

acute aquatic life criterion for selenium (61 FR 58444, November 14, 1996) for the final Water Quality Guidance for the Great Lakes System that was published on March 23, 1995 (60 FR 15366). The U.S. Court of Appeals for the D.C. Circuit vacated the 1995 acute selenium criterion on September 19, 1996.

DATES: Written comments on this proposed rule will be accepted until January 15, 1997.

ADDRESSES: An original and 4 copies of all comments on the proposal should be addressed to Mark Morris (4301), U.S. EPA, 401 M Street., SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mark Morris (4301), U.S. EPA, 401 M Street, SW., Washington, D.C. 20460, (202-260-0312).

SUPPLEMENTARY INFORMATION:

I. Legal Authority

These regulations are proposed under the authority of section 188(c) of the Clean Water Act, 33 U.S.C. 1268(c).

II. Today's Action

On November 14, 1996 (61 FR 58444), EPA proposed to revise the portion of the aquatic life criterion for selenium protecting against acute exposures that it promulgated as part of the final Water Quality Guidance for the Great Lakes System. The proposal takes into account data showing that selenium's two most prevalent oxidation states, selenate and selenite, have different potentials for acute toxicity. It also presents new data indicating that the toxicities of all forms of selenium are additive. EPA proposed a new Criterion Maximum Concentration that would vary depending on the relative proportions of selenate, selenite, and other forms of selenium that are present. EPA provided 30 days for comment on this proposal.

At least one member of the regulated community potentially affected by this proposal has requested EPA to extend the comment period to provide more time to analyze the data supporting the proposal and to develop adequate comments. EPA agrees that additional time is warranted and is today extending the comment period by 30 days, from December 16, 1996 to January 15, 1997.

Dated: December 10, 1996.

Robert Perciasepe,

Assistant Administrator, Office of Water.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2800, 2920, 4100, 4300, 4700, 5460, 5510, 8200, 8340, 8350, 8360, 8370, 8560, 9210, and 9260

[WO-130-1820-00-24 1A]

RIN 1004-AC30

Law Enforcement—Criminal; Proposed Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed regulations, extension of comment period.

SUMMARY: On November 7, 1996, the Bureau of Land Management ("BLM") published a document in the Federal Register announcing a proposed rule to revise and consolidate many of the regulations which instruct the public regarding BLM criminal law enforcement (61 FR 57605). The 60-day comment period for the proposed rule expires on January 6, 1997. The proposed rule is very complex and hard to follow because of the conforming language for a large number of different regulatory parts. BLM recently received a request for an extension of the comment period. BLM understands that the rule is difficult to comment on, and is therefore extending the comment period for an additional 30 days.

DATES: Submit comments on February 5, 1997.

ADDRESSES: If you wish to comment, you may:

(a) Hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L St., NW., Washington, DC.;

(b) Mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, DC 20240; or

(c) Send comments through the Internet to WOCComment@wo.blm.gov. Please include "attn: AC30", and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, please contact us directly at (202) 452-5030.

You will be able to review comments at BLM's Regulatory Affairs Group office, Room 401, 1620 L Street, N.W., Washington, D.C., during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dennis McLane, (208) 387-5126, or Erica Petacchi, (202) 452-5084.

Dated: December 10, 1996.

Annetta Cheek,

Regulatory Affairs Group Manager.

[FR Doc. 96-31854 Filed 12-13-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 961204340-6340-01; I.D. 110196D]

RIN 0648-A113

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications

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

ACTION: Proposed rule, request for comments.

SUMMARY: In accordance with the framework procedure for adjusting management measures of the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP), NMFS proposes to reduce the commercial quotas for Atlantic group king and Spanish mackerel, revise the trip limits for Atlantic group Spanish mackerel, reduce the commercial quota for Gulf group Spanish mackerel, revise the commercial trip limits in the eastern zone for Gulf group king mackerel, and establish a Gulf group king mackerel bag limit of zero for captains and crews of charter vessels and headboats. The intended effects of this rule are to protect king and Spanish mackerel from overfishing and maintain healthy stocks while still allowing catches by important commercial and recreational fisheries.

DATES: Written comments must be received on or before December 31, 1996.

