

**49 CFR Part 195**

[Docket PS-140, Notice 3]

RIN 2137-AC34

**Areas Unusually Sensitive to Environmental Damage****AGENCY:** Research and Special Programs Administration (RSPA), DOT.**ACTION:** Public workshop notice.

**SUMMARY:** RSPA invites industry, State and local government representatives, and the public to a second workshop on unusually sensitive environmental areas. The workshop's purpose is to openly discuss the process for determining areas unusually sensitive to environmental damage from a hazardous liquid pipeline release. This workshop is a continuation of the June 15-16, 1995 workshop on unusually sensitive environmental areas.

**DATES:** The workshop will be held on October 17, 1995 from 8:30 a.m. to 4:00 p.m. Persons who want to participate in the workshop should call (703) 218-1449 or e-mail their name, affiliation, and phone number to RSPA@walcoff.com before close of business October 2, 1995. The workshop is open to all interested persons, but RSPA may limit participation because of space considerations and the need to obtain a spectrum of views. Callers will be notified if participation is not open.

Persons who are unable to attend may submit written comments in duplicate by November 27, 1995. Interested persons should submit as part of their written comments all material that is relevant to a statement of fact or argument. Late filed comments will be considered so far as practicable.

**ADDRESSES:** The workshop will be held at the U.S. Department of Transportation, Nassif Building, 400 Seventh Street, SW., room 9230-34, Washington, DC. Non-federal employee visitors are admitted into the DOT headquarters building through the southwest entrance at Seventh and E Streets, SW.

Send written comments in duplicate to the Dockets Unit, Room 8421, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Identify the docket and notice numbers stated in the heading of this notice.

All comments and docketed materials will be available for inspection and copying in room 8421 between 8:30 a.m. and 4:30 p.m. each business day. A summary of the workshop will be available from the Dockets Unit about three weeks after the workshop.

**FOR FURTHER INFORMATION CONTACT:** Christina Sames, (202) 366-4561, about this document, or the Dockets Unit, (202) 366-5046, for copies of this document or other material in the docket.

**SUPPLEMENTARY INFORMATION:** 49 U.S.C. § 60109 requires the Secretary of Transportation to:

- consult with the Environmental Protection Agency and describe areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, and
- establish criteria for identifying each hazardous liquid pipeline facility and gathering line, whether otherwise subject to regulation, located in an area unusually sensitive to environmental damage in the event of a pipeline accident.

Consistent with the President's regulatory policy (E.O. 12866), RSPA wants to accomplish this congressional mandate at the least cost to society. Toward this end, RSPA is seeking early public participation in the rulemaking process by holding public workshops at which participants, including RSPA staff, may exchange views on relevant issues. RSPA hopes these workshops will enable government and industry to reach a better understanding of the problem and the potential solutions before proposed rules are issued. (49 U.S.C. Chapter 601)

On June 15 and 16, 1995, RSPA held a public workshop to openly discuss the criteria being considered to determine areas unusually sensitive to environmental damage from a hazardous liquid pipeline release (60 FR 27948, May 26, 1995). Participants included representatives from the hazardous liquid pipeline industry; the Departments of Interior, Agriculture, Transportation, and Commerce; the Environmental Protection Agency; non-government agencies; and the public. Participants at the workshop requested that additional workshops be held to further discuss this complex topic.

On October 17, 1995, RSPA will hold a second workshop on areas unusually sensitive to environmental damage from a hazardous liquid pipeline release. The second workshop will focus on developing a process that can be used to determine if an area is unusually sensitive to environmental damage and if an operator has pipeline facilities located within that area.

Persons interested in receiving a transcript of the first workshop, material presented at the first workshop, or comments submitted on the material presented in the first public workshop notice (60 FR 27948, May 26, 1995)

should contact the Dockets Unit at (202) 366-5046 and reference docket PS-140. (49 U.S.C. Chapter 601)

Issued in Washington, DC on August 24, 1995.

**Richard B. Felder,**

*Associate Administrator for Pipeline Safety.*  
[FR Doc. 95-21426 Filed 8-28-95; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Parts 630 and 678**

[I.D. 062695D]

RIN 0648-A110

**Options for Establishing an Interim Permit Moratorium and Eligibility Criteria for the Atlantic Swordfish and Shark Fisheries; Comment Period Extension**

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

**ACTION:** Advance notice of proposed rulemaking (ANPR); extension of comment period.

**SUMMARY:** On July 28, 1995, NMFS published an ANPR to request comments on a temporary moratorium on the issuance of permits for the Atlantic swordfish and shark fisheries. NMFS announced the availability of a concept paper entitled "Towards Rationalization of Fisheries for Highly Migratory Species" and two supplemental papers outlining options for a permit moratorium in the Atlantic swordfish and Atlantic shark fisheries, respectively. NMFS announces that it is extending the comment period for the ANPR from August 28 to September 15, 1995.

