

transfer of jurisdiction, the Board entered into an interagency agreement with the FMC and modified its requirements to allow carriers to continue to utilize the FMC's ATFI system to file their tariffs with the Board. This action permitted the transfer of jurisdiction to occur without requiring the carriers to make any new tariff filings, and comported with Congress' suggestion that the Board continue the FMC's practice of allowing carriers to file their tariffs electronically.<sup>1</sup> The recently-enacted Ocean Shipping Reform Act of 1998, Pub. L. No. 105-258, 112 Stat. 1902 (1998) (OSRA) will, however, eliminate the requirement that ocean carriers file their tariffs with the FMC effective May 1, 1999, and in these circumstances, the FMC will not be accepting new ATFI tariff filings on or after that date.

While ATFI has served well as an electronic filing option for STB tariffs, its feasibility has always been predicated upon the basic system being operated and maintained by the FMC to support its own tariff filing requirements. STB tariff filings constitute less than 5% of total ATFI tariff filings, and absent the 95-plus percent of the filings accounted for by the FMC's requirements, it will not be economically feasible to operate and maintain the ATFI system or any similar system solely for STB tariffs.

Under the interagency agreement between the FMC and the Board, the Board pays an annual fee to FMC to cover the Board's portion of ATFI contract costs and certain in-house services provided by FMC, and FMC remits to the Board the filing and access fees attributable to STB tariffs. However, the Board's share of ATFI costs and fees is minuscule in terms of total system cost and fees. While the drastic reduction in tariff filings would undoubtedly reduce certain variable costs, the fixed costs of ATFI, spread over solely STB tariffs, would require the imposition of prohibitive tariff filing and access fees in order for the Board to recover any reasonable portion of its out-of-pocket costs.<sup>2</sup> In these circumstances, it is clear that ATFI would not be viable solely for STB tariff filings. Similarly, it would not be feasible for the Board to undertake an

effort to design, develop and implement a new electronic tariff filing system geared solely to STB requirements, given the limited scope of the Board's remaining tariff filing requirements and the extensive staff and monetary resources that would be required.

Although the Board's regulations will no longer routinely provide for electronic tariff filings if the proposed revisions are adopted, we will not rule out, and indeed will encourage, electronic tariff filing proposals from interested carriers. ATFI filings were initially accepted pursuant to special tariff authority granted by the Board,<sup>3</sup> and we are amenable to special tariff authority requests for individual electronic tariff filing proposals submitted by carriers. By way of illustration in this regard, we would point out that our predecessor organization, the Interstate Commerce Commission (ICC), issued a decision several years ago granting a rail carrier's request to file certain tariffs on computer diskettes.<sup>4</sup> Parties proposing alternative tariff filing systems must, of course, explain how the proposed systems will fulfill all of the various needs for tariff information.<sup>5</sup>

#### Request for Comments

We invite comments on the proposed regulations. We encourage 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 6.1, or formatted so that it can be readily converted into WordPerfect 6.1. 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 these rules, if adopted, would not have a significant economic effect on a substantial number of small entities. The proposed regulations will eliminate the existing option to file tariffs electronically through the FMC's ATFI system, but many carriers already opt to file printed tariffs, and any cost differences for alternative tariff filing methodologies that carriers may propose are unlikely to be significant.

<sup>3</sup> STB Special Tariff Authority No. 4, served October 1, 1996.

<sup>4</sup> Special Tariff Authority No. 93-12, ICC served July 25, 1994.

<sup>5</sup> Our staff is available to consult informally with carriers in this regard.

#### 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: November 24, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**  
Secretary.

For the reasons set forth in the preamble, the Board proposes to amend part 1312 of title 49, chapter X, of the Code of Federal Regulations as follows:

#### PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS FOR THE TRANSPORTATION OF PROPERTY BY OR WITH A WATER CARRIER IN NONCONTIGUOUS DOMESTIC TRADE

1. The authority citation for part 1312 continues to read as follows:

**Authority:** 49 U.S.C. 721(a), 13702(a), 13702(b) and 13702(d).

##### § 1312.1 [Amended]

2. In § 1312.1(c), the definition of "ATFI" is removed.

3. Section 1312.6 is amended by revising paragraph (c) to read as follows:

##### § 1312.6 Advance notice required.

\* \* \* \* \*

(c) Receipt of tariffs by the Board. The Board will receive tariff filings between the hours of 8:30 A.M. and 5:00 P.M. Eastern time, on workdays. Tariff filings delivered to the Board on other than a workday, or after 5:00 P.M. on a workday, will be considered as received the next workday.

