

**National Environmental Policy Act**

The agency has analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

**Regulatory Identification Number**

A regulatory identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

**List of Subjects in 49 CFR Part 384**

Commercial driver's license documents, Commercial motor vehicles, Driver qualification, Highways and roads, Motor carriers licensing and testing procedures, and Motor vehicle safety.

Issued on: November 6, 1995.

Rodney E. Slater,  
*Federal Highway Administrator.*

**PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM**

1. The authority citation for part 384 is revised to read as follows:

Authority: 49 U.S.C. 31136, 49 U.S.C. 31301 *et seq.*, 31502; 49 CFR 1.48.

2. In 384.231, paragraph (b)(2) is revised to read as follows:

**§ 384.231 Satisfaction of State disqualification requirements.**

\* \* \* \* \*

(b) \* \* \*

(2) *Non-CDL holders applies on and after May 18, 1997.* A State shall satisfy the requirement of this subpart that the State disqualify a non-CDL holder who is convicted of an offense or offenses necessitating disqualification under § 383.51 by, at a minimum, implementing the limitation on licensing provisions of § 384.210 and the timing and recordkeeping requirements of paragraphs (c) and (d) of this section so as to prevent such non-CDL holder from legally obtaining a CDL from any State during the applicable disqualification period(s) specified in this subpart.

\* \* \* \* \*

[FR Doc. 95-28227 Filed 11-15-95; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 675**

[Docket No. 950206040-5040-01; I.D. 110995A]

**Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Cod by Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands**

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

**ACTION:** Inseason adjustment, request for comments.

**SUMMARY:** NMFS is redistributing the 1995 Pacific halibut bycatch allowances specified for the Pacific cod hook-and-line gear fishery and the other non-trawl gear fishery in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to achieve the optimum yield from the groundfish fisheries.

**DATES:** Effective 12 noon, Alaska local time (A.l.t.), November 9, 1995, until 12 midnight, A.l.t., December 31, 1995. Comments must be received at the following address no later than 4:30 p.m., A.l.t., November 24, 1995.

**ADDRESSES:** Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Attn: Lori Gravel, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, or be delivered to Room 457, Federal Building, 709 West 9th Street, Juneau, AK.

**FOR FURTHER INFORMATION CONTACT:** Andrew N. Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (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 675.

Pursuant to § 675.21(a)(6) the prohibited species catch (PSC) limit of Pacific halibut caught while conducting any non-trawl fishery for groundfish in the BSAI during any fishing year is an amount of Pacific halibut equivalent to 900 metric tons (mt) of halibut mortality. In accordance with §§ 675.21(b)(2)(i) and (b)(4), the Final 1995 Harvest Specifications for the

BSAI groundfish fisheries (60 FR 8479, February 14, 1995, and 60 FR 12149, March 6, 1995) apportioned this PSC limit among the non-trawl gear fishery categories defined at § 675.21(b)(2)(ii) as follows: (1) Pacific cod hook-and-line, 725 mt; (2) "other non-trawl," 175 mt; (3) jig gear (exempt for 1995), 0 mt; (4) groundfish pot gear fisheries, (exempt for 1995), 0 mt; (5) sablefish hook-and-line (exempt for 1995), 0 mt (60 FR 12149, March 6, 1995).

As of October 21, 1995, 90 mt of halibut mortality remains of the "other non-trawl" fishery bycatch allowance. This fishery category will require an additional 20 mt of halibut mortality

during 1995, leaving 70 mt of Pacific halibut mortality uncaught. The Pacific cod hook-and-line gear fishery has 34 mt remaining of its halibut bycatch allowance, which is inadequate for harvesting the 9,000 mt of Pacific cod remaining in the allocation for hook-and-line or pot gear. The Pacific halibut bycatch allowance for the Pacific cod hook-and-line gear fishery needs to be augmented to promote achieving the optimum yield from the Pacific cod fishery.

Under § 675.20(e), the Regional Director is making an inseason adjustment to increase the Pacific halibut bycatch allowance specified for the Pacific cod hook-and-line gear fishery by 70 mt. The "other non-trawl" gear fishery≥s halibut bycatch is decreased by 70 mt. In accordance with § 675.20(e)(1)(iii), NMFS is redistributing the Pacific halibut bycatch mortality allowances of the non-trawl fisheries as follows: (1) Pacific cod hook-and-line, 795 mt; (2) "other non-trawl," 105 mt; (3) jig gear, 0 mt; (4) groundfish pot gear fisheries, 0 mt; (5) sablefish hook-and-line, 0 mt. This adjustment is necessary to prevent the underharvest of the BSAI Pacific cod total allowable catch pursuant to § 675.20(e)(2)(iii)

As required by § 675.20(f), all information relevant to this inseason adjustment, including the effect of overall fishing effort within the statistical area and economic impacts on affected fishing businesses, was considered. Current halibut bycatch allowances will cause a premature closure of the Pacific cod hook-and-line gear fishery and, therefore, will not promote optimum yield of groundfish and will result in economic harm to fishermen and processors who would otherwise participate in that fishery. Interested persons are invited to submit comment in writing to the previously cited address on or before November 24, 1995.

