risk is not intended to be a simple arithmetic function of an offeror's performance on a list of contracts; but rather the information deemed most relevant and significant will receive the greatest consideration.

* * * * *

[FR Doc. 92-1874 Filed 1-27-92; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 390

[FHWA Docket No. MC-91-6]

RIN 2125-AC28

Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Marking

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending its commercial motor vehicle marking requirements by making them applicable to every commercial motor vehicle subject to the Federal Motor Carrier Safety Regulations (FMCSRs). This action to include a broader range of vehicles will improve uniformity of identification of commercial motor vehicles operated on the nation's highways and aid enforcement officers in carrying out their duties.

EFFECTIVE DATE: July 27, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah M. Freund, Office of Motor Carrier Standards, (202) 366-2981, or Mr. Paul L. Brennan, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, Department of Transportation 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: Unique identification numbers provide a rapid and sure way to distinguish a particular motor carrier's vehicles. There are many companies with the same or similar name but which are located in different cities or states. As an example, there are twelve independent Arrow Trucking Companies, located in twelve different cities. Without the ability to quickly identify the city and State of domicile, the name of the motor carrier alone will be of little value to the average motorist.

A final rule published in the **Federal Register** on May 19, 1988 (53 FR 18042, Docket No. MC-114) (effective November 15, 1988), among other things amended part 390 of the FMCSRs by adding § 390.21, Marking of commercial motor vehicles. That rule generally required self-propelled motor vehicles operated by interstate private motor carriers of property and interstate motor carriers of migrant workers to be marked. The marking is to be located on both sides of the self-propelled vehicle and consists of the motor carrier's name or trade name, the city or community and State (name abbreviated) in which the carrier maintains its principal place of business or in which the vehicle is customarily based, and the motor carrier identification number, if issued by the FHWA, preceded by the letters "USDOT."

The ICC regulates the marking of commercial motor vehicles operated in interstate commerce by common and contract motor carriers of property or passengers. The ICC published a final rule, "Practice and Procedure: Miscellaneous Amendments; Revisions," including an amendment to § 49 CFR 1058, "Identification of Vehicles" in the **Federal Register** on March 27, 1990 (55 FR 11196). This rule extends the ICC's regulations to "govern all for-hire motor carriers except those providing (a) Joint, through, regular-route passenger service under continuing lease or interchange agreements, if the vehicle owner's name and "MC" number are displayed as prescribed at 49 CFR 1058.2, and if the carriers have filed with the Commission's appropriate Regional-Director(s) and posted in each terminal and ticket agency on the involved routes a published schedule showing the points between which each joint carrier assumes control and responsibility for the vehicle's operation; and (b) Nonscheduled, charter, luxury-type passenger service using limousine-type vehicles with a capacity of six or fewer passengers."

The ICC also discontinued a rulemaking in the **Federal Register** on July 11, 1990 (55 FR 28419), which would have eliminated the vehicle marking requirements of 49 CFR 1058 and adjusted the leasing regulations at 49 CFR 1057. The overwhelming majority of the comments received by the ICC indicated that the marking requirement is essential to public safety, because it allows immediate identification of vehicles in situations involving moving violations, stolen equipment, security, and unauthorized or uninsured operations.

The Authority Transferred in 1966

(Pub. L. 89-670, 80 Stat. 931, 940) to the Department of Transportation (codified at 49 U.S.C. 3104) had applied only to private motor carriers of property and motor carriers of migrant workers. Thus, four classes of for-hire motor carriers were not subject to the DOT's 1988 final rule. They included: (1) For-hire motor carriers transporting the U.S. mail in interstate commerce under contract to the United States Postal Service; (2) for-hire motor carriers of passengers transporting school children and/or school personnel in interstate commerce when such transportation is at the direction and/or under the control of a public school system and is not a "school bus operation" as defined in § 390.5; (3) for-hire motor carriers of property engaged in the emergency towing of disabled vehicles from the point of disablement to another location in interstate commerce; and (4) ICC "exempt" motor carriers (i.e., economically exempt, eg., agricultural commodity carriers). These carriers operate a significant number of commercial motor vehicles in interstate commerce.

The Motor Carrier Safety Act (MCSA) of 1984

(49 U.S.C. app. 2501-2520 (1988)) authorizes the FHWA to establish vehicle marking requirements for all commercial motor vehicles, as defined in the MCSA of 1984, if the FHWA determines that such a requirement will assist in ensuring that commercial motor vehicles are safely maintained, equipped, loaded, and operated. The FHWA has determined that requiring all commercial motor vehicles operated in interstate commerce to meet a single identification standard would create a needed nationwide uniformity. Such action would assist Federal and State enforcement personnel in properly identifying motor carriers during roadside vehicle inspections and accident investigations, thus assuring the submission of accurate inspection and accident results and other data into the FHWA and State management information systems. In addition, the general public would be able to identify and report to the motor carrier or an enforcement agency any operations being conducted in an unsafe manner by the operator of a commercial motor vehicle.

