

firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management; or transporting (for other than commercial purposes) persons aboard the aircraft if the aircraft is operated by the Armed Forces or an intelligence agency of the United States. Notwithstanding any limitation relating to use of the aircraft for commercial purposes, an aircraft shall be considered to be a public aircraft without regard to whether it is operated by a unit of government on behalf of another unit of government pursuant to a cost reimbursement agreement, if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat.

* * * * *

6. Section 830.5 is amended by revising the introductory text to read as follows:

§ 830.5 Immediate notification.

The operator of any civil aircraft, or any public aircraft not operated by the Armed Forces or an intelligence agency of the United States, or any foreign aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board) field office¹ when:

* * * * *

7. Section 830.15 is amended by revising paragraph (a) to read as follows:

§ 830.15 Reports and statements to be filed.

(a) *Reports.* The operator of a civil, public (as specified in § 830.5), or foreign aircraft shall file a report on Board Form 6120.1/2 (OMB No. 3147-0001)² within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which immediate notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.

* * * * *

¹ The Board field offices are listed under U.S. Government in the telephone directories of the following cities: Anchorage, AK, Atlanta, GA, West Chicago, IL, Denver, CO, Arlington, TX, Gardena (Los Angeles), CA, Miami, FL, Parsippany, NJ (metropolitan New York, NY), Seattle, WA, and Washington, DC.

² Forms are available from the Board field offices (see footnote 1), from Board headquarters in Washington, DC, and from the Federal Aviation Administration Flight Standards District Offices.

§ 830.20 (Subpart E)—[Removed]

8. Subpart E consisting of § 830.20 of Part 830 is removed.

PART 831—ACCIDENT/INCIDENT INVESTIGATION PROCEDURES

9. The Authority citation for part 831 is revised to read as follows:

Authority: Federal Aviation Act of 1958, as amended (49 U.S.C. 40101 *et seq.*), and the Independent Safety Board Act of 1974, as amended (49 U.S.C. 1101 *et seq.*)

10. Section 831.2 is amended by revising paragraph (a)(1) to read as follows:

§ 831.2 Responsibility of Board.

(a) *Aviation.* (1) The Board is responsible for the organization, conduct and control of all accident investigations within the United States, its territories and possessions, where the accident involves any civil aircraft or certain public aircraft (as specified in § 830.5 of this chapter), including an accident investigation involving civil or public aircraft (as specified in § 830.5) on the one hand and an Armed Forces or intelligence agency aircraft on the other hand. It is also responsible for investigating accidents that occur outside the United States, and which involve civil aircraft and certain public aircraft, when the accident is not in the territory of another state (*i.e.*, in international waters).

* * * * *

11. Section 831.9 is amended to revise paragraph (b) to read as follows:

§ 831.9 Authority of Board Representatives.

* * * * *

(b) *Aviation.* Any employee of the Board, upon presenting appropriate credentials, is authorized to examine and test to the extent necessary any civil or public aircraft (as specified in § 830.5), aircraft engine, propeller, appliance, or property aboard such aircraft involved in an accident in air commerce.

* * * * *

Issued in Washington, DC, on this 1st day of August, 1995.

Jim Hall,
Chairman.

[FR Doc. 95-19356 Filed 8-4-95; 8:45 am]

BILLING CODE 7533-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 950522140-5192-02; I.D. 050595E]

RIN 0648-XX22

Summer Flounder Fishery; 1995 Recreational Fishery Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues the final specifications for the 1995 summer flounder recreational fishery, which include no seasonal closure, a possession limit, and a minimum fish size. The intent of this rule is to comply with implementing regulations for the fishery that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of the resource.

EFFECTIVE DATE: August 2, 1995, except for an amendment to § 625.25(a) which will be effective August 14, 1995.

ADDRESSES: Copies of the Environmental Assessment and supporting documents used by the Monitoring Committee are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Hannah Goodale, 508-281-9101.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Summer Flounder Fishery (FMP) was developed jointly by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for the FMP is summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the Canadian border.

Section 625.20 outlines the process for determining annual commercial and recreational catch quotas and other restrictions for the summer flounder fishery. Pursuant to § 625.20, the Director, Northeast Region, NMFS, implements measures for the fishing year to ensure achievement of the fishing mortality rate specified in the FMP. This rule announces the following

measures pertaining to the recreational fishery, which are unchanged from the proposed measures that were published in the **Federal Register** on May 30, 1995 (60 FR 28082): (1) Elimination of the closed season, (2) an individual possession limit of 6 fish per person, and (3) a minimum fish size of 14 inches (35.6 cm).

