFS allow for a joint venture fishery on the appropriate stock component of Atlantic herring, suggesting that a PMP be developed in accordance with the requirements of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Shortly thereafter, NMFS received two applications for foreign joint ventures for Atlantic herring (60 FR 27492, May 24, 1995, and 60 FR 28389, May 31, 1995). In response to these foreign fishing permit applications for joint ventures, NMFS, the ASMFC, and the States of Maine and Massachusetts developed an Atlantic Herring PMP, and NMFS subsequently approved it. To effect this PMP, Atlantic herring must

be removed from the list of species prohibited for foreign fishing by the foreign fishing regulations (50 CFR Part 611). In order to allow foreign vessels to retain Atlantic herring received from U.S. vessels, this rule removes Atlantic herring from the classification of prohibited species and adds Atlantic herring to the list of allocated species.

This rule also removes silver hake and red hake from the allocated species list and adds them to the prohibited species list in § 611.50, and removes § 611.51 in its entirety, which pertains to the hake fishery. Silver and red hakes have been managed under the Northeast Multispecies FMP since May 31, 1991. Additionally, § 611.51 should have been removed from the foreign fisheries regulations, but was not. This rule updates 50 CFR part 611 and also adds the following northeast multispecies finfish to the prohibited species list of the foreign fisheries regulations: Witch flounder, American plaice, ocean pout, winter flounder, windowpane flounder, and white hake. There have been no foreign fisheries or permits issued for these species over this period.

Finally, this rule adds § 611.52. Section 611.52(b) establishes procedures and provides a mechanism for adjusting initial specifications under the Atlantic Herring PMP. It is based on procedures contained in 50 CFR 655.22(e), (f), and (g).

The PMP establishes the following specifications for the Atlantic Herring Fishery of the Northwestern Atlantic:

Species	Herring, Atlantic
Species Code	202
Optimum Yield (OY)	89,220 mt (197 m lb)
Domestic Annual Harvest (DAH).	89,220 mt (197 m lb)
Domestic Annual Processing (DAP).	49,220 mt (109 m lb)
Joint Venture Processing (JVP).	40,000 mt (88 m lb)
Reserve	0
Total Allowable Foreign Fishing (TALFF).	0

The OY for Atlantic herring is derived from the maximum sustainable yield (MSY) as modified by considering relevant social and economic factors, as well as ecological factors. The economic factors include the accrued benefits to U.S. herring inshore fishermen from IWPs by foreign vessels that are approved by coastal State Governors. The ecological factors include the recent Canadian harvests of the shared stock complex and uncertainties in stock abundance that argue for a risk-averse approach to herring management, and social factors are mainly related to the protection of current and future

investments by U.S. fishermen and processors in the herring fishery.

The difference between MSY (385,200 mt) less the combined removals resulting from the Canadian catch (34,200 mt) and IWPs (68,000 mt) would leave 283,000 mt. The MSY would be further modified to provide a measure of confidence in achieving a risk-averse approach to management of the herring stock, given variations and fluctuations in abundance, and result in an OY of 89,220 mt. The OY represents the estimated DAH which is further expressed as an estimated DAP of 49,220 mt, with the remaining DAH of 40,000 mt available to JVP. The difference between the herring amount remaining (193,780 mt) after the Canadian catch and IWPs, less OY, represents the uncertainty indicated above. It has been determined that this OY will result in the greatest overall benefit to the nation by stimulating further development of an underutilized fishery and diverting effort away from other overfished fisheries.

The PMP establishes permit conditions and restrictions for foreign vessels that participate in the joint venture processing fisheries. These conditions are necessitated by conservation and management requirements. Such conditions and restrictions will be included in each permit issued and those that pertain to management area restrictions, including the areas and periods for which foreign processing vessels may participate in JVP operations, are described in detail in the PMP.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds there is good cause to waive providing prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B). Providing prior notice and opportunity for public comment is impracticable and contrary to the public interest due to the need to provide timely opportunity for joint ventures to occur this summer in an underutilized fishery. Because this rule relieves a restriction, under 5 U.S.C. 553(d)(1) there is no need to delay its effectiveness for 30 days.

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

A section 7 consultation conducted by the Northeast Region of NMFS concluded that the level and type of fishing in the fishery provided for under this PMP/rule is not likely to adversely affect endangered or threatened species or critical habitat. This consultation decision is based on the PMP/rule

provisions and does not constitute consultation on the herring fishery.

List of Subjects in 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Dated: July 18, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 611 is amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. In § 611.50, paragraphs (b)(4)(i) and (b)(4)(ii) are revised to read as follows:

§ 611.50 Northwest Atlantic Ocean fishery.

* * * * *

(b) * * *

(4) * * *

(i) The other allocated species, namely: Short-finned squid, long-finned squid, Atlantic herring, Atlantic mackerel, river herring (includes alewife, blueback herring, and hickory shad), and butterfish; and

(ii) The prohibited species, namely: American plaice, American shad, Atlantic cod, Atlantic menhaden, Atlantic redfish, Atlantic salmon, all marlin, all spearfish, sailfish, swordfish, black sea bass, bluefish, croaker, haddock, ocean pout, pollock, red hake, scup, sea turtles, sharks (except dogfish), silver hake, spot, striped bass, summer flounder, tilefish, yellowtail flounder, weakfish, white hake, windowpane flounder, winter flounder, witch flounder, Continental Shelf fishery resources, and other invertebrates (except nonallocated squids).

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§ 611.5 [Removed and Reserved]

3. Section 611.51 is removed and reserved.

4. Section 611.52 is added to subpart C to read as follows:

§ 611.52 Atlantic herring fishery.

(a) *Initial specifications.* The initial specifications of OY, DAH, DAP, JVP, TALFF, and reserve (if any) have been established by the PMP for Atlantic herring approved on July 6, 1995. These annual specifications will remain in effect unless adjusted pursuant to the provisions specified in paragraph (b) of this section.

(b) *Procedures to adjust initial specifications.* NMFS may adjust these initial specifications upward or downward to produce the greatest overall benefit to the United States at any time prior to or during the fishing years for which the initial specifications are set by publishing a notice in the **Federal Register** with the reasons for such adjustments. Any notice of adjustment may provide for public comment. Adjustments to the initial specifications may take into account the following information:

- (1) The estimated domestic processing capacity and extent to which it will be used;
- (2) Landings and catch statistics;
- (3) Stock assessments; and
- (4) Relevant scientific information.

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50 CFR Part 661

[I.D. 042095A]

RIN 0648-AH79

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; 1995 Management Measures; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains a correction of a final regulation (I.D. 042095A) that was published on Wednesday, May 3, 1995 (60 FR 21746). The regulation established the 1995 management measures for the Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California.

EFFECTIVE DATE: July 21, 1995.

FOR FURTHER INFORMATION CONTACT: William D. Chappell, 301-713-2341.

SUPPLEMENTARY INFORMATION: On May 3, 1995 (60 FR 21746), NMFS published final management measures for the ocean salmon fishery. This action published applicable management measures effective May 1, 1995, off the West Coast. The action included two complex tables which laid out the management measures for the commercial and recreational salmon fisheries (Tables 1 and 2, respectively) in management areas bounded by prominent landmarks along the coast. The tables provided for direct inclusion in the **Federal Register** inadvertently included errors which replaced the degree symbol (°) with "E", the minutes