Private motor carriers of passengers are not now subject to the FMCSRs. 49 CFR 390.3(f)(6). The preamble to the DOT's 1988 final rule stated that, "The FHWA recognizes that the Congress provided the Secretary (of Transportation) with the authority to regulate the safety of the private carriage of passengers. Since this segment of the motor carrier industry has never been subject to Federal safety regulations, however, it was decided that this issue should be addressed in a

separate rulemaking action."
Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States is not subject to the FMCSRs, except for the accident reporting requirements of 49 CFR 394 when these entities are engaged in interstate charter transportation of passengers. 49 CFR 390.3(f)(2).

Discussion of Comments

A notice of proposed rulemaking (NPRM) was published on June 19, 1991 at 56 FR 28130. The NPRM proposed to require marking for all commercial motor vehicles subject to the FMCSRs but not previously embraced in 49 CFR 390.21. Ten comments to the docket were received. Four were from associations representing the motor freight, bus transportation, and towing industries, four were from individual freight and passenger carriers, and two were from State law enforcement agencies. All comments generally favored the proposed amendment. One commenter questioned the proposed requirement for location information, and a second expressed concern over the appropriate marking requirements for for-hire motor carriers operating under ICC authority.

Several commenters favored the proposal to permit for-hire motor carriers operating under ICC authority to meet the requirements by complying with the marking requirements set forth in 49 CFR part 1058. Other commenters noted that the increased uniformity would lead to improved accuracy of motor carrier identification and greater public safety and security.

One commenter requested guidance on the application of the marking requirement. A motor carrier industry association suggested that the FHWA and the Commercial Vehicle Safety Alliance work together to improve guidelines for enforcement officers to help them distinguish between interstate and intrastate motor carriers. The association also suggested that the FHWA prepare an alphabetical list by State of Office of Motor Carriers field offices where motor carriers may obtain a MCS–150 form to request a USDOT identification number. The FHWA is considering preparing informational materials to respond to these suggestions. A motor carrier of freight suggested stronger language on size and legibility of markings. These requirements have not been at issue, and were therefore not addressed in the NPRM.

A school transportation industry association and a bus industry association supported the proposed amendment to require for-hire school buses in interstate commerce to comply with marking requirements. However, the bus association did not agree with the requirement that the city or community and State be shown. The association stated that the location information could be misleading, as school buses are frequently moved within a State based on the need for vehicles at different company locations. Under § 390.3(f), "General Applicability," school bus operations as defined in § 390.5 are not subject to the FMCSRs, except for part 394. Both of these organizations also commented that the FMCSRs should apply to other classes of passenger carriers operating in interstate commerce, regardless of ownership, including private carriers of passengers, State and local government vehicles, and district- and State-owned school buses. These other passenger carriers are specifically exempted under § 390.3(f) as a result of notice and comment rulemaking published in the **Federal Register** on May 19, 1988 (53 FR 18042).

A private motor carrier of freight expressed concern that the proposed wording does not address the situation of a private interstate motor carrier that operates under ICC common and contract authority. The carrier suggested adding a specific statement that compliance with ICC marking requirements by carriers holding ICC operating authority constitutes compliance with FHWA requirements without regard to whether a specific movement is for-hire or private carriage.

The intent of this marking requirement is to provide unique identification for motor carriers. The type of carriage involved at any given time is immaterial if one of the two required markings is present. This regulation will permit a motor carrier operating under ICC authority to satisfy the FHWA's requirement for marking by continuing to display its ICC–MC identification number. Displaying either the ICC–MC number or the USDOT number, or both, will enable these motor carriers to comply with the regulation.

In view of the foregoing, the FHWA is amending its marking requirement regulation to encompass all commercial motor vehicles operated in interstate commerce. Those commercial motor vehicles operated by for-hire motor carriers under authority issued by the ICC would be allowed to meet the FHWA's rules by complying with the compatible marking requirements of the ICC.

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

The action taken by the FHWA in this document will amend the commercial motor vehicle marking requirements to apply to every commercial motor vehicle subject to the FMCSRs. The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the DOT. It is anticipated that the economic impact of this rulemaking will be minimal. Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354), the agency has evaluated the effects of this rule on small entities. This rule requires motor carriers to mark commercial motor vehicles. The FHWA believes that the cost of this marking will be minimal. Therefore, under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation 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 390

Highway safety, Highways and roads, Motor carriers, Motor vehicle marking, Motor vehicle safety.

Issued on: January 21, 1992.

T.D. Larson,

Administrator.

In consideration of the foregoing, the FHWA is amending title 49, Code of Federal Regulations, subtitle B, chapter III, part 390, as follows:

PART 390—[AMENDED]

1. The authority citation for part 390 continues to read as follows:

Authority: 49 U.S.C. app. 2503 and 2505; 49 U.S.C. 3102 and 3104; 49 CFR 1.48.

2. Paragraph (a) of § 390.21 is revised to read as follows:

§ 390.21 Marking of commercial motor vehicles.

