

[model year, make, series, engine and chassis number of each vehicle]

for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns (jointly and severally), firmly by these presents

WITNESS our hands and seals this _____ day of _____, 199____

WHEREAS, motor vehicles may be entered under the provisions of 49 U.S.C. 30112 and 49 U.S.C. 32506; and

WHEREAS, pursuant to 49 CFR part 591, a regulation promulgated under the provisions of 49 U.S.C. 30112, the above-bounden principal desires to import permanently the motor vehicles described above, which are motor vehicles that were not originally manufactured to conform with the Federal motor vehicle safety and bumper standards; and

WHEREAS, pursuant to 49 CFR part 592, a regulation promulgated under the provisions of 49 U.S.C. 30112, the above bounden principal has been granted the status of Registered Importer of motor vehicles not originally manufactured to conform with the Federal motor vehicle safety standards; and

WHEREAS, pursuant to 49 CFR part 593, a regulation promulgated under the provisions of 49 U.S.C. 30112, the Administrator of the National Highway Traffic Safety Administration has determined that each of the motor vehicles described above is eligible for importation into the United States; and

WHEREAS, the motor vehicles described above have been imported at the port of [name of port of entry], and entered at said port for consumption on entry No. _____ dated _____, 199____,

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT—

(1) The above-bounden principal ("the principal"), in consideration of the permanent admission into the United States of the motor vehicles described above, voluntarily undertakes and agrees to have such vehicles brought into conformity with all applicable Federal motor vehicle safety and bumper standards within a reasonable time after such importation, as specified by the Administrator of the National Highway Traffic Safety Administration (the "Administrator");

(2) For each vehicle described above ("such vehicle"), the principal shall then file, with the Administrator, a certificate that such vehicle complies with each Federal motor vehicle safety standard in the year that such vehicle was manufactured and which applies in such year to such vehicle, and that such vehicle complies with the Federal bumper standard (if applicable);

(3) The principal shall not release custody of any vehicle to any person, or license or register the vehicle, from the date of entry until 30 calendar days after it has certified compliance of such vehicle to the Administrator, unless the Administrator notifies the principal before 30 days that (s)he has accepted such certification and such vehicle and all liability under this bond for such vehicle may be released, except that no such release shall be permitted, before or after the 30th calendar day, if the principal

has received written notice from the Administrator that an inspection of such vehicle will be required, or that there is reason to believe that such certification is false or contains a misrepresentation.

(4) And if the principal has received written notice from the Administrator that an inspection of such vehicle is required, the principal shall cause such vehicle to be available for inspection, and such vehicle and all liability under this bond for such vehicle shall be promptly released after completion of an inspection showing no failure to comply. However, if the inspection shows a failure to comply, such vehicle and all liability under this bond for such vehicle shall not be released until such time as the failure to comply ceases to exist;

(5) And if the principal has received written notice from the Administrator that there is reason to believe that such certificate is false or contains a misrepresentation, such vehicle and all liability under this bond for such vehicle shall not be released until the Administrator is satisfied with such certification and any modification thereof;

(6) And if the principal has received written notice from the Administrator that such vehicle has been found not to comply with all applicable Federal motor vehicle safety and bumper standards, and written demand that such vehicle be abandoned to the United States, or delivered to the Secretary of the Treasury for export (at no cost to the United States), the principal shall abandon such vehicle to the United States, or shall deliver such vehicle, or cause such vehicle to be delivered to, the custody of the District Director of Customs of the port of entry listed above, or any other port of entry, and shall execute all documents necessary for exportation of such vehicle from the United States, at no cost to the United States; or in default of abandonment or redelivery after proper notice by the Administrator for the principal, the principal shall pay to the Administrator an amount equal to 150% of the entered value of such vehicle as determined by the U.S. Customs Service;

Then this obligation shall be void; otherwise it shall remain in full force and effect. [At this point the terms agreed upon between the principal and surety for termination of the obligation may be entered]

Signed, sealed and delivered in the presence of

PRINCIPAL: (name and address)

(Signature) (SEAL)

(Printed name and title)

SURETY: (name and address)

(Signature)

(Printed name and title)

Issued on: November 16, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95-28539 Filed 11-22-95; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 95-0822210-5265-02; I.D. 081195A]

RIN 0648-AH94

Summer Flounder Fishery; Amendment 7

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 7 to the Fishery Management Plan for the Summer Flounder Fishery. This amendment revises the fishing mortality rate reduction schedule for summer flounder, by extending for 2 years the time at which the final fishing mortality rate goal is reached. The rule continues the rebuilding of summer flounder stock abundance under a schedule that reduces short-term economic losses for participants in the fishery.