**Classification**

This action is taken under § 675.20(e)(1)(iii), (e)(2)(iii) and (e)(5) and is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior public notice and comment on the inseason adjustment. Immediate effectiveness is necessary to prevent foregone revenue to the Pacific cod hook-and-line fishery, which would otherwise be prevented from conducting operations.

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

Dated: November 9, 1995.

Richard W. Surdi,

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

[FR Doc. 95-28248 Filed 11-9-95; 4:13 pm]

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**50 CFR Part 676**

[Docket No. 940683-4277; I.D. 110695C]

RIN 0648-AE79

**Limited Access Management of Federal Fisheries In and Off of Alaska; Correction**

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains a correction to the final rule that was published Friday, October 7, 1994. This document republishes the regulatory text describing a "qualified person" under the Individual Fishing Quota (IFQ) program for the fixed gear fishery for Pacific halibut and sablefish in and off of Alaska.

**EFFECTIVE DATE:** November 7, 1994.

**FOR FURTHER INFORMATION CONTACT:** John Lepore, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

Under § 676.20, initial allocation of Pacific halibut and sablefish quota share (QS) is assigned to qualified persons based upon specified criteria (e.g., qualifying years, evidence of vessel ownership, evidence of vessel lease, evidence of legal landings, vessel categories). These criteria were published in the final rule implementing the IFQ system for Pacific halibut and sablefish, Amendment 15 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 20 to the FMP for

Groundfish of the Gulf of Alaska (GOA), and appear at 58 FR 59406 (November 9, 1993).

The IFQ system was revised with the implementation of a Modified Block Proposal to clarify the transfer process for QS and to prevent excessive consolidation in the Pacific halibut and sablefish fisheries, Amendment 31 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 35 to the FMP for Groundfish of the Gulf of Alaska. The proposed rule was published June 28, 1994 (59 FR 33272) and the final rule was published October 7, 1994 (59 FR 51135). Neither Amendment 31 or 35 indicated that the criteria for a qualified person or the vessel categories under the original IFQ program were to be revised. Although there is some confusion in the proposed and final rule implementing Amendments 31 and 35, the preamble to the final rule (59 FR 51136, October 7, 1994) explicitly states:

1. The amendatory language to § 676.20 in the proposed rule was numbered in such a manner that existing paragraphs (a)(1) *Qualified persons* and (a)(2) *Vessel categories* would have been deleted. This was a technical oversight. Paragraphs (a)(1) and (a)(2) will remain as published on November 9, 1993 (59 FR 59375) and will not be amended by this final rule.

NMFS interpreted the final rule as stated above and circulated copies of the regulations with paragraphs (a)(1) and (a)(2) as published at 58 FR 59375 (November 9, 1993). Notwithstanding the explicit statement in the preamble and NMFS' interpretation of this provision, the amending instruction for § 678.20 was not clear and could be construed as deleting paragraphs (a)(1) and (a)(2). See 59 FR 51138 (October 7, 1995). Consequently, NMFS is issuing this correction and republishing the criteria of § 676.20(a)(1) and (a)(2).

**List of Subjects in 50 CFR Part 676**

Fisheries, Reporting and recordkeeping requirements.

Dated: November 8, 1995.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

Accordingly, 50 CFR part 676 is amended by making the following correction:

**PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA**

1. The authority citation for 50 CFR part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. In § 676.20, paragraphs (a)(1) and (a)(2) are added to read as follows:

**§ 676.20 Individual allocations.**

(a) \* \* \*

(1) *Qualified person.* As used in this section, a "qualified person" means a "person," as defined in § 676.11 of this part, that owned a vessel that made legal landings of halibut or sablefish, harvested with fixed gear, from any IFQ regulatory area in any QS qualifying year. A person is a qualified person also if (s)he leased a vessel that made legal landings of halibut or sablefish, harvested with fixed gear, from any IFQ regulatory area in any QS qualifying year. A person who owns a vessel cannot be a qualified person based on the legal fixed gear landings of halibut or sablefish made by a person who leased the vessel for the duration of the lease. Qualified persons, or their successors-in-interest, must exist at the time of their application for QS. A former partner of a dissolved partnership or a former shareholder of a dissolved corporation who would otherwise qualify as a person may apply for QS in proportion to his interest in the dissolved partnership or corporation. Sablefish harvested within Prince William Sound, or under a State of Alaska limited entry program, will not be considered in determining whether a person is a qualified person.

(i) A QS qualifying year is 1988, 1989, or 1990.

(ii) Evidence of vessel ownership shall be limited to the following documents, in order of priority:

(A) For vessels required to be documented under the laws of the United States, the U.S. Coast Guard abstract of title issued in respect of that vessel;

(B) A certificate of registration that is determinative as to vessel ownership; and

(C) A bill of sale.

(iii) Conclusive evidence of a vessel lease will include a written vessel lease agreement or a notarized statement from the vessel owner and lease holder attesting to the existence of a vessel lease agreement at any time during the QS qualifying years. Conclusive evidence of a vessel lease must identify the leased vessel and indicate the name of the lease holder and the period of time during which the lease was in effect. Other evidence, which may not be conclusive, but may tend to support a vessel lease, may also be submitted.

(iv) Evidence of ownership interest in a dissolved partnership or corporation shall be limited to corporate documents (e.g., articles of incorporation) or notarized statements signed by each