\* \* \* \* \*

4. Section 1312.17 is removed.

[FR Doc. 98-32104 Filed 12-1-98; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 622

[I.D. 111998A]

##### Gulf of Mexico Fishery Management Council; Public Hearings

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

<sup>1</sup> H.R. Rep. No. 422, 104th Cong., 1st Sess. 206 (1995).

<sup>2</sup> We are aware that the FMC's Notice of Inquiry concerning the implementation of OSRA (63 FR 37088) raised the possibility of continuing to operate some portion of ATFI to provide for the electronic filing of service contracts. An electronic filing system geared to the requirements of service contracts, however, would not fulfill the requirements for an electronic tariff filing system

**ACTION:** Notice of public hearings; request for comments.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene public hearings on a Draft Sustainable Fisheries Act (SFA) Amendment and on a draft regulatory amendment regarding gag and black grouper in Federal waters of the Gulf of Mexico. Some of the hearings in the Gulf region will be joint hearings to receive comments on both draft amendments.

**DATES:** Written comments on the Draft SFA Amendment and the draft regulatory amendment will be accepted by the Council through January 4, 1999. The public hearings will be held in December 1998. See **SUPPLEMENTARY INFORMATION** for specific dates, times, and locations of the public hearings.

**ADDRESSES:** Written comments should be sent to, and copies of the Draft SFA Amendment and draft regulatory amendment are available from, the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301, North, Suite 1000, Tampa, FL 33619.

**FOR FURTHER INFORMATION CONTACT:** Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; Telephone: (813) 228-2815.

**SUPPLEMENTARY INFORMATION:** In 1996, Congress passed the SFA, which contained new requirements for the management of marine fisheries in Federal waters. To meet these new requirements, the Council developed the Draft SFA Amendment that would amend all fishery management plans (FMPs) prepared by the Council. The Draft SFA Amendment includes alternative management measures for: (1) Reporting bycatch; (2) minimizing bycatch or bycatch mortality; (3) specifying higher standards for overfishing criteria that will restore fishery stocks to maximum sustainable yield (MSY); and (4) establishing rebuilding periods for overfished stocks, such as red snapper, king mackerel, and red drum. The Draft SFA Amendment also identifies communities economically dependent on fishing so that the impacts of fishery management measures on these communities can be assessed.

The section on reporting bycatch discusses five alternatives related to the submission of data by fishermen and vessel observers. The Council recommends that NMFS collect bycatch information by the most appropriate methods, but use mandatory observers only when the Council recommends such an approach.

In the section on measures to minimize bycatch or bycatch mortality, the Council recommends that stone crab traps used in Federal waters be constructed according to Florida law.

In the section on overfishing criteria and stock rebuilding periods for finfish, the Council recommends that MSY, optimum yield (OY), and the overfishing thresholds be set at higher levels than in the existing FMPs. For red snapper, the Council recommends setting MSY and the overfishing threshold at 26-percent spawning potential ratio (SPR), and OY at 36-percent SPR. For red drum, all the coastal migratory species (including mackerels), and all reef fish species (except red snapper, gag, Nassau grouper, and jewfish), the Council recommends setting MSY, OY, and overfishing thresholds at 30-percent SPR. For Nassau grouper and jewfish, the Council recommends setting MSY, OY, and the overfishing threshold at 50-percent SPR. The Council has not selected a proposal for gag. The effect of specifying overfishing criteria at higher levels for the finfish stocks is that additional stocks may be classified as overfished if NMFS approves the final SFA amendment in 1999.

