

any commenter that has the necessary technical wherewithal to submit its comments as computer data on a 3.5-inch floppy diskette formatted for WordPerfect 5.1, or formatted so that it can be readily converted into WordPerfect 5.1. Any such diskette submission (one diskette will be sufficient) should be in addition to the written submission (an original and 10 copies).

Small Entities

The Board preliminarily concludes that this rule, if adopted, would not have a significant economic effect on a substantial number of small entities. The Board, nevertheless, seeks comment on whether there would be effects on small entities that should be considered, so that the Board can determine whether to prepare a regulatory flexibility analysis at the final rule stage.

Environment

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 1319

Exemptions, Freight forwarders, Tariffs.

Decided: November 6, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons and Commissioner Owen.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, the Board proposes to add a new part 1319 to title 49, Chapter X, of the Code of Federal Regulations to read as follows:

PART 1319—EXEMPTIONS

Sec.

1319.1 Exemption of freight forwarders in the noncontiguous domestic trade from rate reasonableness and tariff filing requirements.

Authority: 49 U.S.C. 721(a) and 13541.

§ 1319.1 Exemption of freight forwarders in the noncontiguous domestic trade from rate reasonableness and tariff filing requirements.

Freight forwarders subject to the Board's jurisdiction under 49 U.S.C. 13531 are exempted from the rate reasonableness and tariff filing requirements of 49 U.S.C. 13701 and 13702.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 101096A]

Snapper-Grouper Fishery of the South Atlantic Region

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

ACTION: Notice of intent to prepare a supplemental environmental impact statement (SEIS); request for comments.

SUMMARY: NMFS announces the intention of the South Atlantic Fishery Management Council (Council) to prepare an SEIS for its proposed Amendment 8 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). Amendment 8 will address overfishing and overcapitalization problems in the snapper-grouper fishery. The SEIS will assess the environmental impacts of the proposed and alternative management measures of Amendment 8 as well as the impacts of the snapper-grouper fishery on the human environment (including impacts on other fisheries and on protected species).

DATES: Written comments on the scope of the SEIS must be submitted by December 16, 1996.

ADDRESSES: Written comments and requests for copies of the SEIS should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699.

FOR FURTHER INFORMATION CONTACT: Bob Mahood, 803-571-4366.

SUPPLEMENTARY INFORMATION: The Council prepared the FMP and NMFS approved and implemented it in 1983 under provisions of the Magnuson Fishery Conservation and Management Act. A principal, initial objective of the FMP was to prevent overfishing of thirteen species in the snapper-grouper complex and to establish a procedure for preventing overfishing of other FMP management unit species. Initial measures focused on size limits for the more significantly overfished species (e.g., red snapper, yellowtail snapper, red grouper, Nassau grouper, black sea bass, and vermilion snapper). Subsequent to FMP implementation, the Council developed several amendments to address overfishing issues regarding additional single species (e.g., jewfish,

wreckfish, etc.). At the time of FMP implementation, the Council was concerned about preventing overfishing of all FMP management unit species even though there were limited data on the status of certain stocks. The Council intended over the long term to amend the FMP, based on acquiring the necessary scientific information, to provide for a more comprehensive and appropriate means of preventing overfishing of all managed species and stabilizing overall fishing effort.

The Council has held scoping meetings on overfishing, overcapitalization, and other problems in the snapper-grouper fishery to determine the scope of significant issues to be addressed in the SEIS and associated Amendment 8. The scoping meetings were held in conjunction with the following Council meetings: June 21, 1994, in Marathon, FL, (59 FR 29420, June 7, 1994), August 24, 1994, in Charleston, SC (59 FR 41275, August 11, 1994), and October 25, 1994, in Wrightsville Beach, NC (59 FR 52136, October 14, 1994). Minutes of the scoping meetings are available from the Council office.

As a result of the scoping process, the Council has decided to prepare FMP Amendment 8 to address more extensively the issues of overfishing, overcapitalization, excess harvesting capacity, and associated economic problems in the snapper-grouper fishery. In support of Amendment 8, the Council will prepare an SEIS.

The Council's tentative schedule calls for completion of a draft Amendment 8, based in part on recommendations of its Snapper-Grouper Advisory Panel and Scientific and Statistical Committee, and of a draft SEIS this fall with release of both documents for public hearings some time during the period December 1996 through January 1997. The Council expects to make decisions regarding the contents of the draft amendment and draft SEIS at its meeting of November 18-22, 1996. As required by regulations implementing the National Environmental Policy Act, the draft SEIS will be filed with the Environmental Protection Agency and made available for a 45-day public comment period. NMFS will issue a hearing notice on behalf of the Council with specific hearing locations, dates, and times. The Council intends to take final action on Amendment 8 by the end of February. Shortly thereafter, the Council will prepare a final Amendment 8 and final SEIS that will be submitted to NMFS for review, approval, and implementation.

In preparing Amendment 8 and the SEIS, the Council is considering

proposed management actions and their respective alternatives as indicated below. Note that under each action, the Council will consider a no-action (status quo) management option in addition to other options indicated.

