

Figure 2—[Part I]—DOT QUALITY GRADES

TREADWEAR

TRACTION AA A B C

TEMPERATURE A B C

(Part II) All Passenger Car Tires Must Conform to Federal Safety Requirements In Addition To These Grades

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TRACTION

The traction grades, from highest to lowest, are AA, A, B, and C. Those grades represent the tire's ability to stop on wet pavement as measured under controlled conditions on specified government test surfaces of asphalt and concrete. A tire marked C may have poor traction performance. Warning: The traction grade assigned to this tire is based on straight-ahead braking traction tests, and does not include acceleration, cornering, hydroplaning, or peak traction characteristics.

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Issued on August 30, 1996.

Ricardo Martinez, Administrator.

[FR Doc. 96-22761 Filed 9-6-96; 8:45 am]

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Surface Transportation Board

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 35)]

Rail General Exemption Authority—Exemption of Ferrous Recyclables

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: Pursuant to its authority under 49 U.S.C. 10502, the Surface Transportation Board is exempting from regulation the transportation by rail of blast furnace, open hearth, rolling mill or coke oven products, NEC (STCC Commodity Group No. 33-119). This commodity group is added to the list of exempt commodities, as set forth below, and is intended to eliminate unnecessary regulation.

EFFECTIVE DATE: October 9, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.] **SUPPLEMENTARY INFORMATION:** Since the Interstate Commerce Commission's¹

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10701 *et seq.* Citations are to the current sections of the statute.

decision of May 16, 1995 (60 FR 26839, May 19, 1995), in this proceeding, which refrained from exempting commodities in STCC Commodity Group No. 33-119 because it included certain recyclable materials deemed to be nonferrous, Congress has passed the ICCTA. The ICCTA repealed the special statutory protections for transportation of nonferrous recyclable commodities.

As a consequence, because regulation of the rail transportation of commodities in STCC Commodity Group No. 33-119 is not necessary, rather than distinguishing between ferrous and nonferrous commodities within the commodity group, we will exempt the entire five-digit commodity group.

Regulatory Flexibility Act

The Board certifies that this exemption will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. This exemption will reduce regulation; it imposes no new reporting or other requirements directly or indirectly on small entities.

Environment and Energy

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 1039

Intramodal transportation, Manufactured commodities, Railroads.

Decided: August 27, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams, Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1039 of the Code of Federal Regulations is amended as follows:

PART 1039—EXEMPTIONS

1. The authority citation for part 1039 is revised to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 10502 and 13301.

2. Section 1039.11, paragraph (a), is amended by adding the following new entry to the end of table:

§ 1039.11 Miscellaneous commodities exemptions.

(a) * * *

| STCC No. | STCC tariff | Commodity |
|----------|----------------------|--|
| 33 119 | 6001-X, eff. 1-11-96 | Blast furnace, open hearth, rolling mill or coke oven products, NEC. |

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[FR Doc. 96-22916 Filed 9-6-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 960409106-6207-02; I.D. 031196A]

RIN 0648-AG26

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 1

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 1 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). This rule prohibits trawling for rock shrimp in an area off the Florida east coast; requires permits for dealers and vessels in the rock shrimp fishery off the southern Atlantic states; requires dealers to report information needed to monitor the fishery; and requires that the initial sale, trade, barter, or transfer of rock shrimp harvested from the exclusive economic zone (EEZ) off the southern Atlantic states occur only between permitted dealers and permitted vessels. In addition, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirements contained in this rule. The intended effect is to protect critical habitat and conserve and manage the rock shrimp fishery.

EFFECTIVE DATES: October 9, 1996; except that the amendments to §§ 622.4, 622.5, and 622.45 are effective November 1, 1996.

ADDRESSES: Requests for copies of the final regulatory flexibility analysis (FRFA) should be sent to Peter J. Eldridge, Southeast Regional Office,

NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Comments regarding the collection-of-information requirements contained in this 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, OMB, Washington, DC 20503 (Attention: NOAA Desk Officer).