ADDRESSES: Comments on the proposed rule must be sent to Mark Godcharles, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the environmental assessment and regulatory impact review supporting aspects of this action relating to Atlantic migratory groups of king and Spanish mackerel should be sent to the South Atlantic Fishery Management Council,

Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, Phone: 803-571-4366, Fax: 803-769-4520. Requests for comparable documents relating to Gulf group king and Spanish mackerel should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway North, Suite 1000, Tampa, FL, 33619, Phone: 813-228-2815, Fax: 813-225-7015.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, 813-570-5305.

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagic resources are regulated under the FMP. The FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 622.

In accordance with the framework procedures of the FMP, the Councils made recommendations for the 1996/97 fishing year in separate regulatory amendments to the Regional Administrator, Southeast Region, NMFS (RA). For Atlantic migratory groups, the recommendations would reduce the commercial quotas and recreational allocations for king and Spanish mackerel and modify the commercial

trip limits for Spanish mackerel. For Gulf migratory groups, the recommendations would reduce the commercial quota and recreational allocation for Spanish mackerel and revise the commercial trip limits and recreational bag limit for king mackerel. The Gulf group king mackerel bag limit would be reduced from two to zero for the captain and crew aboard charter vessels and headboats. The recommended changes are within the scope of the management measures that may be adjusted under the framework procedure, as specified in 50 CFR 622.48.

Proposed Total Allowable Catches (TACs), Allocations, and Quotas

The Councils recommended TACs for the fishing year that began April 1, 1996. The South Atlantic Council recommended a decrease of the annual TAC for the Atlantic migratory group of king mackerel from 7.30 million lb (3.31 million kg) to 6.80 million lb (3.08 million kg), and for the Atlantic migratory group of Spanish mackerel from 9.40 million lb (4.26 million kg) to 7.00 million lb (3.18 million kg). The Gulf Council recommended a decrease

of the annual TAC for the Gulf migratory group of Spanish mackerel from 8.60 million lb (3.90 million kg) to 7.00 million lb (3.18 million kg). Consistent with the FMP's framework procedure, the recommended TACs are within the range of the acceptable biological catch established by the Councils and represent a conservative approach supported by their Scientific and Statistical Committees and Mackerel Advisory Panels. These TACs are consistent with current stock rebuilding programs and with the attainment of optimum yield (OY) for each managed mackerel group as provided by the FMP. The proposed lower TACs would require reductions in the commercial quotas and recreational allocations. However, such reduced quotas and allocations would still be higher than recent harvest levels. Consequently, no fishery closures or quota/allocation overruns are likely.

Under the provisions of the FMP, the recreational and commercial fisheries are allocated a fixed percentage of the TAC. Under the established percentages, the proposed revised TACs for the fishing year that commenced April 1, 1996, would be allocated as follows:

Species/migratory groups	m. lb	m. kg
Atlantic King Mackerel—TAC	6.80	3.08
Recreational allocation (62.9%)	4.28	1.94
Commercial quota (37.1%)	2.52	1.14
Atlantic Spanish Mackerel—TAC	7.00	3.18
Recreational allocation (50%)	3.50	1.59
Commercial quota (50%)	3.50	1.59
Gulf Spanish Mackerel—TAC	7.00	3.18
Recreational allocation (43%)	3.01	1.37
Commercial quota (57%)	3.99	1.81

Atlantic Group Spanish Mackerel: Commercial Vessel Trip Limits

The commercial sector of the Atlantic group Spanish mackerel fishery is managed under trip limits. In the southern zone (i.e., south of a line extending directly east from the Georgia/Florida boundary), the trip limits vary depending on the percentage of the adjusted quota landed. The adjusted quota is the commercial quota reduced by an amount calculated to allow continued harvest of Atlantic group Spanish mackerel at the rate of 500 lb (227 kg) per vessel per day for the remainder of the fishing year after the adjusted quota is reached. Along with the decreased commercial quota, the South Atlantic Council recommended that the adjusted quota be decreased

from 4.45 million lb (2.02 million kg) to 3.25 million lb (1.47 million kg).