Action 1—Permit qualification. This action would limit permit holders to those who can demonstrate landings of at least 1,000 lb (454 kg) of snapper-grouper species in 2 of the 3 years (1993 through 1995). The Council will consider a wide variety of management options, each involving different specific criteria for permit qualification.

Action 2—Trip limits. This action would control fishing effort by establishing trip limits for identified "sub-unit" groups of species within the FMP's management unit. The sub-unit trip limits would be implemented and enforced by requiring fishermen to have a sub-unit endorsement on their fishing permit; without such an endorsement for a specific sub-unit group, fishermen would be limited to 100 pounds of fish per trip for the subject species. Qualification for a given sub-unit group permit endorsement would require meeting the Council's specific criteria related to demonstration of landings within recent years (e.g., so many pounds annually in two out of three recent years). The Council is considering the following sub-unit groups: (1) Deep Shelf Complex consisting of snowy grouper, warsaw grouper, yellowedge grouper, and golden tilefish and other deep water snapper-grouper species. Greater amberjack would continue to be managed as a separate unit and qualifying fishermen would receive a greater amberjack permit endorsement allowing landings in excess of 100 lb per trip. Wreckfish would continue being managed under the current individual transferable quota system; (2) Temperate Mid-Shelf Complex consisting of red porgy, vermilion snapper, red snapper, speckled hind, gag, scamp, black sea bass, gray triggerfish, and white grunt; and (3) Tropical Complex consisting of yellowtail snapper, mutton snapper, gray snapper, lane snapper, black grouper, and red grouper.

The Council is considering limits on the transferability of the sub-unit permit endorsements to immediate family members and to new fishery entrants based on specific criteria. The Council is considering an Application Oversight Committee whose members would make recommendations to the NMFS Regional Administrator in resolving fishermen's disputes over eligibility for permits and endorsements. The Committee would be composed of the principal State officials

with marine fishery management responsibility who sit as voting members of the Council as well as the NMFS Regional Administrator. The Committee members would make recommendations on permit/endorsement disputes regarding whether the criteria established by Amendment 8 for permit eligibility and initial resource allocations were being applied correctly. The Council is considering a number of management options for controlling fishing effort, including a no-action alternative as well as a variety of alternatives based on different categories and levels of trip limits, different qualification criteria for fishery participation, and different permit transferability restrictions.

Action 3—Refine the FMP's definitions of overfishing and optimum yield (OY). This action would: (1) Define a snapper-grouper species (including jewfish) as overfished when the transitional spawning potential ratio (SPR) is below 20%; (2) establish a target level for stock rebuilding (to the OY level) at 40% static SPR; (3) require implementation of a stock rebuilding program for an overfished species that makes consistent progress toward restoring the stock, within an acceptable time frame, to the target or OY level; (4) define the act of overfishing of a non-overfished stock (transitional SPR equal to or greater than 20%) as a static SPR that exceeds 20% (F20%); if overfishing is occurring, fishing mortality rates will be reduced to allow the stock size to increase so as to reach the target or OY level; (5) establish a threshold level for snapper-grouper species as 10% transitional SPR; if an overfished stock falls below the threshold level, the Council will recommend appropriate regulatory action through the FMP's framework rulemaking procedure, including eliminating directed fishing and bycatch mortality; (6) if there is insufficient information to determine whether a stock is overfished, define overfishing as a fishing mortality rate in excess of the fishing mortality rate corresponding to a default static SPR of 30%; by this criteria, if overfishing is occurring, a program will be instituted to reduce fishing mortality rate to a level allowing stock recovery to the target or OY level; and (7) retain the current time frame for recovery of overfished stocks; for stocks not documented by Amendment 3 as overfished, year 1 is the year in which the species is documented as overfished. The Council is considering several management alternatives in revising definitions of overfishing and OY, including a no-action alternative as well as optional

definitions of overfishing and target and threshold levels.

Action 4—Red porgy minimum size and bag limits. This action would increase the red porgy minimum size limit from 12 inches (30.5 cm) total length (TL) to 14 inches (36 cm) TL for recreational and commercial fishermen and establish a recreational bag limit of 2 red porgy. Management alternatives include no action, a bag limit between 1 and 5 fish, and an increase of the recreational minimum size limit to 14 inches (36 cm) TL in conjunction with a bag limit of 3–5 porgy.

Action 5—Black sea bass minimum size. This action would increase the black sea bass minimum size limit from 8 inches (20.3 cm) TL to 10 inches (25.4 cm) TL. Management alternatives include no-action and a size increase to 9 inches (22.86 cm) TL.

Action 6—Black sea bass Special Management Zone (SMZ). The Council has not identified a preferred action but is considering several alternatives including prohibiting the use of black sea bass pots within a range 3–18 or 3–30 miles offshore in the areas bounded by a line due east from Frying Pan Shoals, NC (or a line following the shoals) to a line south, extending due east of Cape Romain, SC.

Action 7—Black sea bass recreational bag limit. This action would establish a bag limit of between 5 and 20 fish; a no-action alternative will be considered.