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

SUPPLEMENTARY INFORMATION: The FMP was prepared by the South Atlantic Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The background and rationale for the measures in Amendment 1, and the rationale for NMFS's disapproval, based on a preliminary evaluation of Amendment 1, of a measure that would have required vessel operator permits, were contained in the preamble to the proposed rule (61 FR 17866, April 23, 1996) and are not repeated here.

Comments and Responses

Comment: One fisherman commented that the area being closed to trawling is too large. He believes the outer or offshore edge of the closed area should be moved shoreward from the proposed 100-fathom (183-m) depth contour to the offshore edge of the Oculina Bank Habitat Area of Particular Concern (HAPC). He states that this will allow fishermen to continue their harvest of pink and rock shrimp in this area. In addition, he recommends delaying implementation of Amendment 1 until after the 1996 rock shrimp season (July through October).

Response: Amendment 1 specifically addresses the need to minimize impacts of the rock shrimp fishery on essential bottom habitat. Amendment 1 will extend protection of the valuable *Oculina* coral species and its existing habitat to the north and east of the existing HAPC. Amendment 1 recognizes and analyzes the adverse economic impacts of displacing fishermen from the area in which trawling would be prohibited. The Council concluded that the potential long-term economic benefits of the closed area would outweigh the short-term adverse effects. NMFS concurs with that conclusion. Thus, NMFS does not support moving the outer boundary of the proposed no-trawling area shoreward to the edge of the HAPC. Also, because of documented damage to *Oculina* habitat from trawling, to the detriment of the important species

dependent on that habitat, it is not wise or prudent to delay implementation of approved Amendment 1.

Changes from the Proposed Rule

Since the proposed rule was published, NMFS has consolidated most of its fishery regulations for the Southeast Region into one set of regulations at 50 CFR part 622 (published on July 3, 1996, 61 FR 34930). Accordingly, the implementing regulations for Amendment 1 in this final rule are amendments to part 622 in lieu of amendments to the south Atlantic shrimp regulations, previously contained in part 659. Part 622 contains general provisions common to all federally managed fisheries (e.g., permit application procedures, vessel and gear identification requirements, and prohibitions). Therefore, such general provisions that appeared in the proposed rule are not included in this final rule. Minor changes in language have been made to conform to the standards in part 622. The proposed rule would have required the owner or operator of a permitted vessel or a permitted dealer to notify the Director, Southeast Region, NMFS (RD) within 15 days after any change in the information previously submitted on the permit application. To conform with the standard in other fisheries permitted by the RD, as it exists in part 622, the time frame for that notification is changed to 30 days.

Effective Dates

To allow time to publicize the requirements for vessel and dealer permits, distribute applications for such permits, receive and process applications, and issue permits, NMFS makes the provisions of this final rule that require permits, or that are dependent on the possession of a permit, effective November 1, 1996.

Classification

The RD determined that Amendment 1 is necessary for the conservation and management of the shrimp fishery off the southern Atlantic states and that it is consistent with the Magnuson Act and other applicable law, with the exception of the measure that was previously disapproved. See the proposed rule for a discussion of the disapproved measure.

This action has been determined to be not significant for purposes of E.O. 12866.

NMFS prepared a final regulatory flexibility analysis (FRFA) that indicates this final rule is necessary to minimize the impacts of rock shrimp trawling on important coral and coral reef resources

and on live- and hard-bottom habitats within and adjacent to the HAPC off the east coast of Florida. Minimizing habitat damage will enhance survival of juvenile rock shrimp and snapper-grouper species dependent upon this habitat. Also this rule will allow NMFS to collect fishery and biological information necessary to improve the management program and to ensure attainment of optimum yield over the long-term. The one public comment received on the proposed rule indicated that the area closed to shrimp trawling is too large and should be reduced to minimize lost pink and rock shrimp harvest. The Council had already assessed this option in the initial regulatory flexibility analysis (IRFA) and related analyses of management options supporting its preferred measures in Amendment 1; it concluded that a smaller closed area would not offer sufficient habitat protection (see comments and responses above). Accordingly, this comment did not result in changes to the conclusions of the IRFA.

