

accounting. Instead, carriers could follow generally accepted accounting principles for all reporting and accounting matters. Nevertheless, the part 1206 USOA regulations were left in place. The ICC stated that because of "the value of the USOA as a reference and its importance to States and others for assuring uniformity of reporting . . . [.] the USOA will remain in the Code of Federal Regulations for reference purposes only, but it will not be prescribed as the basis of the Commission's one-page report form." 3 I.C.C.2d at 802 (emphasis supplied).

The ICCTA repealed the uniform accounting provisions of section 11142 for motor carriers.<sup>3</sup> Accordingly, we will remove the part 1206 regulations.<sup>4</sup>

The Board certifies that elimination of this rule will not have a significant economic effect on a substantial number of small entities. This regulation has been retained in recent years only as a reference tool.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### List of Subjects in 49 CFR Part 1206

Buses, Motor carriers, Uniform System of Accounts.

Decided: August 25, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**  
Secretary.

#### PART 1206—[REMOVED]

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X, of the Code of Federal Regulations is amended by removing Part 1206.

[FR Doc. 97-23460 Filed 9-4-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 961227373-6373-01; I.D. 082797F]

#### Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Sablefish Trip Limit Changes South of 36° N. Lat.

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

**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces a change to restrictions to the Pacific Coast, fixed gear groundfish fisheries for sablefish taken and retained, possessed or landed south of 36° N. lat. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is intended to help vessels making longer trips to reduce their discards. It will also improve the flexibility of landings restrictions for fishers south of 36° N. lat. by allowing them to choose whether they will land sablefish under the daily trip limit or under an alternative weekly trip limit.

**DATES:** Effective 0001 hours local time (l.t.) September 1, 1997. This change remains in effect until the effective date of the 1998 annual specifications and management measures for the Pacific Coast groundfish fishery, unless modified, superseded, or rescinded. Comments will be accepted through September 22, 1997.

**ADDRESSES:** Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140 or Rodney McInnis at 562-980-4040.

**SUPPLEMENTARY INFORMATION:** The following changes to routine management measures are based on the best available information, and were recommended by the Pacific Fishery Management Council (Council), in consultation with the states of Washington, Oregon, and California, at its April 8-11, 1997, meeting in Millbrae, CA.

The limited entry fixed gear sablefish fishery south of 36° N. lat. is currently managed with a daily trip limit of 350 lb (136 kg) per day. At the April Council meeting, the Council received testimony from fishers operating in waters south of 36° N. lat. that the daily trip limit results in sablefish discards for fishers who make multi-day trips for other species. Some limited entry fishers in that area take fishing trips of 4-6 days in duration so that they are able to fish on deepwater species living near the seamounts off the coast of southern California. Regardless of the length of the fishing trip, fishers currently may land sablefish only under the daily trip limit. It is possible that on a multi-day trip targeting deep water rockfish, more than 350 lb (136 kg) of sablefish may also be taken. Currently, sablefish exceeding the daily trip limit must be discarded because daily trip limits may not be accumulated over multi-day trips.

At its April 1997 meeting, the Council recommended a measure that would give limited entry, fixed gear sablefish fishers south of 36° N. lat. the option to make just one landing per week of above 350 lb (136 kg) but not more than 1,050 lb (476 kg), rather than the current daily trip limit of 350 lb (136 kg). Fishers may alternatively choose to operate under the current regime, which allows fishers to land 350 lb (136 kg) per day. A fisher may not make a landing larger than 350 lb (136 kg) and continue to land sablefish under the daily trip limit for the rest of the week. For the purposes of this regulation, a week is 7 consecutive days, from 0001 hours l.t. Sunday through 2400 hours l.t. Saturday.

