

§ 201-39.201 [Amended]

63. Section 201-39.201 is amended by removing the word "eight" in the definition *Outdated FIP equipment*, and adding in its place the word "six".

§ 201-39.1001-1 [Amended]

64. Section 201-39.1001-1 is amended by removing the numbers "88-16" in paragraph (i), and adding in their place "90-08".

§ 201-39.1402-2 [Amended]

65. Section 201-39.1402-2 is amended by removing the number "\$25,000" in paragraph (b) and adding in its place "\$100,000", and also by removing the number "\$300,000" in paragraph (c) and adding in its place "\$1,000,000".

§ 201-39.1501-2 [Amended]

66. Section 201-39.1501-2 is amended by removing the number "\$25,000" in paragraph (b) and adding in its place "\$100,000", and also by removing the number "\$300,000" in paragraph (c) and adding in its place "\$1,000,000".

Subpart 201-39.46—[Removed and Reserved]

67. Subpart 201-39.46 is removed and reserved.

§ 201-39.5202-6 [Removed and Reserved]

68. Section 201-39.5202-6 is removed and reserved.

Dated: October 27, 1995.

Roger W. Johnson,

Administrator of General Services.

[FR Doc. 95-31544 Filed 12-29-95; 8:45 am]

BILLING CODE 6820-25-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 222 and 227**

[I.D. 101995A]

Endangered and Threatened Wildlife; Status Reviews of Listed Sea Turtles

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

ACTION: Notice of availability.

SUMMARY: NMFS and the Fish and Wildlife Service (FWS), Department of the Interior (collectively, the Services), announce the availability of the status reviews of endangered and threatened sea turtles, as required by the Endangered Species Act of 1973 (ESA).

Based upon these reviews and any written comments received, the Services may consider changes in the listing status for the olive ridley (*Lepidochelys olivacea*) sea turtle. The status review for the green (*Chelonia mydas*) sea turtle is currently under Service evaluation and is not available with this notice. Upon completion of their evaluation, the Services will make the green sea turtle status review available under separate notice in the Federal Register.

DATES: February 1, 1996.

ADDRESSES: Requests for copies of the status reviews may be submitted to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Phil Williams, 301-713-1401, or Richard Byles, 505-248-6647.

SUPPLEMENTARY INFORMATION:**Background**

The ESA is administered jointly by the Services. NMFS has jurisdiction over species in the marine system while FWS has jurisdiction elsewhere. Listed endangered and threatened species under NMFS jurisdiction are enumerated in 50 CFR 222.23(a) and 50 CFR 227.4, respectively. The List of Endangered and Threatened Wildlife (List) which contains species under the jurisdiction of both Services, is found in 50 CFR part 17.

Pursuant to a Memorandum of Agreement between the two Services, the jurisdiction over listed sea turtles is shared: FWS has responsibility for sea turtles primarily in the terrestrial environment, while NMFS has responsibility for sea turtles primarily in the marine environment. Presently, all sea turtle species found in the United States are listed as follows: Kemp's ridley (*Lepidochelys kempi*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered; loggerhead (*Caretta caretta*), green (*Chelonia mydas*), and olive ridley (*Lepidochelys olivacea*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, and breeding populations of olive ridleys on the Pacific coast of Mexico, which are listed as endangered.

Section 4(c)(2) of the ESA requires that, at least once every 5 years, a review of the species on the List be conducted to determine whether any species should be (1) removed from the List, (2) changed in status from an endangered species to a threatened species, or (3) changed in status from a

threatened species to an endangered species. Criteria for determining a reclassification are found at 50 CFR 424.11(c).

The status reviews of sea turtles listed under the ESA are available (see **ADDRESSES**). Based upon the status reviews, the Services are considering the following listing change.

