

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2209, Washington, DC 20423. Telephone: (202) 927-7428. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Regulatory Flexibility Analysis

We certify that the proposed regulation will not 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.*). The proposed rule directly affects only the mailing date for notification. Although it may, in a minor way, facilitate the ability of small businesses to challenge rate changes, the effect of the proposed rule, if adopted, will not be significant. Nevertheless, we welcome any comments regarding the effect of the proposal on small entities.

Environmental and Energy Considerations

The proposed rule will not significantly affect either the quality of the human environment or the conservation of energy resources. We preliminarily conclude that, if we subsequently adopt the proposed rule, an environmental assessment would not be necessary under our regulations because the proposed action would not result in any changes in carrier operations. See 49 CFR 1105.6(c)(2). Nevertheless, we invite comments on the environmental and energy impacts of the proposal.

List of Subjects in 49 CFR Part 1312

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

Decided: July 13, 1995.

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

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1312 is proposed to be 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 authority citation for part 1312 continues to read as follows:

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

2. Section 1312.6, paragraph (b)(2) is proposed to be revised to read as follows:

§ 1312.6 Furnishing copies of tariff publications.

* * * * *

(b) * * *

(2) Newly-issued tariffs, supplements, or loose-leaf pages, including short-notice publications, shall be sent to each subscriber not later than the time the copies for official filing are sent to the Commission, except that with the advance, written permission of the subscriber, any publication may be sent not later than 5 working days after the time the copies are sent to the Commission.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 950209046-5191-04; I.D. 071495A]

RIN 0648-AG82

Pacific Coast Groundfish Fisheries; Control Date

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

ACTION: Advance notice of proposed rulemaking; consideration of a control date.

SUMMARY: This notice announces that the Pacific Fishery Management Council (Council) is considering whether there is a need to impose additional management measures to further limit harvest capacity in the nontrawl limited entry fishery for sablefish in the Pacific groundfish fishery in the exclusive economic zone (EEZ) off the States of Washington, Oregon, and California. If it is determined that there is a need to

impose additional management measures, the Council may recommend a rulemaking to do so. Possible measures include the establishment of a limited entry program for the sablefish fishery through the establishment of a sablefish endorsement for nontrawl limited entry "A" permits to control participation or effort in the nontrawl sablefish fishery. If a limited entry program is established, the Council is considering June 29, 1995, as a possible control date. Consideration of a control date is intended to discourage new entry by nontrawl "A" permit holders into the sablefish fishery based on economic speculation during the Council's deliberation on the issues. Persons interested in the limited entry sablefish fishery should contact the Council to stay up to date on the management direction in the fishery.

DATES: Comments must be submitted by August 31, 1995.

ADDRESSES: Comments should be directed to the Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson 206-526-6140; or Rodney R. McInnis 310-980-4040.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan (FMP) for Pacific groundfish was approved on January 4, 1982 (47 FR 43964; October 5, 1982), and implementing regulations appear at 50 CFR parts 611 and 663. On November 16, 1992, NMFS published final regulations implementing Amendment 6 to the Pacific groundfish FMP (57 FR 54001), codified at 50 CFR part 663, subpart C. Amendment 6 and its implementing regulations establish a license limitation limited entry program for the commercial groundfish fishery based on the issuance of gear-specific Federal limited entry permits. Limited entry permits are endorsed for one or more of three gear types (trawl, longline, and trap (or pot)). A vessel meeting specific minimum landing requirements with a particular gear during the qualifying "window period" (July 11, 1984, through August 1, 1988) received a transferable permit with an "A" endorsements for that gear.

Amendment 6 also divides the Pacific Coast commercial groundfish fishery into two segments. The first segment is the limited entry fishery, consisting of vessels with limited entry permits endorsed for longline and/or trap (or pot) gear and all vessels using trawl gear. The second segment is the open access fishery, consisting of vessels using all other gear, as well as vessels that do not have limited entry permits endorsed for use of longline or trap (or

pot) gear, but that make small landings with longline or trap (or pot) gear.

The annual sablefish harvest guideline, after deductions for treaty Indian harvest and allocation to the open access fishery, is divided between the limited entry trawl fishery (58 percent) and the limited entry longline/fish trap (or pot) fishery (42 percent), which is called the nontrawl fishery. The regular sablefish fishing season for nontrawl vessels with limited entry permits has been progressively shorter each year for the past several years as a result of shrinking harvest guidelines and increased fishing effort.

Competition for the limited resource has reached critical levels, and the Council has considered several approaches to addressing the major problems. The 1995 season is expected to be the shortest on record, approximately 7 days. Despite the fact that the number of nontrawl limited entry "A" licenses is limited to 237, only 131 landed sablefish during 1994, leaving an additional 106 permits that represent latent effort that potentially could participate in future sablefish harvests.

In June 1995, the Council held a scoping meeting to solicit input from the industry and the public on future management of the nontrawl fisheries. Based on the results of the meeting, the Council is beginning the development of management options for the fishery. The range of options the Council will consider includes, but is not limited to, limiting participation in the sablefish fishery only to those permit holders with a past history of sablefish landings, differential cumulative trip limits based on fishermen receiving "points" for meeting certain qualifying criteria, a two-tier system of cumulative trip limits based on historical sablefish landings during particular qualifying time

periods, equal shares or cumulative trip limits, associating trip limits with permits and allowing use of more than one permit on a vessel, split seasons, and area management. The Council has previously considered individual transferable quota (ITQ) options, but has delayed, indefinitely, further consideration pending changes to the Magnuson Act.

Implementation of any management measures for the fishery may require preparation by the Council of an amendment to either or both the Pacific groundfish FMP or its implementing regulations. The Council will discuss these issues at its

August 1995 meeting in San Francisco, CA. In either event, publication of a proposed rule with a public comment period, NMFS' approval of the rule or FMP amendment, and publication of a final rule would be required.

As the Council considers management options, some permit holders who do not currently harvest sablefish with limited entry gear, and have never done so, may decide to enter the fishery for the sole purpose of establishing a record of making commercial landings of sablefish. When management authorities begin to consider limited access management regimes, this kind of speculative entry often is responsible for a rapid increase in fishing effort in fisheries that are already fully developed or overdeveloped. The original fishery problems, such as overcapitalization or overfishing, may be exacerbated by the entry of new participants. If management measures to limit participation or effort in the fishery are determined to be necessary, the Council is considering June 29, 1995, as the control date. Anyone entering the fishery after that date may

not be assured of future participation in the fishery if a management regime is developed and implemented that limits the number of participants in the fishery.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the sablefish fishery. Fishermen are not guaranteed future participation in the sablefish fishery, regardless of their date of entry or intensity of participation in the fishery before or after the control date under consideration. The Council may subsequently choose a different control date, or it may choose a management regime that does not make use of such a date. For example, on February 5, 1992 (57 FR 4394), NMFS published in the **Federal Register** a notice of control date informing fishermen that a vessel or individual entering the Pacific groundfish or Pacific halibut fisheries off the States of Washington, Oregon, and California, may be assigned a lesser priority for issuance and shares of ITQ shares in a potential ITQ-based limited access system. The Council may choose to give variably weighted consideration to fishermen in the fishery before and after the control date. Other qualifying criteria, such as documentation of commercial landings and sales, may be applied for entry. The Council may choose also to take no further action to control entry or access to the sablefish fishery, in which case the control date may be rescinded.

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

Dated: July 27, 1995.

Richard B. Stone,

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

[FR Doc. 95-18832 Filed 7-27-95; 3:08 pm]

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