

continue to be required. 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 1312

Motor carriers, Noncontiguous domestic trade, Tariffs, Water carriers.

Decided: December 9, 1996.

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

Vernon A. Williams,

Secretary.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 23

#### Species Being Considered for Amendments to the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Supplemental Request for Information

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Request for comments.

**SUMMARY:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animal and plant species, which are included in the appendices of this treaty. The United States, as a Party to CITES, implements treaty requirements for species included in the appendices and periodically proposes amendments to the appendices as warranted for consideration by the other Parties at biennial meetings of the Conference of the Parties.

This notice invites comments and information from the public relevant to (1) a proposed change in the United States interpretation of the CITES listing of the urial sheep, *Ovis vignei*, based on a recent decision of the CITES Nomenclature Committee; and (2) potential United States co-sponsorship of a proposal for the Tenth Conference of the Parties (COP10) to include all species of sturgeons (Acipenseriformes)

not presently included in the appendices in Appendix II.

**DATES:** The Service will consider all comments received by January 5, 1997.

**ADDRESSES:** Please send correspondence concerning this notice to Chief, Office of Scientific Authority; 4401 North Fairfax Drive, Room 750; Arlington, Virginia 22203. Fax number 703-358-2276. Comments and other information received will be available for public inspection by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Dr. Marshall A. Howe, Office of Scientific Authority, at the above address, telephone 703-358-1708.

**SUPPLEMENTARY INFORMATION:** CITES regulates import, export, re-export, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are included in one of three appendices. Appendix I includes species threatened with extinction that are or may be affected by international trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless the trade is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of currently or potentially threatened species from those of other species). Appendix III includes species that any Party country identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties to control trade.

In a March 1, 1996, Federal Register notice (61 FR 8019), the Service requested public recommendations or draft proposals to amend Appendix I or II that the Service might consider proposing on behalf of the United States at COP10. That notice described information requirements for proposals, based on new listing criteria adopted by the Parties at COP9. After receiving and considering recommendations and proposals received in response to that notice, the Service announced, in an August 28, 1996, Federal Register notice (61 FR 44324), its preliminary decisions on which recommendations and proposals it was still considering and requested additional information on those. The deadline for submission of proposals to the CITES Secretariat for consideration at COP10 is January 10, 1997.

Reinterpretation of the Listing of the Urial, *Ovis vignei*

The urial of the central Asian steppes, a species of sheep popular among sport trophy hunters, has been included in CITES Appendix I since 1975. Due to uncertainty about the taxonomic relationships among populations of this and related sheep species, there has been confusion among the Parties as to the precise taxonomic entity intended for protection by the original listing. The history of this situation is described in detail in a January 27, 1994, Federal Register notice (59 FR 3833). In conducting its own analysis, the Service earlier concluded that the original listing applied only to certain populations (= *O. v. vignei*) in India and Pakistan and that other populations were not included in the appendices. Import of urials into the United States has been guided by this interpretation of the CITES listing.

A working group of the CITES Animals and Nomenclature Committees, in consultation with the IUCN Caprinae Specialist Group, studied this problem and attempted a fresh assessment of the status of *Ovis vignei* populations (based on the taxon described in the nomenclatural reference for mammals now adopted by the Parties: "Mammal Species of the World," Second Edition, by Wilson and Reeder). On the basis of this assessment, Germany prepared a draft Appendix I listing proposal, which recommended that an Appendix I listing was appropriate for all populations of the species. The Service participated in the working group and, at the time of the August 28 Federal Register notice, was considering the possibility of cosponsoring the proposal prepared by Germany and solicited information from the public accordingly.

At the meeting of the CITES Animals Committee in Prague, Czech Republic, in September, 1996, a meeting of the CITES Nomenclature Committee considered the *Ovis vignei* issue. The Nomenclature Committee concluded that the precise taxonomic entity intended for protection by the original listing could not be determined with certainty. It was, therefore, recommended that the current listing be interpreted as being based upon the CITES-adopted taxonomic reference mentioned above, resulting in the entire species being included in Appendix I. The Animals Committee endorsed this interpretation. In light of this recommendation, the draft proposal for listing in Appendix I became redundant and Germany decided not to submit the proposal.

The Service believes the United States should accept this recommendation of the CITES Nomenclature and Animals Committees and proposes a corresponding change in its interpretation of the listing of *Ovis vignei* in 50 CFR Part 23. This interpretation would become effective 90 days after the conclusion of COP10, if the Parties adopt the report of the Nomenclature Committee. Public comment on this recommended position is solicited. Under the new interpretation, all urial specimens would be considered to be on Appendix I, and imports would be subject to the normal permitting requirements applicable to species included in Appendix I.