Olive Ridley Turtles. The western North Atlantic population would be classified as endangered, rather than threatened. This reclassification was first considered in a notice published on November 9, 1984 (49 FR 44775), at which time the western North Atlantic (Surinam and adjacent areas) nesting population was reported to have declined 80 percent since 1967. This rate of decline continues despite over 2 decades of protection by personnel from the Surinam Nature Protection Foundation. This area is heavily trawled for shrimp, and trawlers have been the principal source of returned tags that had been applied to nesting females on the local beaches. Consequently, incidental capture in trawls is a likely cause of the progressive depletion of this population. Pursuant to Public Law 101-162, the importation of shrimp and shrimp products from Surinam and French Guiana was banned in 1993 because those countries failed to demonstrate that they had adopted a regulatory program that governed the incidental taking of sea turtles comparable to that of the United States. During an annual review in May 1995, shrimp imports were again embargoed from both countries due to their lack of turtle excluder device use. The incidental capture of turtles in trawls is a major concern in this area.

Dated: December 22, 1995.

Ann D. Terbush,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95-31540 Filed 12-29-95; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 641

[Docket No. 951221305-5305-01; I.D. 112995A]

Reef Fish Fishery of the Gulf of Mexico; 1996 Red Snapper Season

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

ACTION: Emergency interim rule.

SUMMARY: NMFS issues this emergency interim rule at the request of the Gulf of Mexico Fishery Management Council

(Council) to delay the opening of the commercial fishery for red snapper until February 1, 1996; to establish a commercial quota for red snapper of 1.00 million lb (0.45 million kg) for the period February 1 through March 31, 1996, with a closure of the commercial fishery during that period when the commercial quota is reached; and to continue the red snapper endorsement regime through March 31, 1996. This rule is intended to avoid a derby style fishery of very short duration, which could result in a quota overrun for the overfished red snapper resource and in negative social and economic impacts on fishery participants.

EFFECTIVE DATE: December 29, 1995 through March 31, 1996.

ADDRESSES: Copies of documents supporting this action, including an environmental assessment, may be obtained from Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Robert Sadler or Michael Justen, 813-570-5305.

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

Delayed Opening of the Commercial Red Snapper Fishery

The 1995 red snapper commercial fishery was closed April 15, 1995, and will remain closed through December 31, 1995. Without further action, the commercial fishery would reopen on January 1, 1996. However, at the September 1995 Council meeting, commercial fishermen testified that they are dependent upon income from red snapper harvest during the Lenten season, which begins in February. Based upon this testimony, the Council requested emergency action to delay the reopening until February 1 to increase the chances of the fishery being open during the Lenten season, when higher prices and more favorable fishing weather (compared to January) are expected.

Interim Commercial Quota for Red Snapper

The Council requested an interim commercial quota of 1.00 million lb (0.45 million kg) for the period February 1, 1996, through March 31, 1996, based

upon input from the public, to provide income to industry before the individual transferable quota (ITQ) system, which was approved under Amendment 8 to the FMP, is implemented on April 1, 1996. If the interim quota is not made available before the ITQ system is implemented, the fishery would remain closed for almost 12 months (April 15, 1995, through March 31, 1996). The Council believes that a closure of this duration would result in adverse social and economic impacts to those who depend on red snapper harvest, particularly during the Lenten season.

The Council requested that, when the interim quota is taken or projected to be taken, the fishery be closed until it is reopened under the ITQ system on April 1, 1996. If implementation of the ITQ system is substantially delayed (2 months or more), the Council intends that the balance of the 1996 commercial quota be taken under the endorsement provisions and permit moratorium.

Continue the Red Snapper Endorsement Regime

Management measures in effect for 1995 limit landings of red snapper to 2,000 lb (907 kg) per trip or day for vessels with red snapper endorsements on their reef fish permits. Other permitted vessels are limited to 200 lb (91 kg) per trip or day. The Council requested that these provisions be continued as part of the emergency action, to spread out harvest over a longer period of time and avoid the negative social and economic impacts that would otherwise result from a derby fishery of very short duration. Monitoring of landings under these conditions would be difficult, increasing the likelihood that the quota would be exceeded. The Council is concerned that this could adversely impact stock recovery. Accordingly, by January 20, 1996, NMFS intends to reissue the red snapper endorsements that were in effect on December 31, 1995. Reissued endorsements will be effective for February and March 1996.