The Council proposes to modify the rebuilding periods for two overfished stocks. It proposes that red snapper be rebuilt by 2033, and king mackerel by 2009. No rebuilding periods are proposed for red drum, Nassau grouper, or jewfish because there was insufficient information to compute the rebuilding periods.

Also, the Draft SFA Amendment does not contain proposed overfished thresholds in terms of biomass (weight) for any of the finfish stocks because there was insufficient information to compute these parameters. The Draft SFA Amendment includes alternatives for overfished thresholds that are expressed in terms of SPR.

In the section on overfishing criteria and stock rebuilding periods for the crustacean fisheries, the Council has proposed setting MSY, OY, and the overfishing thresholds for penaeid shrimp at or above the parent stock numbers (as indexed from current virtual population analysis (VPA) procedures) for the three penaeid species of shrimp in the Gulf of Mexico: (1) Brown shrimp (125 million individuals, age 7+ months during the November through February period); (2) white shrimp (330 million individuals, age 7+ months during the May through August period); and (3) pink shrimp (100 million individuals, age 5+ months during the July through June year). For royal red shrimp, the Council proposes

setting MSY, OY, and the overfishing threshold at 650,000 lb (294,840 kg).

For spiny lobster, the Council proposes to set MSY and the overfishing threshold at 20-percent transitional SPR or spawning stock biomass per recruit, but OY would be set at 30-percent SPR. For stone crab, the Council recommends setting MSY, OY, and the overfishing threshold at the harvest level that results from a realized egg production per recruit at or above 70 percent of potential production. This harvest capacity is currently estimated to be between 3.0 and 3.5 million lb (between 1.36 and 1.58 million kg) of claws (minimum 70 mm propodus length). Overfished thresholds are specified as one-half of MSY or slightly higher for the crustacean stocks, none of which is overfished.

Ten public hearings will be held to obtain public comments on the Draft SFA Amendment (see Public Hearing Times and Locations). The public comment period for the Draft SFA Amendment ends on January 4, 1999.

The Council will also hold public hearings on possible regulatory changes to the management of gag and black grouper in Federal waters of the Gulf of Mexico. Issues addressed in the draft regulatory amendment for gag and black grouper include the following: (1) Specification of a total allowable catch (TAC) for gag; (2) discussion of the allocation of the gag TAC between recreational and commercial sectors; (3) a minimum size limit increase for gag and black grouper from 20 to 24 inches (50.8 to 60.9 cm) total length; (4) a 2-fish recreational bag limit for gag as part of the existing 5-fish aggregate grouper bag limit; (5) a zero bag limit for gag for the captain and crew of recreational for-hire vessels; (6) a commercial trip limit for gag; (7) a closed season during peak gag spawning times; and (8) area closures at gag spawning aggregation locations.

The Council currently has no preferred alternatives. However, in its "1998 Report to Congress on the Status of Fisheries of the United States," NMFS identified gag in the Gulf of Mexico as a stock that, while not currently overfished, is approaching an overfished condition. Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, the Council is required to take action to prevent overfishing from occurring for stocks identified by NMFS as approaching an overfished condition. The Council will decide which measures to recommend to achieve that goal at its January 11 to 14, 1999, meeting to be held in Biloxi, MS. Comments on the draft regulatory

amendment for gag and black grouper must be received by January 4, 1999.

#### Public Hearing Times and Addresses

Public hearings will be held from 7:00 p.m. to 10:00 p.m. at all of the following locations, except Panama City, FL, Orange Beach, AL, and Larose, LA; where the hearings on the draft regulatory amendment for gag and black grouper will be from 3:00 p.m. to 5:00 p.m., and the hearings on the Draft SFA Amendment will be from 7:00 p.m. to 10:00 p.m.