The FRFA indicates that this rule will result in significant economic impacts on between 65 and 108 vessels and 12 dealers; all of these vessels and dealers are considered small entities for purposes of the Regulatory Flexibility Act. The magnitude of the impacts per small entity were difficult to quantify because rock shrimp landings vary considerably from year to year and rock shrimp exhibit considerable geographic movement and could move from areas closed to trawling to open areas and, thus, be harvested. The principal adverse impacts will result from prohibiting shrimp trawling in the closed area. Assuming that the affected vessels cannot redirect their fishing effort to other areas, and assuming continuation of recent harvest rates, affected vessels may lose approximately \$41,000 each the first year. It is likely, however, that most vessels will be able to shift their effort to other areas or to other fisheries and these losses are not projected for the long-term. The extent to which vessels are able to shift to open areas or to other fisheries will determine how well they can minimize reduced rock shrimp catches and revenues; this extent cannot be estimated at this time. It is possible that some vessels may not demonstrate reduced net revenues if, by switching to other fishing areas, they can harvest larger sized shrimp that bring a significantly higher price per pound.

This final rule contains new collection-of-information requirements including: Vessel permit applications; dealer permit applications; dealer

reports regarding rock shrimp receipts; and vessel identification requirements. These requirements will affect vessel owners or operators who choose to participate in the rock shrimp fishery and dealers who intend to purchase rock shrimp from permitted vessels. The professional skills necessary for complying with these information collection requirements are the same as required by the vessel owners/operators and dealers permitted in other federally managed fisheries of the south Atlantic area; these skills include the ability to understand, fill out, and submit to NMFS necessary application forms for vessel or dealer permits and for reporting landings and ex-vessel prices.

In trying to minimize significant economic impacts on small entities, the Council and NMFS considered numerous management alternatives in selecting the preferred management measures regarding addition of rock shrimp to the FMP management unit, habitat and shrimp resource protection, and permitting and reporting requirements. In general, some of the management options considered and rejected would have had less of a short-term impact on rock shrimp fishermen but the long-term damage to essential habitat and resource productivity would have been greater. Regarding the management unit measure, the FRFA indicates that a management unit with a smaller geographic range would not provide management authority for future, timely regulatory actions necessary to protect shrimp and habitat resources beyond the Oculina HAPC. Regarding the extent of the area closed to shrimp trawling, the area chosen was proposed by the industry as representing an acceptable balance between protecting critical shrimp and habitat resources and minimizing adverse, regulatory impacts. Rock shrimp fishing in the area to be closed has occurred only in recent years and the catch has consisted mainly of very small rock shrimp, which are intercepted before they reach traditional fishing grounds. The trawling closure area may result in higher fishery yields and revenues over the long-term, in part because small shrimp, otherwise harvested, will be allowed to reach a larger size and command a higher market price per pound. Regarding permitting and reporting and recordkeeping requirements, the Council deliberately chose an approach that would minimize burdens on reporting entities while still providing the information on actual landings and harvest locations necessary for management. While permits are