For Atlantic group Spanish mackerel, the South Atlantic Council proposed modifications to the trip limit regime for commercial vessels operating off the Florida east coast as follows: Establish an earlier start, November 1 rather than December 1, for the unlimited harvest season and increase the daily trip limit for Saturday and Sunday from 500 to 1,500 lb (227 to 680 kg) during that season; and increase the daily trip limit from 1,000 to 1,500 lb (454 to 680 kg) for all days of the week during the period that follows the unlimited season and continues until the adjusted quota is taken. These changes would provide increased opportunity for Florida fishermen to harvest Spanish mackerel in the exclusive economic zone (EEZ),

make profitable trips, and harvest the remaining portion of the commercial quota. Gillnet prohibitions implemented for Florida waters on July 1, 1995, severely reduced the 1995/96 harvest (1.82 million lb; 0.83 million kg) to one of the three lowest levels recorded since 1900. Prior to 1987 when the fishery was largely unregulated, annual commercial landings mostly ranged between 2.00–6.00 million lb (0.91–2.72 million kg), with the greatest landings (9.5–11.0 million pounds; 4.31–4.99 million kg) occurring between 1976 and 1980. Under quota management, landings have increased from the 1986/87 low of 2.57 million pounds (1.17 million kg) to the 1994/95 high of 5.23 million pounds (2.37 million kg). With the main body of fish overwintering in Florida's southeast waters last year, the

principal resource harvesters, Florida gillnet fishermen, were unable to take the major and remaining portion of the 1995/96 commercial quota (4.70 million lb, 2.13 million kg), leaving about 2.88 million pounds unharvested. Invariably, the Florida winter fishery (December through March period) has harvested the quota balance remaining after completion of the northern fishery, which occurs during the first half of the fishing year (April through October) mainly off North Carolina and Virginia. The Council believes that an earlier start of the unlimited season (November 1 rather than December 1) would afford increased opportunity for Florida gillnetters to intercept migrating schools of Spanish mackerel in the EEZ before they establish their usual winter residence again in State waters off southeast Florida. For the Florida east coast fishery, the Council also proposed increased trip limits. The greater daily harvest is expected to help offset increased operational expenses resulting from fishing on more distant EEZ fishing grounds.

Gulf Group King Mackerel: Commercial Vessel Trip Limits

For the commercial sector of the Gulf group king mackerel fishery in the eastern zone of the Gulf of Mexico (off Florida), the Gulf Council proposed revising the vessel trip limits. The Council proposed converting the units of the trip limits from numbers of fish to pounds of fish based on an estimated average fish weight of 10.0 lb (4.5 kg). The conversion would reduce waste from high-grading (i.e., discarding smaller fish and replacing them with larger ones to maximize aggregate poundage landed while complying with the trip limit on the number of fish landed).

In addition, the Gulf Council proposed that the Florida east coast subzone trip limit of 50 king mackerel per day be increased to 75 fish per day as a means of better ensuring harvest of the full commercial quota. The Council later changed the proposal to a poundage equivalent of 750 lb (340 kg) per day based on the estimated average fish weight of 10.0 lb (4.5 kg). Further, the trip limit would be decreased to 500 lb (227 kg) per day if 75 percent of the subzone's fishing year quota is harvested before February 15. If 75 percent of the quota is not taken before February 15, the trip limit would remain at 750 lb (340 kg) of king mackerel per day until the entire quota has been harvested or until March 31, whichever occurs first. Currently, the trip limit is reduced from 50 to 25 king mackerel per day if 75 percent of the quota is taken

before March 1; if not taken by March 1, the trip limit remains at 50 king mackerel until the entire quota has been harvested or until March 31, whichever occurs first. Last season, projected harvest for the Florida east coast subzone reached 75 percent of the quota before March 1, 1996, and, thus, the trip limit was reduced to 25 king mackerel per day. Total harvest, however, only reached about 83 percent of the quota.

For the Florida west coast subzone, the Gulf Council's recommended trip limit conversion from numbers to pounds of fish would apply to the daily trip limits for vessels harvesting Gulf group king mackerel under the hook-and-line quota. For a vessel using hook-and-line gear in the Florida west coast subzone, the trip limit would be converted from 125 king mackerel to 1,250 lb (567 kg) of king mackerel. After 75 percent of the hook-and-line quota is harvested, and continuing until the entire quota has been harvested, the trip limit would be reduced to 500 lb (227 kg) of king mackerel rather than 50 king mackerel.

