

measured using samples drawn when sacrificed.

(3) *Typical Test Analyses.*

Any mortality, reproductive inhibition or effects on the previously mentioned physiological parameters by the candidate shot and/or coating must not be significantly greater than those caused by steel shot. Percentage data will be subjected to an arcsine, square root transformation prior to statistical analyses. Physiological and reproductive data will be analyzed by one-tailed *t*-tests ( $\alpha=0.05$ ), or other appropriate statistical procedures. Procedures should be in compliance with the Good Laboratory Practice Standards (40 CFR Part 160). The applicant will ensure that copies of all raw data and statistical analyses accompany the lab analyses and comprehensive reports of this test when they are sent to the Director.

(ii) After the Tier 3 testing is concluded, the applicant will report the results to the Director. Submitted materials will include test results (data analysis reports, lab data) and a written final report. If after review of the Tier 3 test data (to be completed 60 days after receipt of material) the Service determines that the information does not conclusively establish that the shot and/or coating material do not impose a significant danger to migratory birds and other wildlife and their habitats, or that significant data are incomplete, the applicant will be given the option of repeating the tests in Tier 3 that were deemed inconclusive. If the applicant chooses not to repeat the tests, approval of the candidate shot and/or coating will be denied. The public will be informed by a *Notice of Review* that Tier 3 test results are inconclusive and of the applicant's decision not to repeat Tier 3 testing. The publication will state that approval of candidate shot and/or coating is denied.

(iii) If review of either the initial or repeated Tier 3 test data results in a preliminary determination that the candidate materials do not impose a significant danger to migratory birds and other wildlife and their habitats, the Director will publish in the Federal Register a proposed rule stating the Service's intention to approve this shot and/or coating. The rulemaking will include a description of chemical composition of the candidate shot and/or coating and a synopsis of findings under the standards required by Tier 3. If at the end of the comment period, the Service finds no technical or scientific basis upon which to deny approval, the candidate shot and/or coating material will be approved by publication of a final rule in the Federal Register. If, as

a result of the comment period the Service determines that the information does not conclusively establish that the shot and/or coating material do not impose a significant danger to migratory birds and other wildlife and their habitats, the applicant will be given an opportunity to answer the concerns expressed by the comments with additional testing. The decision to conduct additional testing will be published as a *Notice of Review*. If the applicant chooses not to proceed, the final determination denying approval will be published in the Federal Register.

(iv)(A) The Tier 2 toxicity tests involving invertebrates and early-life stage vertebrates are intended to assess potential impacts on waterfowl habitat. The three toxicity tests with waterfowl described in Tiers 2 and 3 represent an evaluation of the three major categories of toxic effects: short-term periodic exposure; chronic exposure under adverse environmental conditions; and chronic exposure impact on reproduction. In the appropriate situations, the test animals will be exposed to the candidate material: both acutely and chronically; both stressed and non-stressed by diet and temperature; and with comparisons made to lead and steel shot regarding mortality and sublethal effects. The inclusion of lead shot and steel shot control groups in the waterfowl feeding studies is considered necessary for dealing with the experimental variability associated with tests being performed by different laboratories under a variety of conditions beyond control of the experimental protocol. Toxicity tests described in this rule are designed for testing the effects of metal or metalloid shot. The details of the experimental procedures can be modified, if necessary, to address the specific composition and erosion characteristics of the candidate shot. If the candidate shot is not metal or metalloid, other testing procedures will have to be developed and approved to evaluate the effects of the components of the candidate shot and/or coating materials.

(B) Statistical analyses will be performed on all data from each test. For the purpose of this section (20.134) the terms *significant* and *significantly* refer to a ( $P \leq 0.05$ ) finding of significance.

Dated: October 25, 1995.  
George T. Frampton, Jr.,  
Assistant Secretary for Fish and Wildlife and Parks.  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 646

[I.D. 011696E]

#### Snapper-Grouper Fishery of the South Atlantic; Public Scoping Meetings

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

**ACTION:** Public scoping meetings.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) is holding two public scoping meetings to solicit comments on the sale of fish (all species) caught under the recreational bag limits established by the Council's fishery management plans (FMPs) and on the issue of recreational catch and the commercial bycatch of wreckfish under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (Snapper-Grouper FMP).