Monday, December 7, 1998—Pier House, One Duval Street, Key West, FL—Draft gag and black grouper regulatory amendment;

Monday, December 7, 1998—Holiday Inn-Fort Brown, 1900 E. Elizabeth Street, Brownsville, TX—Draft SFA Amendment;

Tuesday, December 8, 1998—Steinhatchee Elementary School, 1<sup>st</sup> Avenue South, Steinhatchee, FL—Draft gag and black grouper regulatory amendment;

Tuesday, December 8, 1998—Pier House, One Duval Street, Key West, FL—Draft SFA Amendment;

Tuesday, December 8, 1998—Port Aransas Civic Center Auditorium, 710 West Avenue A, Port Aransas, TX—Draft SFA Amendment;

Wednesday, December 9, 1998—City Hall Auditorium, 3001 Municipal Drive, Madeira Beach, FL—Draft gag and black grouper regulatory amendment;

Wednesday, December 9, 1998—Texas A&M Auditorium, 200 Seawolf Parkway, Galveston, TX—Draft SFA Amendment;

Thursday, December 10, 1998—Courtyard Marriott, 4455 Metro Parkway, Fort Myers, FL—Draft gag and black grouper regulatory amendment;

Thursday, December 10, 1998—New Orleans Airport Hilton & Conference Center, 901 Airline Highway, Kenner, LA—Draft SFA Amendment;

Thursday, December 10, 1998—Ramada Airport Inn & Conference Center, 5303 West Kennedy Boulevard, Tampa, FL—Draft SFA Amendment;

Monday, December 14, 1998—National Marine Fisheries Service Panama City Laboratory, 3500 Delwood Beach Road, Panama City, FL—both the Draft SFA Amendment and the draft gag and black grouper regulatory amendment;

Tuesday, December 15, 1998—Orange Beach Community Center, 27235 Canal Road, Orange Beach, AL—both the Draft SFA Amendment and the draft gag and black grouper regulatory amendment;

Wednesday, December 16, 1998—J. L. Scott Marine Education Center & Aquarium, 115 East Beach Boulevard, US Highway 90, Biloxi, MS—Draft SFA Amendment; and

Thursday, December 17, 1998—Larose Regional Park, 2001 East 5th Street, Larose, LA—both the Draft SFA Amendment and the draft gag and black grouper regulatory amendment.

Copies of the Draft SFA Amendment and the draft regulatory amendment on gag and black grouper may be obtained by calling the Council at 813-228-2815.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see ADDRESSES) by December 7, 1998.

Dated: November 24, 1998.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 98-32038 Filed 12-1-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 112598B]

RIN 0648-AJ44

#### Fisheries of the Northeastern United States; Northeast Multispecies and Monkfish Fisheries; Monkfish Fishery Management Plan

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

**ACTION:** Notice of availability of a fishery management plan; request for comments.

**SUMMARY:** NMFS announces that the New England and Mid-Atlantic Fishery Management Councils (Councils) have submitted the Monkfish Fishery Management Plan (FMP) for Secretarial review and are requesting comments from the public.

**DATES:** Comments must be received on or before February 1, 1999.

**ADDRESSES:** Comments on the Monkfish FMP should be sent to Jon C. Rittgers,

Acting Regional Administrator, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Monkfish FMP."

Copies of the Monkfish FMP, its regulatory impact review, initial regulatory flexibility analysis, the final environmental impact statement, and the supporting documents are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036.

**FOR FURTHER INFORMATION CONTACT:** E. Martin Jaffe, Fishery Policy Analyst, 978-281-9272.

**SUPPLEMENTARY INFORMATION:** The FMP proposes an overfishing definition and a 10-year rebuilding schedule to meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and implementation of the following measures: Target total allowable catch levels for each of two management areas; limited access; effort limits through days-at-sea allocations; trip limits and incidental harvest allowances; minimum size and mesh limits; gear restrictions; spawning season closures; a framework adjustment process; permitting and reporting requirements, and other measures for administration and enforcement.

A proposed rule that would implement the Monkfish FMP may be published in the **Federal Register** for public comment, following NMFS' evaluation of the proposed rule under the procedures of the Magnuson-Stevens Act. Public comments on the proposed rule must be received by the end of the comment period on the Monkfish FMP to be considered in the approval/disapproval decision on the FMP. All comments received by February 1, 1999, whether specifically directed to the FMP or the proposed rule, will be considered in the approval/disapproval decision on the Monkfish FMP. Comments received after that date will not be considered in the approval/disapproval decision on the Monkfish FMP.

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

Dated: November 27, 1998.

**Bruce Morehead,**

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