Action 8—Black sea bass pot escape vents. This action would require between 1 and 4 escape vents on black sea bass pots with vent size meeting one of several alternatives (e.g., for rectangular vents, the allowable size would be established between 1 inch and 1.75 inches (2.5 - 6 cm) wide and between 5 and 6 inches (12.7 cm - 15.24 cm) long; and for ring vents, the allowable vent opening diameter would be established between 1.75 and 2.5 inches (4.4 cm - 5 cm)). A no-action option will be considered.

Action 9—Degradable fasteners in sea bass pots. This action would require the use of escape panels with degradable fasteners in sea bass pots. A black sea bass pot that is used or possessed in the South Atlantic EEZ north of 28° 35.1 N. lat. is required to have on at least one side, excluding top and bottom, a panel or door with an opening equal to, or larger than, the interior end of the trap's throat (funnel). The hinges and fasteners of each panel or door must be made of specified degradable materials. A no-action option will be considered.

Action 10—Amber jack sale prohibition. This action would prohibit the sale of greater amberjack caught under the bag limit during the greater

amberjack spawning season, south of Cape Canaveral, FL. The Council is considering a wide variety of options for this action, including expanding the 3-fish bag limit for both commercial and recreational fisheries to extend through the month of May. The Council is also proposing to prohibit the sale of greater amberjack during April and May, establish special oceans areas of protection (e.g., EEZ adjacent to Monroe County, FL) prohibit coring (removal of head and tail), establish a commercial quota and trip limits, and reduce the recreational bag limit.

Action 11—Vermilion snapper annual commercial quota. This action would establish, effective January 1, 1998, an annual commercial quota for vermillion snapper of 600,000 lb (272,155 kg) and a recreational fishery bag limit of 5 fish and a recreational minimum size limit of 12 inches (61 cm) TL. Management options to be considered include reducing the recreational and commercial catch 45 percent by imposing a bag limit and quota (no size limit), or reducing the recreational and commercial catch 43 percent by imposing a bag limit and quota (or effort reduction) along with a minimum size limit of 10 inches (25.4 cm) TL.

Action 12—Gag harvesting restrictions. This action would increase the gag minimum size limit from 20 inches (50.8 cm) TL to 24 inches (61 cm) TL for the commercial and recreational fisheries, and prohibit all harvest January through March. The Council will consider a considerable variety of management options for this action including different combinations of seasonal harvest prohibitions, bag limits, trip limits, total allowable catch limits, and minimum size limit changes.

Action 13—Logbooks. This action would require logbook reporting by the 10th of the month following the month of activity. Options under consideration include requiring that all reports submitted more than 2 months late be accompanied by landings receipts or other such supporting documentation and allowing 30 days for submission of report after the sale of fish.

Action 14—Transit zone. This action would establish a zone in the South Atlantic EEZ through which vessels carrying fish traps could transit if they have valid Gulf reef fish permits and fish trap endorsements. Except for the transit zone, possession of fish traps in the South Atlantic EEZ would be prohibited.

Action 15—Bottom longline restrictions. This action would restrict vessels with bottom longline gear aboard to possessing only snowy grouper, tilefish, yellowedge grouper and other deepwater species. A no-action option will be considered.

Action 16—Bait net restrictions. This action would allow the use of one bait net up to 50 ft (1,524 cm) long by 10 ft (305 cm) high with a stretched mesh size of 1.5 inch (5.0 cm) or smaller and allow one net per boat. Allowing possession of cast nets is an option under consideration.

Action 17—Fishery closures. The Council is considering options for closures of the EEZ to fishing for species in the snapper-grouper complex, including closures during the January-April period as well as other times, to achieve significant reductions in landings. The Council has not identified a preferred option.

Action 18—Trip limits for temperate mid-shelf snapper grouper species. The Council is considering options for

establishing trip limits for all temperate mid-shelf snapper grouper species, but has not identified a preferred option. Options include a 1,000–2,500 lb trip limit and a 200–2,000 lb trip limit depending upon vessel operating characteristics.

Action 19—Aggregate Temperate mid-shelf species quota. The Council is considering options for establishing an aggregate quota for temperate mid-shelf species to achieve a 30% to 40% reduction in landings (over the average annual landings during 1986–1995 period), but has not identified a preferred option.

Action 20—Bahamian caught fish. This action would allow species within the snapper-grouper complex (whether whole or fillets) caught in Bahamian waters in accordance with Bahamian law to be possessed aboard a vessel in the EEZ and landed in the U.S., provided the vessel is in transit from the Bahamas and valid Bahamian fishing and cruising permits are on board. A no-action options will be considered.

Action 21—Aggregate Recreational Bag Limit. The Council is considering options for establishing an aggregate recreational bag limit inclusive of all snapper-grouper species (excluding other species and existing bag limits). The Council has not identified a preferred option. Options include a 20–25 fish aggregate bag limit and a no-action option.

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

Dated: November 13, 1996.

Bruce Morehead,

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

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