**DATES:** The public scoping meetings are scheduled to begin at 6:30 p.m. on Monday, February 12, 1996, in St. Augustine, FL, and will end when all business is completed.

**ADDRESSES:** The public scoping meetings will be held in conjunction with the South Atlantic Fishery Management Council public meetings to be held February 12-14, 1996, at the Ponce de Leon, 4000 US Highway 1 North, St. Augustine, FL 32095; telephone: (800) 228-2821.

Requests for copies of public scoping documents should be sent to the Council at the following address: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699.

**FOR FURTHER INFORMATION CONTACT:** Robert K. Mahood, Council Executive Director; telephone: (803) 571-4366; fax: (803) 769-4520.

**SUPPLEMENTARY INFORMATION:** At the first scoping meeting, comments will be solicited on the sale of fish caught under the recreational bag limits for all species as established by the Council's FMPs. The Council has considered this issue on numerous occasions over the past several years, and both commercial and recreational fishermen have expressed concern about this matter. Currently, all of the Council's FMPs allow for the sale of fish taken in a legal bag limit. The issue regarding the sale of fish caught under bag limits involves several considerations, including: (1) The definitions of recreational and

commercial fishermen, (2) the ethical question of a "recreational" fisherman selling his catch, and (3) the impacts of selling fish caught under a recreational bag limit on an established commercial quota for the same species. The Council will consider prohibiting the sale of fish caught by recreational fishermen. The Council is inviting, and will consider, the views of recreational and commercial fishermen and other interested persons on this matter prior to taking any formal and final action. The Council is particularly interested in hearing about the possible impacts of prohibiting the sale of recreationally caught fish.

At the second scoping meeting, comments will be solicited on wreckfish caught by recreational fishermen and on the commercial bycatch of wreckfish outside of the Blake Plateau. Amendments 3 and 4 to the Snapper-Grouper FMP established a management program for wreckfish in the South Atlantic region. A regulatory adjustment framework measure was also included in the Snapper-Grouper FMP, allowing the Council to set total allowable catch each year and at the same time consider other possible management options. Amendment 5 to the Snapper-Grouper FMP established an individual transferrable quota (ITQ) system in the wreckfish fishery that allows only ITQ shareholders to land and sell wreckfish, and allows only permitted dealers to

handle wreckfish and to buy wreckfish from ITQ shareholders.

Recent reports have indicated that wreckfish are being caught by recreational fishermen fishing primarily for red grouper off Key West, FL, and that commercial snapper-grouper fishermen, especially off south Florida, are observing an occasional wreckfish bycatch in their fishery. These reports do not indicate the catch frequency or poundage, catch disposition, nor the number of fishermen targeting wreckfish.

The Council is considering the following management options for regulating this fishery: (1) No action (i.e., continue to prohibit the taking or landing of wreckfish in the South Atlantic region except by ITQ shareholders); (2) set a recreational bag limit of one or two fish per fisherman per trip; (3) set a recreational bag limit of one or two fish per boat per trip; (4) set a recreational bag limit of one or two fish per boat per day; (5) set an undetermined recreational bag limit; (6) set a bag limit of one or two fish per boat per trip for commercial fishermen in the South Atlantic region who are not wreckfish ITQ shareholders; (7) set a bag limit of one or two fish per boat per day for commercial fishermen in the South Atlantic region who are not wreckfish ITQ shareholders; (8) set a bag limit of one or two fish per boat per trip for commercial fishermen in the south

Florida area who are not wreckfish ITQ shareholders; (9) set a bag limit of one to two fish per boat per day for commercial fishermen in the south Florida area who are not wreckfish ITQ shareholders; (10) allow for an undetermined commercial bag limit in the South Atlantic region; and (11) allow for an undetermined commercial bag limit only in the south Florida area.

Written public comments on the subjects of the scoping meetings, as well as any Council scoping documents made available to the public, may be submitted to the Council from the time of the scoping meetings until such time as the Council has prepared appropriate and related public hearing documents that are available for public comment. For copies of the public scoping documents, see **ADDRESSES**.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by February 5, 1996 (see **ADDRESSES**).

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

Dated: January 22, 1996.

Richard W. Surdi,

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

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