required for vessels and dealers, only the dealers are required to submit reports on landings. The Council decided that this approach would minimize burdens on the individual fisherman (e.g., no mandatory log book system required). Also, the Council encouraged NMFS to use information from state fisheries agencies, particularly from Florida where most landings occur, to minimize additional reporting burdens on dealers. Refer to the FRFA for further details (see ADDRESSES). Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains new collection-of-information requirements subject to the PRA for vessels and dealers in the rock shrimp fishery—namely, vessel permit applications, dealer permit applications, dealer reports regarding rock shrimp receipts, and vessel identification requirements. The existing vessel identification requirements contained in 50 CFR 622.6(a)(1)(i) and (a)(2) are made applicable to a vessel in the rock shrimp fishery by requiring such vessel to obtain a permit—each vessel for which a permit has been issued under 50 CFR 622.4 is required to comply with those requirements. These collections of information have been approved by OMB under OMB control numbers 0648-0205, 0648-0205, 0648-0013, and 0648-0306, respectively. The public reporting burdens for these collections are estimated to average 20, 5, 15, and 45 minutes per response, respectively, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding any of these reporting burden estimates, or any other aspect of the collections of information, including suggestions for reducing the burdens, to NMFS and OMB (see ADDRESSES).

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: September 3, 1996.

N. Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.2, the definition of “Dealer” is added, in alphabetical order, to read as follows:

§ 622.2 Definitions and acronyms.

* * * * *

Dealer, in addition to the definition specified in § 600.15 of this chapter, means the person who first receives rock shrimp harvested from the EEZ upon transfer ashore.

* * * * *

3. In § 622.4, effective November 1, 1996, paragraph (a)(2)(viii) is added and the first sentence of paragraph (a)(4) is revised to read as follows:

§ 622.4 Permits and fees.

(a) * * *

(2) * * *

(viii) *South Atlantic rock shrimp*. For a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ or possess rock shrimp in or from the South Atlantic EEZ, a commercial vessel permit for rock shrimp must be issued to the vessel and must be on board.

* * * * *

(4) * * * For a dealer to receive Gulf reef fish, golden crab harvested from the South Atlantic EEZ, South Atlantic snapper-grouper, rock shrimp harvested from the South Atlantic EEZ, or wreckfish, a dealer permit for Gulf reef fish, golden crab, South Atlantic snapper-grouper, rock shrimp, or wreckfish, respectively, must be issued to the dealer. * * *

* * * * *

4. In § 622.5, effective November 1, 1996, paragraph (c)(7) is added to read as follows:

§ 622.5 Recordkeeping and reporting.

(c) * * *

(7) *South Atlantic rock shrimp*. (i) A dealer who has been issued a permit for rock shrimp, as required under § 622.4(a)(4), and who is selected by the SRD must provide information on receipts of rock shrimp and prices paid on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals postmarked not later than 5 days after the end of each month. Reporting frequencies and reporting deadlines may be modified upon notification by the SRD.

(ii) On demand, a dealer who has been issued a dealer permit for rock

shrimp, as required under § 622.4(a)(4), must make available to an authorized officer all records of offloadings, purchases, or sales of rock shrimp.

* * * * *

5. In § 622.35, paragraph (g) is added to read as follows:

§ 622.35 South Atlantic EEZ seasonal and/or area closures.

* * * * *

(g) *Rock shrimp closed area.* No person may trawl for rock shrimp in the area east of 80°00' W. long. between 27°30' N. lat. and 28°30' N. lat. shoreward of the 100-fathom (183-m) contour, as shown on the latest edition

of NOAA chart 11460; and no person may possess rock shrimp in or from this area on board a fishing vessel.

6. In § 622.45, effective November 1, 1996, paragraph (g) is added to read as follows:

§ 622.45 Restrictions on sale/purchase.

* * * * *

(g) *South Atlantic rock shrimp.* (1) Rock shrimp harvested in the South Atlantic EEZ on board a vessel that does not have a valid commercial permit for rock shrimp, as required under § 622.4(a)(2)(viii), may not be transferred, received, sold, or purchased.

(2) Rock shrimp harvested on board a vessel that has a valid commercial permit for rock shrimp may be transferred or sold only to a dealer who has a valid permit for rock shrimp, as required under § 622.4(a)(4).

(3) Rock shrimp harvested in the South Atlantic EEZ may be received or purchased by a dealer who has a valid permit for rock shrimp, as required under § 622.4(a)(4), only from a vessel that has a valid commercial permit for rock shrimp.

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