#### Inclusion of Sturgeons in Appendix II

Sturgeons (order Acipenseriformes) are a primitive group of approximately 25 species of fish, whose biological attributes make them vulnerable to intensive fishing pressure or other causes of elevated adult mortality. Many species of sturgeons, the primary source of commercial caviar, have experienced severe population declines worldwide because of both habitat destruction and overharvest for international trade. Some are at serious risk of extinction. Two species in the United States (the shortnosed sturgeon, *Acipenser brevirostrum*, and pallid sturgeon, *Scaphirhynchus albus*) are listed as endangered under the Endangered Species Act, while a third species (the Gulf sturgeon, *Acipenser oxyrinchus desotoi*) is listed as threatened. CITES presently includes two species in Appendix I and one in Appendix II. The closely related American paddlefish, *Polyodon spathula*, has also been included in Appendix II since 1992.

Recently attention has been focussed on conservation problems in the Caspian Sea, which is the source of more than 90 of the world caviar trade and which produces the highest quality caviar. Since the mid-1970's very marked declines in the populations of all six of the Caspian Sea's sturgeon species have been noted, especially populations of the most heavily exploited species: Beluga (*Huso huso*), Russian (*Acipenser gueldenstaedti*), and stellate (*A. stellatus*) sturgeons. Five of the six species are considered endangered by the "1996 IUCN Red List of Threatened Animals." The problem has become exacerbated in recent years due to deteriorating fishery management and enforcement capabilities in the region, resulting in harvests that far exceed recommended quotas.

The Scientific Authority of Germany has prepared a detailed draft proposal to

include all species of sturgeons not presently included in the appendices in Appendix II. This draft proposal was discussed in November in Moscow at a meeting involving the Russian Federation and several former Soviet Republics, including several that participate in the Caspian Sea sturgeon fishery: Azerbaijan, Kazakhstan, and Turkmenistan. The meeting, hosted by the Russian Federation State Committee for Environmental Protection and the German Scientific and Management Authorities yielded an overwhelming acknowledgment of the severity of the threat to sturgeon populations in the Caspian Sea. The existence of a substantial illegal trade in caviar (estimated to constitute up to 80 percent of the trade) that has resulted in a decrease in both the quality and price of caviar in international markets also was recognized.

The probable outcome of this meeting will be a joint proposal from Germany and the Russian Federation to list all species of sturgeons, except those already included in Appendix I, in Appendix II. Such a listing will enable: (1) The implementation of management controls necessary to stabilize sturgeon populations in the Caspian Sea and elsewhere in the world; and (2) better regulation of the trade by importing countries, especially through an improved capability for distinguishing legal from illegal caviar. The Service believes that the United States, as a range state for some of the most endangered sturgeon populations and as a major importer of caviar products (between 50 and 60 metric tons per year from 1992 through 1995), should consider co-sponsoring this proposal if Germany and Russia decide to advance it. The Service solicits public comment on this potential action.

#### Future Actions

The Service will consider all comments received in writing during the comment period in deciding whether the actions considered above are appropriate. Proposals to amend the appendices must be submitted to the CITES Secretariat by January 10, 1997, for consideration at COP10 in Harare, Zimbabwe, June 1997. In February 1997, the Service will publish a Federal Register notice announcing decisions on this and other proposals being considered for amending the appendices under consideration.

The primary authors of this notice are Dr. Marshall A. Howe, Office of Scientific Authority and Dr. Rosemarie Gnam, Office of Management Authority, under the authority of the Endangered

Species Act of 1973, 16 U.S.C. 1531 *et seq.*

Dated: December 18, 1996.

Marshall P. Jones, Jr.,  
Acting Director, U.S. Fish and Wildlife Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[I.D. 120696E]

#### South Atlantic Fishery Management Council; Public Hearings

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

**ACTION:** Public hearings; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will convene 10 public hearings on Draft Amendment 8 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) and its associated analyses of regulatory and environmental impacts, including a draft supplemental environmental impact statement (DSEIS).

**DATES:** Written comments will be accepted until 5:00 p.m. on January 22, 1997. The hearings will be held from January 6 to January 17, 1997. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** Written comments should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699. Copies of the draft amendment and SEIS are available from Susan Buchanan at 803-571-4366. The draft amendment and DSEIS will also be available to the public at the hearings.

The hearings will be held in Florida, Georgia, South Carolina, and North Carolina. See **SUPPLEMENTARY INFORMATION** for locations of the hearings and special accommodations.

**FOR FURTHER INFORMATION CONTACT:** Susan Buchanan, Public Information Officer, 803-571-4366; Fax: 803-769-4520; E-mail: safmc@safmc.nmfs.gov.

**SUPPLEMENTARY INFORMATION:** The Council will hold public hearings on Draft Amendment 8 to the FMP and associated analyses of regulatory and