EFFECTIVE DATE: December 22, 1995.

ADDRESSES: Copies of Amendment 7, the environmental assessment, the regulatory impact review (RIR), and final regulatory flexibility analysis (FRFA) are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION:

Background

Amendment 7 was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the Atlantic States Marine Fisheries Commission (ASMFC) and the New England and South Atlantic Fishery Management Councils. A proposed rule to implement the amendment was published in the Federal Register on September 5, 1995 (60 FR 46105). The amendment revises management of the summer flounder (*Paralichthys dentatus*) fishery pursuant to the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act).

Background concerning the development of the management measures contained in Amendment 7 and the reasons they were adopted by

the Council were provided in the preamble of the proposed rule and are not repeated here.

NMFS approved Amendment 7, which revises the target fishing mortality rate (F) reduction schedule to allow for more stable landings from 1 year to the next. The amendment will reduce short-term economic burdens on the industry, yet slow the rate of stock rebuilding only slightly. The revised schedule for the fishing mortality rate reductions requires a reduction from the 1995 target ($F = 0.53$) to 0.41 in 1996, 0.3 in 1997, and F_{\max} (0.23) in 1998 and beyond. In addition, this rule specifies that the quota for 1996 and 1997 may not exceed 18.51 million lb (8,396 mt). This cap on the quota could result in an F in 1996 and 1997 that is lower than 0.41 and 0.3, respectively, but could not exceed these values. A quota level above the cap could be set in 1996 or 1997, but only if the resulting quota had an associated F of 0.23.

Data from the updated stock assessment for summer flounder for 1995 from the 20th Stock Assessment Workshop (SAW) indicate that the stock is in better condition than it appeared in 1994. A strong year class in 1994 will allow a more rapid rebuilding of the spawning stock biomass while allowing moderate amounts of catch. As a result, the revised rebuilding strategy will provide some short-term relief to the industry without seriously compromising conservation.

Comments and Responses

Six comments were received from industry associations, state agencies, conservationist organizations, and various individuals in favor of the amendment. Five of those commenters opposed the 18.51 million lb (8,396 mt) quota cap. The Center for Marine Conservation (CMC) commented that they oppose the amendment.

Comment: The State of North Carolina supports the amendment because it strikes a balance between achieving the necessary fishing mortality reduction, alleviating economic hardship on the fishing industry, and lending stability to the fishery.

Response: NMFS agrees with this assessment.

Comment: The East Coast Fisheries Federation, the United National Fishermen's Association, the Seafarers International Union (SIU), Jones Inlet Packing Co., and the North Carolina Fisheries Association all support the amendment's reevaluation of the fishing mortality reduction schedule, but do not support the 18.51 million lb (8,396 mt) cap on the quota in 1996–97. Several commenters question the selection of

18.51 million lb (8,396 mt) as the cap value, and SIU notes that the cap value would be higher if new stock assessment information were used. One commenter added that 18.51 million lb (8,396 mt) should be set as the minimum quota level, rather than the maximum.

Response: The Council established the cap as a mechanism to provide the industry with stable and predictable landings over time, while still ensuring attainment of the target fishing mortality rate in 1998. The cap may be exceeded if the quota specified has an associated F of 0.23, that is, attains F_{\max} prior to 1998.

The Council and ASMFC are aware that if the summer flounder stock size is larger than projected by the assessment, a cap of 18.51 million lb (8,396 mt) could result in an associated F that is lower than the targets established for 1996 and 1997. If good recruitment occurs in 1994, 1995, and 1996, and if the target F is reached in 1995 (0.53), the cap could result in a F of 0.23 as early as 1997. The Council established the cap with the intent that under these circumstances, quotas constrained by the cap will accelerate recovery of the summer flounder stock. This "banking" of fish will ensure that stock sizes will be large enough the following years to support stable quota levels even in the event of lower than expected recruitment.

The 18.51 million lb (8,396 mt) value was calculated during the development of Amendment 7 when the Council examined an alternative that called for a constant quota for the years 1996 through 1998 that will result in F_{\max} (0.23) in 1998. This projection of 18.51 million lb (8,396 mt) was based on the best scientific information available at the time, the results of the 1994 summer flounder stock assessment. The Council realized that spawning stock biomass for summer flounder might increase after adoption of the cap, and the value chosen reflects its intention to better ensure that its final fishing mortality rate goal is reached by 1998, rather than sometime thereafter. According to guidelines of the national standards (50 CFR part 602), the Council is entitled to bring the development of an amendment to closure for submission purposes, even though new information will become available in the future.