Permit Moratorium

The Council requested that the current moratorium on the issuance of new reef fish permits be continued during the effectiveness of this emergency interim rule. However, because a new permit moratorium under Amendment 11 to the FMP will become effective January 1, 1996, there is no need to extend the current moratorium by this emergency rule.

Compliance With NMFS Guidelines for Emergency Rules

The Council and NMFS have concluded that the present situation constitutes an emergency, which is properly addressed by this emergency interim rule, and that the situation meets NMFS's policy guidelines for the use of emergency rules, published on January 6, 1992 (57 FR 375). The situation (1) results from recent, unforeseen events or recently discovered circumstances; (2) presents a serious management problem; and (3) realizes immediate benefits from the emergency interim rule that outweigh the value of prior notice, opportunity for public comment, and deliberative consideration expected under the normal rulemaking process.

Recent, Unforeseen Events or Recently Discovered Circumstances

The Council requested that this action be implemented by emergency rule because of several unforeseen events and unresolved circumstances that disrupted planning of the 1996 fishing season. The first is the unanticipated and unavoidable delays that have adversely affected implementation of the ITQ system under Amendment 8, which was designed to achieve more orderly prosecution of the fishery. The Southeast Regional Office estimates that the appeals process and issuance of shares and coupons cannot be completed before April 1, 1996. Consequently, implementation of the ITQ system will be delayed until that date. The extent of this delay, which was not known nor formally communicated to the Council until its September 1995 meeting, disrupted the Council's plans regarding optimal timing of the opening of the 1996 season under controlled harvest conditions.

The Council, in developing this proposed course of action at the September 1995 meeting, also faced a major management problem in that it did not know if the moratoriums or delays in implementing ITQ systems being considered by Congress would be enacted or whether such action would adversely affect Amendment 8. If the Council had decided at that time to delay action until this issue was resolved, it would not have had sufficient time to implement an alternative system before unrestricted harvest by fishermen aboard permitted reef fish vessels would begin on January 1, 1996.

Finally, the NMFS red snapper stock assessment was not available until the Council's November 1995 meeting, thereby preventing any possible

framework implementation of the delayed season by the start of the fishing year. The endorsement provisions were implemented as part of the FMP. Continuation of the endorsement provisions, therefore, requires emergency action, or an additional FMP amendment.

Given all of these circumstances, emergency action is the only option for optimizing the timing of the season opening.

Serious Conservation or Management Problems in the Fishery—Appropriateness of Emergency Action

The Council, prior to its September 1995 meeting, announced the 1996 season as an agenda item for Council action. The general public and, in particular, commercial red snapper fishermen, were actively involved in the deliberative process of forming the Council request. The fishermen endorsed the action to avoid a derby fishery in January when prices are lower and unfavorable weather in the Gulf of Mexico is more prevalent compared to the Lenten season, which begins in February. The Council believes that this emergency interim rule is necessary to avoid adverse social and economic impacts and conservation problems that could affect stock recovery. The red snapper endorsement system, which includes vessel trip limits, terminates on December 31, 1995. Without this action, when the commercial red snapper fishery opens, permitted vessels will have no restrictions on landing levels. The Council believes that this would result in a derby fishery of very short duration. Monitoring of landings under these conditions would be difficult, increasing the likelihood that the quota would be exceeded. The Council is concerned that this would adversely impact stock recovery. In addition, fishermen would suffer significant economic losses due to lower season ex-vessel prices as demonstrated in previous fishing years. Vessel safety would also be jeopardized by the competitive pressure to maximize harvest rates despite marginal weather conditions that are typical in January.

