

FRA to follow that will prevent roadway worker injuries and fatalities.

FRA continues to believe that public participation is critical to the success of this process. Negotiation sessions will be open to the public, so interested parties may observe the negotiations and communicate their views. Pursuant to Committee ground rules, observers who wish to speak to the Committee may do so through a member of the Committee, by advising the Committee members of the matter to be presented; through a Facilitator at the discretion of the Committee; or at the invitation of a Committee member, subject to the discretion of the Committee. FRA has given advance notice to all committee members of the meeting schedule and anticipates attendance or representation by all Committee members, as well as the public during this important process.

S. Mark Lindsey,

Chief Counsel, Federal Railroad Administration.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Koala Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Status review; notice of reopening of comment period.

SUMMARY: The Service gives notice that the comment period on the status review of the Australian koala, as initiated in response to a petition to add the species to the List of Endangered and Threatened Wildlife, will be reopened until April 1, 1995.

DATES: All comments and information received through April 1, 1995, will be considered in making a final decision on whether the requested action is warranted, and will be included in the administrative record.

ADDRESSES: Comments, information, and questions should be submitted to the Chief, Office of Scientific Authority; Room 725, 4401 North Fairfax Drive; U.S. Fish and Wildlife Service; Arlington, Virginia 22203 (Fax number 703-358-2276). Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; Room

750, 4401 North Fairfax Drive; Arlington, Virginia 22203. The petition finding, supporting data, and comments will be available for public inspection, by appointment, from 8:00 a.m. to 4:00 p.m., Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address (phone 703-358-1708).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 4, 1994 (59 FR 50557-50558), the U.S. Fish and Wildlife Service (Service) announced the 90-day finding that a petition to add the Australian koala (*Phasocarctos cinereus*) to the List of Endangered and Threatened Wildlife had presented substantial information indicating that the requested action may be warranted. A status review was initiated, with the original comment period ending February 1, 1995. During that period, requests to extend the comment period were received from the Fund for Animals and Australians for Animals (the original petitioners), the Zoological Society of San Diego, and the American Zoo and Aquarium Association's Marsupial and Monotreme Advisory Group. All indicated that more time was needed to collect pertinent information. In response, the Service has decided to reopen the comment period until April 1, 1995.

Authority: Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*)

Dated: February 7, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95-3749 Filed 2-14-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 950203035-503501; I.D. 120594C]

Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment for Hogfish, Cubera Snapper, Gray Triggerfish

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

ACTION: Proposed rule.

SUMMARY: In accordance with the framework procedure for adjusting management measures of the Fishery

Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP), NMFS proposes to establish a daily recreational bag limit of five hogfish per person; limit the harvest and possession of cubera snapper 30 inches (76.2 cm), total length, or larger to two per day; and establish a minimum size limit for gray triggerfish of 12 inches (30.5 cm), total length. These measures would apply only in the exclusive economic zone (EEZ) off the Atlantic coast of Florida. The intended effects of this rule are to rebuild the snapper-grouper resources and enhance enforcement.

DATES: Written comments must be received on or before March 2, 1995.

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

Requests for copies of the South Atlantic Fishery Management Council's (Council) regulatory document, which includes a regulatory impact review and an environmental assessment, should be sent to the Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; FAX 803-769-4520.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813-570-5305.

SUPPLEMENTARY INFORMATION: Snapper-grouper species in the Atlantic Ocean off the southern Atlantic states (North Carolina to Florida) are managed under the FMP. The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 646 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Background

The Council is concerned about the biological status of hogfish, cubera snapper, and gray triggerfish, especially off the Atlantic coast of Florida where recreational fishing pressure is intense. The majority of hogfish and cubera snapper catches occur off Florida, and a large portion of the gray triggerfish catch occurs off Florida. Gray triggerfish is overfished with an estimated spawning stock ratio (SSR) of 27 percent. Under the FMP, species with SSRs below 30 percent are considered overfished. The SSRs for cubera snapper and hogfish are unknown, but these species are thought to be overfished.

Florida implemented in its waters a harvest/possession limit for large cubera snapper on March 1, 1994, and a bag limit for hogfish on July 1, 1994. A size limit for gray triggerfish will be implemented on January 1, 1995. The

Council proposes similar regulations in the EEZ off Florida to protect these species and to enhance compliance by using compatible state and Federal regulations.

Limits on Hogfish and Larger Cubera Snapper

The bag limits for hogfish and harvest and possession limits for cubera snapper larger than 30 inches (76.2 cm), total length, would decrease fishing mortality and enhance the spawning potential of these species. If further measures are required, the Council may propose them through the framework procedure.

Size Limit for Gray Triggerfish

The minimum size limit for gray triggerfish will enhance the spawning potential of gray triggerfish off Florida and increase the yield-per-recruit. Again, additional measures may be proposed under the framework procedure.