Gulf Group King Mackerel: Recreational Bag Limits

For Gulf group king mackerel, the Gulf Council also proposed a recreational bag limit of zero for the captain and crew on for-hire vessels (i.e., charter vessels and headboats). The proposal was determined to be the least burdensome option for the recreational sector as a whole for restraining the recreational harvest to its allocation. Recent recreational catch estimates indicate that the allocation has been exceeded in recent years and a substantial portion of the overrun was attributable to increased landings by charter vessels.

The RA initially concurs that the Councils' recommendations are necessary to protect the king and Spanish mackerel stocks and prevent overfishing and that they are consistent with the FMP, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law. Accordingly, the Councils' recommended changes are published for comment.

Classification

This proposed rule has been determined to be not significant for 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 that this proposed rule, if adopted, would not have a significant economic impact on

a substantial number of small entities as follows:

Both the South Atlantic and Gulf Councils concluded that a substantial number of small entities (greater than 20 percent) operating in commercial and for-hire recreational fisheries for Atlantic and Gulf groups of king and Spanish mackerel would be affected by the proposed changes in mackerel management measures if they are approved and implemented (i.e., by the proposed reductions in commercial quotas and recreational allocations, and by the proposed changes to the current commercial trip limits). Although the exact numbers of small businesses operating in these fisheries is unknown, as of October 18, 1996, Federal permits allow a total of 3,819 vessels from Atlantic (1,722 vessels) and Gulf states (2,097 vessels) to operate in mackerel fisheries in the EEZ. For Atlantic states, 1,093 vessels possess commercial permits, 393 possess charter/headboat permits, and 236 vessels possess both permits. For Gulf states, 1,266 vessels possess commercial permits, 613 possess charter/headboat permits, and 218 vessels possess both permits. All commercial fishing and charter/headboat businesses are considered small entities and will be affected by the proposed management measures. Therefore, a substantial number of such entities are expected to be affected for purposes of the Regulatory Flexibility Act (RFA).

The South Atlantic Council concluded, based upon a regulatory impact review (RIR), that the proposed revisions would not have a significant economic impact on a substantial number of small entities participating in the affected fisheries for the Atlantic groups of king and Spanish mackerel. The RIR analysis included examination of the proposals to: (1) Reduce TAC for Atlantic group king mackerel, (2) reduce TAC for Atlantic group Spanish mackerel, and (3) revise the Atlantic group Spanish mackerel trip limits for commercial vessels operating off the Florida east coast. Reductions in the commercial quotas and recreational allocations are not expected to negatively impact harvesters because recent landings indicate that the proposed quotas/allocations would not be reached and fisheries would not be closed. The increased catches resulting from the proposed trip limits for Atlantic group Spanish mackerel are expected to increase revenues, but by less than 5 percent. Therefore, the South Atlantic Council determined that (1) any impacted businesses would be small entities, (2) any reduction in annual gross revenues likely would be much less than 5 percent, (3) any increase in compliance costs would be much less than a 5 percent increase in total costs of production, (4) capital costs of compliance would represent a very small portion of capital, and (5) no entity would be expected to cease business operations. For these reasons, the South Atlantic Council's RIR analysis concluded that these proposed measures were not significant under the RFA. Therefore, an initial regulatory flexibility analysis (IRFA) was not prepared for the Atlantic group mackerel proposals.

The Gulf Council examined the potential impacts of the proposals for Gulf group king

and Spanish mackerel and found that: (1) The proposed revisions to the trip limit for Gulf group king mackerel in the Florida east and west coast subzones would be expected to increase benefits to the industry or some segments of the fishery, but by less than 5 percent; (2) the proposed trip limits would not be expected to result in major increases in compliance costs to the entire industry, or force any business to cease operation; (3) the reduced TAC proposed for Gulf group Spanish mackerel would not be expected to result in fishery closures, and, therefore, would not have any effect on gross revenue, costs of compliance to either commercial or recreational fishing businesses, or cause any business closures; and (4) the proposed zero bag limit for charter/headboat captains and crews for Gulf group king mackerel would be expected to have a minimal effect on production and compliance cost, and would not force any charter/headboat business to cease operation. However, the zero bag limit may reduce charter/headboat business revenues in the Gulf between 3 and 6 percent. For this reason, the Gulf Council concluded that the zero bag limit was significant under the RFA. The Gulf Council prepared an IRFA describing the small businesses that would be affected and the potential impacts on them.

