

Federal Communications Commission  
William F. Caton,  
*Acting Secretary.*  
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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Parts 383 and 391

[FHWA Docket No. MC-93-23]

RIN 2125-AD20

#### Commercial Driver Physical Qualifications as Part of the Commercial Driver's License Process

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of meetings of negotiated rulemaking advisory committee.

**SUMMARY:** The FHWA announces the meeting dates of an advisory committee (the Committee) established under the Federal Advisory Committee Act and the Negotiated Rulemaking Act to consider the relevant issues and attempt to reach a consensus in developing regulations governing the proposed merger of the State-administered commercial driver's license (CDL) procedures of 49 CFR Part 383 and the driver physical qualifications requirements of 49 CFR Part 391. The Committee is composed of persons who represent the interests that would be substantially affected by the rule.

The FHWA believes that public participation is critical to the success of this proceeding. Participation is not limited to Committee members. Negotiation sessions are open to the public, so interested parties may observe the negotiations and communicate their views in the appropriate time and manner to Committee members.

For a listing of Committee members, see the notice published on July 23, 1996, 61 FR 38133. Please note that the United Motorcoach Association and the American Bus Association will serve as full members of the Committee. For additional background information on this negotiated rulemaking, see the notice published on April 29, 1996, at 61 FR 18713.

**DATES:** The second meeting of the advisory committee will begin at 10:00 a.m. on September 4-5, 1996. Subsequent meetings are scheduled to be held on October 22-23, 1996, and November 19-20, 1996 and will also begin at 10:00 a.m. each day.

**ADDRESSES:** The second meeting of the advisory committee will be held at the International Trade Commission, 500 E Street, SW, Washington, D.C. The Committee will meet in the main hearing room (room 101). Subsequent meetings will be held at locations to be announced.

**FOR FURTHER INFORMATION CONTACT:** Ms. Teresa Doggett, Office of Motor Carrier Research and Standards, (202) 366-4001, or Ms. Grace Reidy, Office of Chief Counsel, (202) 366-0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

Authority: [5 U.S.C. §§ 561-570; 5 U.S.C. App. 2 §§ 1-15]

Issued on: August 21, 1996.

George L. Reagle,  
*Associate Administrator for Motor Carriers.*  
[FR Doc. 96-21782 Filed 8-23-96; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 960520141-6224-03; I.D. 073096D]

RIN: 0648-AH05

#### Fisheries of the Northeastern United States; Amendment 8 to the Summer Flounder and Scup Fishery Management Plan; Resubmission of Disapproved Measures

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule to implement three provisions of Amendment 8 to the Fishery Management Plan (FMP) for the Summer Flounder and Scup Fisheries that were initially disapproved, but that have been revised and resubmitted by the Mid-Atlantic Fishery Management Council (Council). These measures would: Establish criteria under which vessels under construction or being riggered for the scup fishery on January 26, 1993, could qualify for a moratorium permit, define scup pots and traps, and require the consideration of recreational landings in the process of setting annual recreational harvest limits. The intent of

Amendment 8 is to reduce fishing mortality and allow the stock to rebuild.

**DATES:** Public comments must be received on or before September 16, 1996.

**ADDRESSES:** Comments on this proposed rule should be sent to Dr. Andrew A. Rosenberg, Director, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on the Resubmitted Portion of the Summer Flounder and Scup Plan."

Comments regarding burden-hour estimates for collection-of- information requirements contained in this proposed rule should be sent to the Director, Northeast Region, NMFS (Regional Director), at the address above and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20502 (Attention: NOAA Desk Officer).

Copies of the resubmitted portion of Amendment 8 and other supporting documents are available upon request from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

The Council submitted Amendment 8 to the FMP on April 23, 1996. NMFS, on behalf of the Secretary of Commerce, disapproved six measures proposed in Amendment 8 upon preliminary evaluation of the amendment as authorized under section 304(a)(1)(A)(ii) of the Magnuson Fishery Management and Conservation Act (Magnuson Act). The measures, which were found to be inconsistent with the national standards and other applicable law, would have: (1) Conferred moratorium permit eligibility upon vessels that were riggering on January 26, 1993, and landed scup prior to the implementation of the FMP, (2) required vessels to keep scup catches of less than 4,000 lb (1,814 kg) (the level at which the minimum mesh requirement is triggered) in 100-lb (45.36 kg) boxes to enhance enforcement, (3) accepted state dealer permits in lieu of the required Federal permit, (4) denied access to the exclusive economic zone to vessels from states that do not implement recreational measures equivalent to those specified in the Federal plan, (5) used state regulations to define scup pots for the residents of that state, and (6) established annual recreational

harvest limits and deducted catches in excess of those limits from the limits for the following year. The remainder of Amendment 8 was published as a proposed rule on June 3, 1996 (61 FR 27851).

The Council and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board met on May 15, 1996, to review the disapproved measures and, pursuant to section 304(b)(3)(A) of the Magnuson Act, voted to revise and resubmit three provisions: The rerigging measure, the scup pot and trap definition, and the annual recreational harvest limit. The remaining disapproved measures were not resubmitted.

