

warning signal, required by S5.5.1(e) of this standard, is illuminated.

#### S6.3.13 *Electric vehicles.*

S6.3.13.1 (a) For an EV equipped with an RBS that is part of the service brake system, the RBS is operational during the burnish and all tests, except for the test of a failed RBS.

(b) For an EV equipped with an RBS that is not part of the service brake system, the RBS is operational and set to produce the maximum regenerative braking effect during the burnish, and is disabled during the test procedures. If the vehicle is equipped with a neutral gear that automatically disables the RBS, the test procedures which are designated to be conducted in gear may be conducted in neutral.

S6.3.13.2 For tests conducted "in neutral", the operator of an EV with no "neutral" position (or other means such as a clutch for disconnecting the drive train from the propulsion motor(s)) does not apply any electromotive force to the propulsion motor(s). Any electromotive force that is applied to the propulsion motor(s) automatically remains in effect unless otherwise specified by the test procedure.

\* \* \* \* \*

#### S7.2.4 *Performance requirements.*

\* \* \* \* \*

(f) An EV with RBS that is part of the service brake system shall meet the performance requirements over the entire normal operating range of the RBS.

\* \* \* \* \*

#### S7.4.5 *Performance requirements.*

\* \* \*

S7.4.5.1 An EV with RBS that is part of the service brake system shall meet the performance requirement over the entire normal operating range of the RBS.

\* \* \* \* \*

#### S7.7.3. *Test conditions and procedures.*

\* \* \* \* \*

(h) For an EV, this test is conducted with no electromotive force applied to the vehicle propulsion motor(s), but with brake power or power assist still operating, unless cutting off the propulsion motor(s) also disables those systems.

\* \* \* \* \*

#### S7.10 *Partial failure.*

\* \* \* \* \*

#### S7.10.3. *Test conditions and procedures.*

\* \* \* \* \*

(f) Alter the service brake system to produce any single failure. For a hydraulic circuit, this may be any single rupture or leakage type failure, other

than a structural failure of a housing that is common to two or more subsystems. For a vehicle in which the brake signal is transmitted electrically between the brake pedal and some or all of the foundation brakes, regardless of the means of actuation of the foundation brakes, this may be any single failure in any circuit that electrically transmits the brake signal. For an EV with RBS that is part of the service brake system, this may be any single failure in the RBS.

\* \* \* \* \*

S7.10.4 *Performance requirements.* For vehicles manufactured with a split service brake system, in the event of any failure in a single subsystem, as specified in S7.10.3(f) of this standard, and after activation of the brake system indicator as specified in S5.5.1, the remaining portions of the service brake system shall continue to operate and shall stop the vehicle as specified in S7.10.4(a) or S7.10.4(b). For vehicles not manufactured with a split service brake system, in the event of any failure in any component of the service brake system, as specified in S7.10.3(f), and after activation of the brake system indicator as specified in S5.5.1 of this standard, the vehicle shall, by operation of the service brake control, stop 10 times consecutively as specified in S7.10.4(a) or S7.10.4(b).

#### S7.11.3. *Test conditions and procedures.*

\* \* \* \* \*

(m) For vehicles with electrically-actuated service brakes (brake power unit), this test is conducted with any single electrical failure in the electrically-actuated service brakes instead of a failure of any other brake power or brake power assist unit, and all other systems intact.

(n) For an EV with RBS that is part of the service brake system, this test is conducted with the RBS disconnected and all other systems intact.

\* \* \* \* \*

#### S7.12.2. *Test conditions and procedures.*

\* \* \* \* \*

(i) For a vehicle equipped with mechanically-applied parking brakes, make a single application of the parking brake control with a force not exceeding the limits specified in S7.12.2(b). For a vehicle using an electrically-activated parking brake, apply the parking brake by activating the parking brake control.

\* \* \* \* \*

Issued on: August 26, 1997.

**Ricardo Martinez, M.D.**  
*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1206

[STB Ex Parte No. 569]

#### Removal of Obsolete Motor Passenger Carrier Accounting Regulations

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (Board) is removing from the Code of Federal Regulations obsolete rules concerning the Uniform System of Accounts for motor carriers of passengers.

**EFFECTIVE DATE:** This rule is effective September 5, 1997.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), abolished the Interstate Commerce Commission (ICC or Commission) and established the Board within the Department of Transportation. Section 204(a) of the ICCTA provides that "[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act."

The regulations in part 1206, establishing a Uniform System of Accounts (USOA) for motor carriers of passengers, were originally issued in 1937. In response to the Motor Carrier Act of 1935, the ICC adopted the regulations pursuant to former section 204 of the Interstate Commerce Act. 2 FR 2689 (December 8, 1937).<sup>1</sup> Section 204 was recodified in 1978 at 49 U.S.C. 11142.<sup>2</sup> Motor passenger carriers used the USOA to develop data for annual and quarterly reports in accordance with 49 CFR part 1249.

In *Elimination of Acctg. & Reporting Reqts. for Motor Carriers of Passengers*, 3 I.C.C.2d 796 (1987), the ICC adopted new accounting and reporting rules for motor passenger carriers. The ICC reduced the quarterly and annual reports prescribed in 49 CFR 1249 to a one-page format. The ICC also decided that the USOA would no longer be prescribed as the basis of motor carrier

<sup>1</sup> They were first published at 49 CFR part 181.

<sup>2</sup> This section provided that the ICC "may prescribe a uniform accounting system for classes of carriers providing . . . transportation subject to the jurisdiction of the Commission under subchapters II, III, and IV . . . of this title."

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.