Notwithstanding the above conclusions of the South Atlantic and Gulf Councils regarding the impacts of the proposed zero bag limit for Gulf group king mackerel for captain and crew for their respective areas, when the potential impacts of this measure are assessed for all charter/headboat businesses harvesting Gulf group king mackerel in both Gulf and Atlantic mackerel fisheries together, there should not be a significant economic impact on a substantial number of small entities. Specifically, no more than 20 percent of the estimated 1,031 charter/headboat businesses affected will experience a reduction in gross revenues by more than 5 percent.

Considering all the management measures proposed by both Councils in aggregate, it is anticipated that these measures will not result in a significant economic impact on a substantial number of small entities participating in the commercial and for-hire recreational fisheries for Atlantic and Gulf groups of king and Spanish mackerel. Specifically, no more than 20 percent of the 3,819 permitted small entities affected will experience a reduction in gross revenues by more than 5 percent.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: December 10, 1996.

Gary Matlock,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.39, paragraph (c)(1)(ii) is revised to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(c) * * *

(1) * * *

(ii) Gulf migratory group king mackerel—2, except that for an operator or member of the crew of a charter vessel or headboat, the bag limit is 0.

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3. In § 622.42, paragraphs (c)(1)(ii) and (c)(2) are revised to read as follows:

§ 622.42 Quotas.

* * * * *

(c) * * *

(1) * * *

(ii) *Atlantic migratory group.* The quota for the Atlantic migratory group of king mackerel is 2.52 million lb (1.14 million kg). No more than 0.4 million lb (0.18 million kg) may be harvested by purse seines.

(2) *Migratory groups of Spanish mackerel—(i) Gulf migratory group.* The quota for the Gulf migratory group of Spanish mackerel is 3.99 million lb (1.81 million kg).

(ii) *Atlantic migratory group.* The quota for the Atlantic migratory group of Spanish mackerel is 3.50 million lb (1.59 million kg).

* * * * *

4. In § 622.44, paragraphs (a)(2)(i) (A) and (B); (a)(2)(ii)(B) (1) and (2); (b)(1)(ii) (A), (B) and (C); and (b)(2) are revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(a) * * *

(2) * * *

(i) * * *

(A) From November 1 each fishing year, until 75 percent of the subzone's fishing year quota of king mackerel has been harvested—in amounts not exceeding 750 lb (340 kg) per day.

(B) From the date that 75 percent of the subzone's fishing year quota of king mackerel has been harvested until a closure of the Florida east coast subzone has been effected under § 622.43(a)—in amounts not exceeding 500 lb (227 kg) per day. However, if 75 percent of the subzone's quota has not been harvested

by February 15, the vessel limit remains at 750 lb (340 kg) per day until the subzone's quota is filled or until March 31, whichever occurs first.

(ii) * * *

(B) * * *

(1) From July 1 each fishing year, until 75 percent of the subzone's hook-and-line gear quota has been harvested—in amounts not exceeding 1250 lb (567 kg) per day.

(2) From the date that 75 percent of the subzone's hook-and-line gear quota has been harvested, until a closure of the west coast subzone's hook-and-line fishery has been effected under § 622.43(a)—in amounts not exceeding 500 lb (227 kg) per day.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(A) From April 1 through October 31, in amounts exceeding 1,500 lb (680 kg).

(B) From November 1 until 75 percent of the adjusted quota is taken, in amounts as follows:

(1) Mondays, Wednesdays, and Fridays—unlimited.

(2) Tuesdays, Thursdays, Saturdays, and Sundays—not exceeding 1,500 lb (680 kg).

(C) After 75 percent of the adjusted quota is taken until 100 percent of the adjusted quota is taken, in amounts not exceeding 1,500 lb (680 kg).

* * * * *

(2) For the purpose of paragraph (b)(1)(ii) of this section, the adjusted quota is 3.25 million lb (1.47 million kg). The adjusted quota is the quota for Atlantic migratory group Spanish mackerel reduced by an amount calculated to allow continued harvests of Atlantic migratory group Spanish mackerel at the rate of 500 lb (227 kg) per vessel per day for the remainder of the fishing year after the adjusted quota is reached. By filing a notification with the Office of the Federal Register, the Assistant Administrator will announce when 75 percent and 100 percent of the adjusted quota is reached or is projected to be reached.

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