To avoid these problems, this emergency interim rule delays the season until a more appropriate time, continues the trip limits to constrain vessel landings to the total allowable catch, provides for better prices, and optimizes yield in the fishery. The immediate benefits of the emergency interim rule greatly outweigh the value of prior notice and opportunity for public comment which would occur under normal rulemaking.

NMFS concurs with the Council's findings about the emergency and the need for immediate regulatory action. Accordingly, NMFS issues this emergency interim rule, effective initially for 90 days, as authorized by section 305(c) of the Magnuson Act. By agreement between NMFS and the Council, this emergency interim rule may be extended for an additional period of 90 days.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

The AA finds that failure to implement the actions requested by the Council would result in economic hardships, would encourage fishing operations during marginal weather conditions, and the resulting rapid rate of harvest could contribute to overfishing of red snapper. The foregoing constitutes good cause to waive the requirement to provide prior notice and the opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be contrary to the public interest. Similarly, the need to implement these measures in a timely manner to address the economic and social emergencies constitutes good cause under authority contained in 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication.

This emergency interim rule has been determined to be not significant for purposes of E.O. 12866.

This emergency interim rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 21, 1995.

Nancy Foster,
*Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 641 is amended as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 641 continues to read as follows:

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

2. In § 641.7, paragraphs (nn) through (qq) are added to read as follows:

§ 641.7 Prohibitions.

* * * * *

(nn) During a closure of the commercial fishery for red snapper—

(1) Exceed the bag and possession limits for red snapper; or

(2) Purchase, barter, trade, or sell red snapper, or attempt to purchase, barter, trade, or sell red snapper—as specified in § 641.31(c).

(oo) Exceed the vessel trip or landing limits for red snapper, as specified in § 641.32(a) and (b).

(pp) Transfer a red snapper at sea, as specified in § 641.32(c).

(qq) Purchase, barter, trade, or sell, or attempt to purchase, barter, trade, or sell, a red snapper possessed or landed in excess of a trip or landing limit, as specified in § 641.32(d).

3. Sections 641.31 through 641.34 are added to read as follows:

§ 641.31 Red snapper commercial closures and quota.

Other provisions of this part 641 notwithstanding, the following provisions apply:

(a) The commercial fishery for red snapper is closed from January 1, 1996, through January 31, 1996.

(b) Persons who are fishing under a commercial reef fish permit issued under § 641.4, provided they are not subject to the bag limits specified in § 641.24, are subject to a quota of 1.00 million lb (0.45 million kg) for the period February 1, 1996, through March 31, 1996. When this quota 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, through March 31, 1996, the commercial fishery for red snapper is closed.

(c) During a closure of the commercial fishery for red snapper under paragraph (a) or (b) of this section, red snapper harvested from or possessed in the EEZ, and each vessel for which a currently valid commercial reef fish permit has been issued under § 641.4, are subject to the following:

(1) The bag and possession limits, as specified in § 641.24(b)(1) and (c); and

(2) The prohibition of purchase, barter, trade, or sale of red snapper taken under the bag limit, or attempted purchase, barter, trade, or sale of such red snapper, as specified in § 641.28(a). This prohibition does not apply to trade in red snapper taken under the commercial quota that were harvested, landed, and bartered, traded, or sold prior to the closure.

§ 641.32 Red snapper trip limits.

(a) Except as provided in paragraph (b) of this section, a vessel that has on

board a valid commercial reef fish permit may not possess on any trip or land in any day red snapper in excess of 200 lb (91 kg), whole or eviscerated.

(b) A vessel that has on board a valid commercial reef fish permit and a valid red snapper endorsement may not possess on any trip or land in any day red snapper in excess of 2,000 lb (907 kg), whole or eviscerated.

(c) A red snapper may not be transferred at sea from one vessel to another.