The Council's recommended changes are within the scope of the management measures that may be adjusted by the framework procedure referred to at 50 CFR 646.27 and specified in the FMP. The Director, Southeast Region, NMFS, initially concurs that the Council's recommended changes are consistent with the objectives of the FMP, the national standards, and other applicable law. Accordingly, the Council's recommended changes are published for comment.

Additional Change Proposed by NMFS

NMFS proposes to retitle and reorganize § 646.25 for clarity, without substantive change.

The changes in this proposed rule are based on the text of 50 CFR part 646 as amended in the final rule to implement Amendment 7 to the FMP, published on December 23, 1994 (59 FR 66270).

Classification

This action 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 has 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, because no participants in the fishery, all of whom are small entities, (1) are expected to incur losses in gross revenues exceeding 5 percent, (2) would incur significant capital costs of compliance—such costs would be much less than 5 percent of total costs of

production, and (3) would be expected to be forced to cease business. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 646

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 8, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 646 is proposed to be amended as follows:

PART 646—SNAPPER-GROUPER FISHERY OFF THE SOUTHERN ATLANTIC STATES

1. The authority citation for part 646 continues to read as follows:

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

2. In § 646.2, a new definition of "Off Florida" is added, in alphabetical order, to read as follows:

§ 646.2 Definitions.

* * * * *

Off Florida means the waters off the east coast from a line extending directly east from the seaward terminus of the Georgia/Florida boundary (30°42'45.6" N. lat.) to the boundary between the Atlantic Ocean and the Gulf of Mexico, as specified in § 601.11(c) of this chapter.

* * * * *

3. In § 646.7, paragraphs (pp)(2) and (pp)(3) are redesignated as paragraphs (pp)(3) and (pp)(4), respectively; in newly designated paragraph (pp)(4), the reference to "§ 646.25(e)" is revised to read "§ 646.25(d)"; text for paragraph (bb), previously reserved, is added; and new paragraph (pp)(2) is added to read as follows:

§ 646.7 Prohibitions.

* * * * *

(bb) Harvest or possess cubera snapper 30 inches (76.2 cm), total length, or larger in or from the EEZ off Florida in excess of the limits specified in § 646.21(k)(1).

* * * * *

(pp) * * *

(2) Cubera snapper, as specified in § 646.21(k)(3);

* * * * *

4. In § 646.21, new paragraphs (a)(1)(ix) and (k) are added to read as follows:

§ 646.21 Harvest limitations.

(a) * * *

(1) * * *

(ix) Gray triggerfish off Florida—12 inches (30.5 cm), total length.

* * * * *

(k) *Cubera snapper harvest and possession limit.*

(1) No person may harvest in the EEZ off Florida more than two cubera snapper 30 inches (76.2 cm), total length, or larger per day and no more than two such cubera snapper in or from the EEZ off Florida may be possessed aboard a vessel at any time.

(2) A person who fishes in the EEZ off Florida may not combine the harvest and possession limit specified in paragraph (k)(1) of this section with the bag and possession limit applicable to Florida's waters.

(3) A cubera snapper 30 inches (76.2 cm), total length, or larger taken in the EEZ off Florida may not be transferred at sea, regardless of where such transfer takes place; a cubera snapper 30 inches (76.2 cm), total length, or larger may not be transferred at sea in the EEZ off Florida, regardless of where such cubera snapper was taken.

5. In § 646.23, paragraph (b)(2) is revised and new paragraph (b)(6) is added to read as follows:

§ 646.23 Bag and possession limits.

* * * * *

(b) * * *

(2) Snappers, excluding cubera snapper 30 inches (76.2 cm), total length, or larger in or from the EEZ off Florida and excluding vermilion—10, of which no more than 2 may be red snapper. (See § 646.21(k) for limitations on cubera snapper 30 inches (76.2 cm), total length, or larger in or from the EEZ off Florida.)

* * * * *

(6) Hogfish in or from the EEZ off Florida—5.

* * * * *

6. Section 646.25 is revised to read as follows:

§ 646.25 Commercial limitations.

(a) *Trip limits.* Persons who are not subject to the bag limits and who fish in the EEZ on a trip are subject to the following vessel trip limits. (See § 646.23(a)(1) for applicability of the bag limits.)

(1) Snowy grouper (whole weight or gutted weight, that is, eviscerated but otherwise whole):

(i) Until the fishing year quota specified in § 646.24(b) is reached, 2,500 lb (1,134 kg).

(ii) After the fishing year quota specified in § 646.24(b) is reached, 300 lb (136 kg).

(2) Golden tilefish (whole weight or gutted weight, that is, eviscerated but otherwise whole):

(i) Until the fishing year quota specified in § 646.24(c) is reached, 5,000 lb (2,268 kg).

(ii) After the fishing year quota specified in § 646.24(c) is reached, 300 lb (136 kg).

(b) *Reduction of trip limits.* When a commercial quota specified in § 646.24(b) or (c) is reached, or is projected to be reached, the Assistant Administrator will file a notification to that effect with the Office of the Federal Register. On and after the effective date of such notification, for the remainder of the fishing year, the appropriate trip limit applies.