**DATES:** Written comments on this ANPR must be received on or before September 15, 1995.

**ADDRESSES:** Written comments should be sent to Richard B. Stone, Chief, Highly Migratory Species Management Division (F/CM4), Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1315 East/West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Pamela Mace, 301-713-2347.

**SUPPLEMENTARY INFORMATION:** On July 28, 1995 (60 FR 38785) NMFS published an ANPR and notice of availability of a concept paper and two supplemental

papers. As a result of requests from the public, NMFS has determined that it is important for commenters to have additional time to submit their comments on this ANPR. Therefore, NMFS is extending the comment period on the ANPR from August 28 to September 15, 1995.

**Authority:** 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

Dated: August 23, 1995.

**Richard H. Schaefer,**

*Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

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## 50 CFR Part 641

[Docket No. 950810206-5206-01; I.D. 071395A]

RIN 0648-AG29

### Reef Fish Fishery of the Gulf of Mexico; Amendment 8

**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 that would implement certain provisions of Amendment 8 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico (FMP). Amendment 8 proposes a limited entry program for the commercial red snapper sector of the reef fish fishery in the Gulf of Mexico. Initial participants in the limited entry program would receive shares of the commercial quota of red snapper based on specified criteria. The percentage shares of the commercial quota would equate to individual transferable quotas (ITQs). NMFS, based on a preliminary evaluation of Amendment 8, has disapproved three of the measures in the amendment because they are inconsistent with the Magnuson Fishery Conservation and Management Act (Magnuson Act) and other applicable laws. The proposed rule would implement the remaining measures in Amendment 8. In addition, NMFS proposes a minor clarification to the existing regulations regarding commercial permit requirements. The intended effect of this rule is to manage the commercial red snapper sector of the reef fish fishery in order to preserve its long-term economic viability.

**DATES:** Written comments must be received on or before October 10, 1995.

**ADDRESSES:** Comments on the proposed rule must be sent to Robert Sadler, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 8, which includes an environmental assessment, a regulatory impact review (RIR), and an initial regulatory flexibility analysis (IRFA), and for copies of a minority report submitted by three members of the Council, should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609.

Comments regarding the collection-of-information requirements contained in this proposed rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Robert Sadler, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 641 under the authority of the Magnuson Act.

#### Background and Rationale

The ITQ system proposed in this rule addresses the excessive effort capacity for the commercial red snapper fishery, given current quota levels and effort. This excessive capacity is evidenced by the increasingly short time in which the commercial sector reaches its quota, with a closure of the fishery for the rest of the fishing year.

Beginning in 1993, NMFS implemented a red snapper endorsement system whereby owners or operators of permitted vessels that had historical catches of at least 5,000 lb (2,268 kg) in 2 of the 3 years 1990, 1991, and 1992 were authorized to harvest red snapper under trip limits of 2,000 lb (907 kg), and all other permitted vessels were authorized to harvest under trip limits of 200 lb (91 kg). Nevertheless, the commercial red snapper fishermen continued to reach the commercial quota in increasingly shorter times.

NMFS implemented the existing red snapper endorsement regulations under Amendment 6 to the FMP and extended them under Amendment 9 as an interim measure, pending development of a long-term, comprehensive management system. The endorsement provisions

expire on December 31, 1995, and red snapper management will revert to an open access system unless a long-term effort control system is implemented through Amendment 8.

In anticipation of either a license limitation system or ITQs, the Council proposed, and NMFS implemented, provisions in Amendment 9 whereby data were collected on the vessel landings of red snapper during the period 1990 through 1992 and on the status of certain individuals as "historical captains." These data identify each red snapper landing during the period. Each landing is associated with an owner. Where appropriate, a landing is also associated with an operator whose earned income qualified him or her for the vessel permit at the time of the landing. Finally, where appropriate, a landing is associated with an historical captain. As defined in the final rule to implement Amendment 9 (59 FR 39301, August 2, 1994), historical captain means an operator who: (1) From November 6, 1989 through 1993, fished solely under verbal or written share agreements with an owner, and such agreements provided for the operator to be responsible for hiring the crew, who were paid from the share under his or her control; (2) landed from that vessel at least 5,000 lb (2,268 kg) of red snapper per year in 2 of the 3 years 1990, 1991, and 1992; (3) derived more than 50 percent of his or her earned income from commercial fishing, that is, sale of the catch, in each of the years 1989 through 1993; and (4) landed red snapper prior to November 7, 1989.

The Council explored various alternative management options to preserve and enhance the economic and socioeconomic viability of the fishery in the face of continued incentives for entry and competition. After extensive deliberation and consideration of public comment, the Council selected an ITQ system for management of the red snapper fishery as the most effective means of achieving optimum yield (OY) and addressing the concerns described above.

#### Duration of ITQ System

Under Amendment 8, the proposed ITQ system would remain in effect for 4 years from the date that the system is implemented, during which time NMFS and the Council would evaluate the system. Based on the evaluation, NMFS and the Council would modify, extend, or terminate the system. The Council selected the 4-year period after consideration of alternative time periods. The Council, before its vote for the proposed 4-year duration, was aware