Comments and Responses

Two comments were received during the comment period concerning the proposed measures: One from the New Jersey Marine Fisheries Council (NJMFC) and the other from the Virginia Marine Resources Commission. Eight comments were also submitted prior to the Council/ASMFC meeting at which the recreational measures were initially discussed (March, 1995) and those comments are also responded to in this rule.

Comment: The eight individuals who submitted comments prior to the March 1995 Council meeting wrote to state their opposition to imposing any closed season for the recreational fishery. All argued that past closures prior to May 1 and after October 31 have had a disproportionate negative impact on the recreational fishery on the Eastern Shore of Virginia.

Response: This final rule eliminates the closed season.

Comment: The NJMFC opposes the individual possession limit of six fish per person. In March, the Council and ASMFC recommended elimination of the closed season, an eight-fish possession limit, and a 14-inch (35.6-cm) minimum fish size. The State of New Jersey adopted those measures following that meeting. The recommendation was disapproved by NMFS in April. The NJMFC states that it would be impossible administratively for the State to change the possession limit now, and that the charter/party boats possessing Federal permits would be subject to the Federal possession limit, even if fishing exclusively in State waters.

Response: Although consistency between state and Federal regulations is preferred, the State of New Jersey does not need to alter its rules governing State waters. NMFS expects to continue to work with the ASMFC to make State and Federal regulations as consistent as practicable. Until state and Federal rules are consistent, New Jersey charter and party boat owners and operators who

fish exclusively in State waters may elect not to fish in Federal waters and cancel their Federal permits.

NMFS recognizes New Jersey's potential difficulty in changing the State possession limit. NMFS must base its decisions on what it believes is necessary to protect the resource in Federal waters, regardless of the fact that Federal and state rules may differ.

Comment: The NJMFC believes that establishing an individual possession limit of six fish per person creates an impression that NMFS is restricting the recreational fishery in order to compensate for the court-ordered increase in the 1995 commercial quota. They note that the court-ordered increase altered the 60 percent-40 percent commercial-recreational catch allocation ratio specified in the FMP.

Response: The court-ordered increase to the commercial sector was specific to the commercial sector. While the court-ordered increase may have changed the commercial-recreational allocation ratio specified in the FMP, no reduction in the recreational allocation was made to compensate for the increase in the commercial sector. The recreational sector is receiving the same amount of fish as it would have received before the court-ordered increase.

Comment: The Virginia Marine Resources Commission endorses the management measures and states that they represent an acceptable conservation regime.

Response: NMFS agrees with this commenter and has implemented the management measures.

Classification

This action is authorized by 50 CFR part 625.

These final specifications are exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA, finds that the elimination of the closed season relieves a restriction and thus, under 5 U.S.C. 553(d)(1), that measure is not subject to a delay in the effective date. The AA also finds that a 30-day delay in effective date of the possession limit would adversely impact the resource because the fishing season has already opened and the more restrictive possession limit is necessary to keep the recreational fishery within its coastwide allocation for 1995. Therefore, the AA finds for good cause under 5 U.S.C. 553(d)(3) that the 30-day delay in

effective date for the possession limit should be waived, in part; a 7-day delay in effective date is appropriate in order to provide notice to the fishermen of the change, while still implementing the new possession limit as soon as practicable.

List of Subjects in 50 CFR Part 625

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 1, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 625 is amended as follows:

PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

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

2. Section 625.22 is revised to read as follows:

§ 625.22 Time restrictions.

Vessels that are not eligible for a moratorium permit under § 625.4 and fishermen subject to the possession limit may fish for summer flounder during the period January 1 through December 31. This time period may be adjusted pursuant to the procedures in § 625.20.

3. In § 625.25, paragraph (a) is revised to read as follows:

§ 625.25 Possession limit.

(a) No person shall possess more than six summer flounder in, or harvested from, the EEZ unless that person is the owner or operator of a fishing vessel issued a moratorium permit under § 625.4. Persons aboard a commercial vessel that is not eligible for a moratorium permit under § 625.4 are subject to this possession limit. The owner, operator, and crew of a charter or party boat issued a moratorium permit under § 625.4(b) are not subject to the possession limit when not carrying passengers for hire and when the crew size does not exceed five for a party boat and three for a charter boat.

* * * * *

[FR Doc. 95-19324 Filed 8-2-95; 10:20 am]

BILLING CODE 3510-22-W