(c) *Combination of trip limits.* A person who fishes in the EEZ may not combine a trip limit under this section with any trip or possession limit applicable to state waters.

(d) *Transfer at sea.* A snowy grouper or golden tilefish taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place; a snowy grouper or golden tilefish may not be transferred at sea in the EEZ, regardless of where such snowy grouper or golden tilefish was taken.

(e) *Sale/purchase of excess fish.* Snowy grouper or golden tilefish in excess of an applicable trip limit specified in paragraph (a) of this section may not be sold, purchased, traded, or bartered, or attempted to be sold, purchased, traded, or bartered.

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50 CFR Part 650

[Docket No. 950118017-5017-01; I.D. 122994A]

RIN 0648-AH82

Atlantic Sea Scallop Fishery; Temporary Reduction in Crew-Size Limit

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 measures contained in Framework Adjustment 4 to the Atlantic Sea Scallop Fishery Management Plan (FMP). The intent of this proposed framework is to reduce the maximum crew-size limit on Atlantic sea scallop vessels from nine to seven through February 29, 1996, to preserve small scallops.

DATES: Comments on the proposed rule must be received on or before February 27, 1995.

ADDRESSES: Comments on the proposed rule, Framework Adjustment 4, or supporting documents should be sent to Jon Rittgers, Acting Regional Director, National Marine Fisheries Service, Northeast Regional Office, 1 Blackburn Street, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Sea Scallop Framework 4."

Copies of Amendment 4, its regulatory impact review and the initial regulatory flexibility analysis, the final supplemental environmental impact statement, and the supporting documents for Framework Adjustment 4 are available from Douglas Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, NMFS, Fishery Policy Analyst, 508-281-9273.

SUPPLEMENTARY INFORMATION:

Background

The final rule for Amendment 4 to the FMP was published on January 19, 1994 (59 FR 2757), with implementation for most measures on March 1, 1994. The amendment retained the FMP's objectives to: (1) Restore adult stock abundance and age distribution; (2) increase yield per recruit for each stock; (3) evaluate plan research, development and enforcement costs; and (4) minimize adverse environmental impacts on sea scallops.

Amendment 4 changed the primary management strategy from a meat count (size) control to effort control. The amendment controls total fishing effort through limited access permits and a schedule of reductions in allowable days-at-sea (DAS). Supplemental measures include limits on increases in vessel fishing power to control the amount of fishing pressure and to help control the size of scallops landed, gear restrictions, and limits on the number of crew members. Additionally, the amendment includes a framework procedure for adjusting the management measures in the FMP. Initially, the maximum crew size was set at nine.

In response to very high levels of recruitment documented in the Mid-Atlantic resource area (Regional Director's Status Report, January 1994) the New England Fishery Management Council (Council) recommended lowering the maximum crew-size limit from nine to seven until December 31, 1994. NMFS concurred and through Framework Adjustment 1, which was published on July 19, 1994 (59 FR 36720), with an effective date of August 17, 1994, lowered the maximum crew

size from nine to seven until December 31, 1994.

Because the conditions that justified lowering the maximum crew-size limit to seven still exist, the Council recommended extending the maximum crew-size limit of seven through the end of the 1995-96 scallop fishing year.

This framework action proposes to lower the maximum crew size from nine to seven through February 29, 1996, the end of the 1995-96 scallop fishing year.

The expected impact of the proposed seven-member crew limit was analyzed in Amendment 4. There are two possible ways for vessel operators to respond to reduced crew limits. They can try to fish for larger scallops, and if catches are sufficient, land as much weight of scallop meat as with a crew of nine; or they can continue catching and processing fewer small scallops; or a combination of both. Either response effectively reduces the number of scallops harvested by a vessel per DAS. For example, in the analysis done for this framework adjustment, it is estimated that a crew of seven can shuck and process 900 lb (408.2 kg) (meat weight) of scallops per DAS, at an average of 45 meats per lb (0.453 kg). A crew of nine, however, would be capable of shucking 1,500 lb (680.4 kg). Under ideal conditions, this impact would translate into a 40 percent reduction in fishing mortality of small scallops.

The small scallops are less valuable than large one, and the seven-man crew limit will encourage boats to target the larger scallops. The result will mean no reduction in revenue.

By delaying harvest of these small scallops and because of their rapid growth rate, they will be available for harvest in a larger, more valuable size within a short time.

The adjustments being made through the framework process

(§ 650.40) are within the scope of analyses contained in Amendment 4 and the final supplemental environmental impact statement. Supplemental rationale and analyses of expected biological effects, economic impacts, impacts on employment, and safety concerns are contained within the supporting documents for Framework Adjustments 1 and 4 (see **ADDRESSES**).

NMFS is proposing to adjust the scallop regulations following the procedure for framework adjustments established by Amendment 4 and codified in 50 CFR part 650, subpart C. The Council followed this procedure when making adjustments to the FMP, by developing and analyzing the actions over the span of a minimum of two Council meetings, on October 26 and