#### Proposed Measures

##### *Rerigging Measure*

For the purposes of moratorium eligibility, the resubmitted provision would require that a vessel under construction for, or being rerigged for, use in the directed fishery for scup on January 26, 1993, to have landed scup for sale by January 26, 1994. For the purpose of this paragraph, "under construction" would mean that the keel had been laid or the vessel was under written agreement for construction or the vessel was under written contract for purchase. "Being rerigged" would mean physical alteration of the vessel or its gear had begun to transform the vessel into one capable of fishing commercially for scup.

##### *Scup Pot and Trap Definition*

Scup pots and traps would be defined as pots or traps catching and retaining scup. Harvesters would be required to identify such gear with numbers assigned by the Regional Director and/or identification markings as required by the vessel's home port state.

##### *Annual Harvest Limit*

In the second year of implementation of the amendment, a coastwide harvest limit would be specified at a level that would reduce the exploitation rate to the level specified in the rebuilding schedule. This harvest limit would be allocated 78 percent to the commercial fishery, via a coastwide commercial quota, and 22 percent to the recreational fishery, via a recreational harvest limit. The coastwide harvest limit would be set annually following the Monitoring Committee process set forth in the amendment. Any landings in excess of the target harvest level would be considered in the process of setting recreational harvest regulations in the following year.

#### Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended, requires NMFS to publish regulations proposed by a Council within 15 days of receipt of the amendment and proposed regulations. At this time, NMFS has not determined whether the measures that this rule would implement are consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. NMFS, in making that determination, will take into account the information, views, and comments received during the comment period.

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration regarding the resubmitted measures in proposed Amendment 8 as follows:

I certify that the attached proposed rule issued under authority section 304(a) of the Magnuson Fishery Conservation and Management Act will not have a significant economic impact on a substantial number of small entities. The proposed measures are not significantly modified from the original submitted measures analyzed as part of the Amendment 8 package, which was found not to have a significant economic impact on a substantial number of small entities. The proposed modified measures fall within the scope of measures previously analyzed, so the certification remains unchanged. The proposed rule would revise and implement three of the six disapproved measures contained in Amendment 8 to the FMP. The measures contained in the resubmission would: (1) Confer moratorium permit eligibility upon vessels that were re-rigging on January 26, 1993, and land scup prior to January 26, 1994; (2) define a scup pot or trap as any scup pot or trap used by fishermen to catch and retain scup; and (3) establish that any landings in excess of the specified recreational harvest limit would be considered in the process of setting recreational harvest regulations in later years.

The resubmitted rerigging provision is the only measure that requires elaboration. The resubmitted measure is the same as those in the other vessel permit moratoria administered to date in the Northeast Region. It is intended to address the circumstance of a vessel owner who took a definite action on a specified date to construct or substantially rerig a vessel in order to participate in a moratorium fishery. Because these owners can demonstrate that they took such action, they are given an additional 12-month period to satisfy the requirement that they submit proof that the vessel actually landed the required species to qualify for the moratorium fishery. In past moratoria, such as Northeast multispecies and summer flounder, the provision has been applicable

in a relatively limited number of cases and that is expected to be the case in the scup moratorium as well. Based on our past experience with Northeast multispecies and, especially, summer flounder, the number of applicants affected by the provision is expected to be within a small range of 4 to 10 vessels. Therefore, no additional analysis is needed.

This proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The requirement to mark traps and pots has been approved by OMB, OMB Control Number 0648-0305. The marking of traps and pots is estimated to take 1 minute per trap or pot.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

The response estimates shown include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding any of these burden estimates or any other aspect of the collection of information to NMFS and OMB (see ADDRESSES).

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 19, 1996.

C. Karnella,  
Acting Program Management Officer,  
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

#### **PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES**

1. In § 648.2, the definition for "Scup pot or trap" is added in alphabetical order to read as follows:

##### **§ 648.2 Definitions.**

\* \* \* \* \*

*Scup pot or trap* means a pot or trap catching and retaining scup.

\* \* \* \* \*

2. In § 648.4, paragraph, (a)(6)(i)(A)(3) is added to read as follows:

##### **§ 648.4 Vessel permits.**

(a) \* \* \*

(6) \* \* \* (i) \* \* \* (A) \* \* \*

(3) The vessel was under construction for, or was being rerigged for, use in the directed fishery for scup on January 26,

1993, provided the vessel landed scup for sale by January 26, 1994.

\* \* \* \* \*

3. In § 648.14, paragraph (k)(12) is added to read as follows:

**§ 648.14 Prohibitions.**

\* \* \* \* \*

(k) \* \* \*

(12) Use a scup trap or pot that does not have identification as specified in § 648.123(b)(3).

\* \* \* \* \*

4. In § 648.123, paragraph (b)(3) is added to read as follows:

**§ 648.123 Gear restrictions.**

(a) \* \* \*

(b) \* \* \*

(3) *Pot and trap identification.* Pots or traps used in fishing for scup must be marked with the number assigned by the Regional Director and/or identification marking as required by the vessel's home port state.

\* \* \* \* \*

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