The Council recommended that NMFS set this measure in place for September 1 if no more than 210 mt (462,966 lb) of sablefish have been landed by all gears in the area south of 36° N. lat. through the end of July. The sablefish acceptable biological catch (ABC) for waters south of 36° N. lat. is 425 mt (936,964 lb). Because there is a possibility that this measure may increase the rate of sablefish harvest south of 36° N. lat., the Council placed the 210 mt (462,966 lb) restriction on implementing this measure. The Council expects that, with a south of 36° N. lat. harvest of less than 210 mt (462,966 lb) through the end of July, this measure may be implemented for September through December without the risk of exceeding the sablefish ABC for waters south of 36° N. lat. To further safeguard the ABC, the Council recommended removing the option for one large landing per week if the

<sup>3</sup> The ICCTA also transferred authority for collecting financial reports from motor carriers to the Secretary of Transportation (and not this Board), under new 49 U.S.C. 14123. The Secretary has assigned this responsibility to the Bureau of Transportation Statistics. We will address the appropriate disposition of the companion part 1249 regulations in a separate proceeding.

<sup>4</sup> Even without the repeal of the underlying statutory authority, we would have questioned the need or appropriateness of continuing to publish "for reference purposes only" more than 70 pages of regulations that are no longer in effect.

sablefish harvest south of 36° N. lat. exceeds 400 mt (881,840 lb) before December 31, 1997.

The best available information indicated that approximately 170 mt (374,782 lb) had been taken by July 31, 1997, in waters south of 36° N. lat. Therefore, this option will be available through December 31, 1997, or until the total sablefish landings for this area exceed 400 mt (881,840 lb) and this provision is changed by NMFS, whichever occurs first. This measure is intended to help vessels making longer trips to reduce their discards and is not intended to accelerate sablefish harvest in waters south of 36° N. lat. NMFS is also updating and clarifying language that explains the trip limits north of 36° N. lat., but that will not change the management regime north of 36° N. lat.

#### NMFS Action

For the reasons stated above, NMFS concurs with the Council's recommendations and makes the following changes to the 1997 annual management measures (62 FR 700, January 6, 1997, as modified).

1. Effective September 1, 1997, for limited entry, fixed gear fishers landing sablefish south of 36° N. lat., paragraph E.(2)(c) of section IV. is amended to read as follows:

E. *Sablefish and the DTS Complex (Dover Sole, Thornyheads, and Trawl-Caught Sablefish)*

\* \* \* \* \*

(2) \* \* \*

(c) *Nontrawl trip and size limits.* (i) *Daily trip limit.* The daily trip limit, which applies to sablefish of any size, is in effect north of 36° N. lat. until the closed periods before or after the regular season (as specified at 50 CFR 660.323 (a)(2)) (62 FR 45350), between the end of the regular season and the beginning of the mop-up season, and after the mop-up season. The daily trip limit is in effect throughout the year in Federal waters south of 36° N. lat. (A) The daily trip limit for sablefish taken and retained with nontrawl gear north of 36° N. lat. is 300 lb (136 kg), not to exceed 600 lb (272 kg) cumulative in a calendar month in which the daily trip limit is in effect (e.g., August before the start of the regular season on August 25, 1997; in September after the close of the regular season; and in October after the mop-up season. Exact dates of the mop-up season are yet to be announced.) (B) The daily trip limit for sablefish taken and retained with nontrawl gear south of 36° N. lat. is (1) 350 lb (159 kg) with no cumulative limit on the amount of sablefish that may be retained in a month; or (2) one landing of sablefish per week above 350 lb (159 kg) but not to exceed 1,050 lb (476 kg). A week is 7 consecutive days, from 0001 hours l.t. Sunday through 2400 hours l.t. Saturday.

\* \* \* \* \*

#### Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the office of the Regional Administrator (see ADDRESSES) during business hours. NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. Because this action would reduce a burden on some sablefish fishers while reducing discards of sablefish caught south of 36° N. lat., and because the public had an opportunity to comment on the action at the April 1997 Council meeting, providing an opportunity for public comment now is unnecessarily and contrary to the public interest. This rule relieves a restriction. These actions are taken under the authority of 50 CFR 660.323(b)(1), and are exempt from review under E.O. 12866.

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

Dated: August 29, 1997.

**Gary C. Matlock,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

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