(a) *General.* Every self-propelled commercial motor vehicle operated in interstate commerce and subject to the rules of subchapter B of this chapter must be marked as specified in paragraphs (b), (c) and (d) of this section. Self-propelled commercial motor vehicles operated by for-hire motor carriers under authority issued by the Interstate Commerce Commission (ICC) may meet the requirements of this section by complying with the marking requirements set forth in 49 CFR part 1058.

* * * * *

[FR Doc. 92-2049 Filed 1-27-92; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket Number 910919-1219]

Taking Marine Mammals Incidental to Commercial Fishing Operations; Corrections

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Correction to the interim final rule.

SUMMARY: This document contains corrections to the interim final regulations (Docket No. 910919-1219), which were published on Tuesday, October 8, 1991 (55 FR 50672). The regulations relate to the importation of yellowfin tuna caught by purse seines in the eastern tropical Pacific Ocean.

EFFECTIVE DATE: January 28, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Hollingshead, NMFS, at (301)-713-2055.

SUPPLEMENTARY INFORMATION:

Background

On October 8, 1991, NMFS published an interim final rule revising the March 30, 1990, yellowfin tuna importation regulations. These revisions addressed (1) how to calculate a mortality rate for the U.S. fleet when there is little or no fishing effort on a particular species group in a particular area; (2) a new schedule for requesting and receiving findings; and (3) a requirement for submission of a minimum of 12 months of observer data from a fishing season for reconsideration of a negative finding if a nation has been denied an affirmative finding due to an unacceptable species composition test.

Need for Correction

As published, the interim regulations contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on October 8, 1991, of the interim regulations (Docket No. 910919-1219), which were the subject of FR Doc. 91-24076, is corrected as follows:

§ 216.24 [Corrected]

1. On page 50676, in the second column, in the second line of amendatory instruction number 3, "(e)(5)(viii)" is corrected to read "(e)(5)(xiii)".

2. On page 50676, in the third column, the paragraph designation "(viii)" is corrected to read "(xiii)".

* * * * *

Dated: January 22, 1992.

Michael F. Tillman,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 92-1972 Filed 1-27-92; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Parts 672 and 675

[Docket No. 911176-1276]

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of Pacific halibut and red king crab bycatch rate standards; dates of each fishing month.

SUMMARY: NMFS announces the dates of each fishing month during 1992 for calculating vessel bycatch rates of Pacific halibut and red king crab for purposes of the vessel incentive program. The intent of this action is to enhance prohibited species bycatch management and promote conservation of groundfish and other fishery resources.

DATES: Effective 12:01 a.m., Alaska local time (A.l.t.), January 27, 1992 through 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Fishery Management Biologist, NMFS, 907-586-7229.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the Bering Sea and Aleutian Islands Area (BSAI) are managed by the Secretary of Commerce according to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska (GOA) and the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fisheries at 50 CFR parts 672 and 675. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 620.

Regulations at §§ 672.26 and 675.26 implement a vessel incentive program to reduce Pacific halibut and red king crab bycatch rates in specified groundfish fisheries. Under the incentive program, operators of trawl vessels must comply with Pacific halibut bycatch rate standards specified for the BSAI and GOA Pacific cod trawl fisheries, the BSAI flatfish fishery, and the GOA "bottom rockfish" trawl fishery. Vessel operators must also comply with red king crab bycatch standards specified for the BSAI flatfish fishery in Zone 1, as defined in § 675.2. Definitions of the fisheries included under the incentive program are set forth in regulations at §§ 672.26(b) and 675.26(b).

Regulations implementing the vessel incentive program require NMFS to publish a notice in the **Federal Register** announcing the dates of each fishing month (§§ 672.26(a)(2)(iii) and 675.26(a)(2)(iii)). The fishing month refers to a time period calculated on the basis of weekly reporting periods so that each fishing month begins on the first day of the first weekly reporting period that has at least 4 days in the associated calendar month and ends on the last day of the last weekly reporting period that has at least 4 days in the same calendar month.

In accordance with §§ 672.26(a)(2)(iii) and 675.26(a)(2)(iii), the following 1992 fishing months are specified as the periods for purposes of calculating vessel bycatch rates under the incentive program:

Month 1—January 1 through February 2;
Month 2—February 3 through March 1;
Month 3—March 2 through March 29;
Month 4—March 30 through May 3;
Month 5—May 4 through May 31;
Month 6—June 1 through June 28;
Month 7—June 29 through August 2;
Month 8—August 3 through August 30;
Month 9—August 31 through September 27;
Month 10—September 28 through November 1;
Month 11—November 2 through November 29; and
Month 12—November 30 through December 31.

Classification

This action is taken under 50 CFR parts 672.26 and 675.26.26 and complies with Executive Order 12291.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: January 22, 1992.

David S. Crestin,

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

[FR Doc. 92-1947 Filed 1-27-92; 8:45 am]

BILLING CODE 3510-22-M