The establishment of 18.51 million lb (8,396 mt) as a minimum quota level would be inconsistent with the use of target fishing mortality rates to achieve stock rebuilding. By setting a minimum quota level, the Council, in its recommendations, would be unable to

address such circumstances as poor recruitment.

Comment: The SIU comments that there should be no cap on quota in 1996 or 1997 because the fishery is an alternative source of income for Georges Bank groundfish vessels, which face impending new restrictions.

Response: The quotas proposed through this amendment are designed to continue rebuilding the stock of summer flounder while moderating negative impacts on the industry. The Council has presented a plan to balance the biological and economic impacts of summer flounder management measures. While it is apparent that the Northeast multispecies fishery faces additional future restrictions, those vessels that qualified for the summer flounder moratorium permit will have to continue to share the burdens of the rebuilding plan for summer flounder. They will also share the future benefits of increased harvests from a recovered stock.

Comment: The East Coast Fisheries Federation comments that a higher quota would result in fewer discards rather than an increased mortality rate. They argue that many fish are discarded, not because they are undersized, but due to state quota management measures such as trip limits.

Response: NMFS agrees that state quota management measures may result in discard of fish larger than the minimum size. However, it does not follow that a higher quota would result in no increase in the overall mortality rate. Commercial landings represent the largest component of summer flounder mortality. The advisory report issued by the 20th Stock Assessment Workshop includes mean estimates of the components of the total catch (landings and discards) for the period 1982–94. Commercial discards represent 8 percent of the total while commercial landings represent 59 percent of the total (the remainder is recreational catch and discard). As the stock rebuilds, the number of larger, older fish in the population will increase and the fishery will become less dependent on younger, smaller fish. At that point, the contribution of discards to overall mortality would decrease.

Comment: The CMC opposes the amendment, stating that the relaxation of the mortality rate reduction schedule would serve to prolong overfishing, and risk undoing the stock benefits achieved by the existing management regime. CMC feels that, instead, improvements should be made in compliance, enforcement and data collection, as well

as in the reduction of bycatch and mortality on small fish.

Response: While a relaxation of the mortality rate reduction schedule will slow the rate of stock rebuilding, projections indicate that the slowdown will be slight. In general, the total landing for all years (1996–2000) is nearly identical for all the alternatives. The difference between the options contained in the amendment is in how the landings are allocated over the 5 year time period. A postponement in the reduction to F_{max} (i.e., F greater than 0.23 in 1996 and 1997) will result in an increase in near term landings at the expense of future landings. The adopted option contained in this amendment (Option 5B) produces the most stable landings pattern with landings ranging from 18.5 to 26.7 million lb over the period. An alternative considered but not adopted (Option 1) would have resulted in the largest variability in landings from 1 year to the next with a 50 percent decline from 1995 to 1996 followed by a 50 percent increase from 1996 to 1997.

While the rate of spawning stock biomass (SSB) increase is slowed under Amendment 7, the rate of growth differs only slightly during any 1 year, and is ultimately statistically insignificant. The stock assessment indicates that as SSB rises, so does recruitment. Good levels of recruitment are associated with SSB levels in excess of 33 million lb (14,968 mt). The analysis associated with this

amendment indicates an estimated SSB above 45 million lb (20,412 mt) in 1996, indicating that the risk of recruitment failure is minimal. As the stock rebuilds and the age structure becomes more evenly distributed, the fishery will become less dependent on new recruits and the likelihood of poor recruitment and stock collapse will become increasingly remote.

Classification

The Director, Northeast Region, NMFS, determined that Amendment 7 is necessary for the conservation and management of the summer flounder fishery and that it is consistent with the Magnuson Act and other applicable laws.

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

NMFS prepared an FRFA as part of the RIR. A copy of this analysis is available from the Council (see ADDRESSES).

List of Subjects in 50 CFR Part 625

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: November 14, 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. In § 625.20, paragraph (a) introductory text is revised to read as follows:

§ 625.20 Catch quotas and other restrictions.

(a) *Annual review.* The Summer Flounder Monitoring Committee will review the following data on or before August 15 of each year to determine the allowable levels of fishing and other restrictions necessary to achieve a fishing mortality rate (F) of 0.53 in 1993 through 1995, 0.41 in 1996, 0.30 in 1997, and 0.23 in 1998 and thereafter, provided the allowable levels of fishing in 1996 and 1997 may not exceed 18.51 million lb (8,396 mt), unless such fishing levels have an associated F of 0.23:

* * * * *

[FR Doc. 95–28535 Filed 11–22–95; 8:45 am]

BILLING CODE 3510–22–F