(d) No person may purchase, barter, trade, or sell, or attempt to purchase, barter, trade, or sell, a red snapper possessed or landed in excess of the trip or landing limits specified in paragraphs (a) and (b) of this section.

§ 641.33 Red snapper endorsement.

(a) As a prerequisite for exemption from the trip limit for red snapper specified in § 641.32(a), a vessel for which a commercial reef fish permit has been issued under § 641.4 must have a red snapper endorsement on such permit and such permit and endorsement must be aboard the vessel.

(b) A red snapper endorsement is invalid upon sale of the vessel; however, an owner of a vessel with a commercial reef fish permit may transfer the red snapper endorsement to another vessel with a commercial reef fish permit owned by the same entity by returning the existing endorsement with an application for an endorsement for the replacement vessel.

(c) The provisions of paragraph (b) of this section notwithstanding, special provisions apply in the event of the disability or death of the owner of a vessel with a red snapper endorsement or the disability or death of an operator whose presence on board the vessel is a condition for the validity of a red snapper endorsement.

(1) In the event that a vessel with a red snapper endorsement has a change of ownership that is directly related to the disability or death of the owner, the Regional Director may issue a red snapper endorsement, temporarily or permanently, with the commercial reef fish permit that is issued for the vessel under the new owner. Such new owner will be the person specified by the owner or his/her legal guardian, in the case of a disabled owner, or by the will or executor/administrator of the estate,

in the case of a deceased owner. (Change of ownership of a vessel with a commercial reef fish permit upon disability or death of an owner is considered a purchase of a permitted vessel and § 641.4(m)(3) applies regarding a commercial reef fish permit for the vessel under the new owner.)

(2) In the event of the disability or death of an operator whose presence aboard a vessel is a condition for the validity of a red snapper endorsement, the Regional Director may revise and reissue an endorsement, temporarily or permanently, to the permitted vessel. Such revised endorsement will contain the name of a substitute operator specified by the operator or his/her legal guardian, in the case of a disabled operator, or by the will or executor/administrator of the estate, in the case of a deceased operator. As was the case with the replaced endorsement, the presence of the substitute operator aboard and in charge of the vessel is a condition for the validity of the revised endorsement. Such revised endorsement will be reissued only with the concurrence of the vessel owner.

§ 641.34 Condition of a permit.

As a condition of a commercial reef fish permit issued under § 641.4, without regard to where red snapper are harvested or possessed, a vessel with such permit—

(a) May not exceed the appropriate vessel trip or landing limit for red snapper, as specified in § 641.32(a) and (b); and

(b) May not transfer a red snapper at sea, as specified in § 641.32(c).

[FR Doc. 95-31410 Filed 12-29-95; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 675

[Docket No. 950905226-5282-02; I.D. 122695A]

RIN 0648-AH00

Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Extension of Allocations to Inshore and Offshore Components; Correction

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

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to the final rule (I.D. 083095A) that was published Tuesday, December 12, 1995, (60 FR 63654). The regulation related to an extension of the allocation of pollock for processing by the inshore and offshore components from January 1, 1996 through December 31, 1998.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: David Ham, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Need for Publication

At 60 FR 63654, December 12, 1995, a final rule to extend the inshore-offshore and Community Development Quota programs in the Bering Sea and Aleutian Islands Management Area for 3 years, from January 1, 1996, through December 31, 1998, was published. Unintentionally, in that final rule, a paragraph was excluded from an extension of the expiration date and is corrected here.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: December 26, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Accordingly, 50 CFR part 675 is corrected by making the following correcting amendment:

1. The authority citation for part 675 continues to read as follows:

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

2. Section 675.25 paragraph (b) heading is revised to read as follows:

§ 675.25 Observer requirements.

* * * * *

(b) *Additional observer coverage requirements applicable through December 31, 1998.* * * *

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[FR Doc. 95-31517 Filed 12-29-95; 8:45 am]

BILLING CODE 3510-22-P