

1996). These rules implement provisions of Public Law 104-79, which amended the Federal Election Campaign Act of 1971, 2 U.S.C. 431 *et seq.* ["FECA"], to require, *inter alia*, that the Commission create a system to "permit reports required by this Act to be filed and preserved by means of computer disk or any other electronic format or method, as determined by the Commission." Federal Election Campaign Act of 1971, Amendment, Public Law 104-79, section 1(a), 109 Stat. 791 (December 28, 1995).

The Commission submitted the electronic filing rules to Congress for legislative review on August 9, 1996. Since these rules are not major rules within the meaning of 5 U.S.C. 804(2), the FECA controls the legislative review process. See 5 U.S.C. 801(a)(4), Small Business Regulatory Enforcement Fairness Act, Public Law 104-121, section 251, 110 Stat. 857, 869 (1996). Section 438(d) of the FECA requires that any rules or regulations prescribed by the Commission to carry out the provisions of Title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate 30 legislative days before they are finally promulgated.

When Congress adjourned *sine die* on October 4, 1996, the rules had not been before Congress for 30 legislative days. Consequently, the Commission must resubmit the rules for review in the 105th Congress, which is scheduled to convene on January 7, 1997.

Ordinarily, this delay would not cause significant difficulty for the Commission. However, the statute creating the electronic filing system specifically requires the Commission make the electronic filing system available for "reports for periods beginning after December 31, 1996." Public Law 104-79, section 1(c). Thus, the Commission is required to have the system in place by January 1, 1997.

The Commission is announcing today that it will put the electronic filing rules published on August 15, 1996 into effect on an interim basis in order to meet this statutory deadline. See 61 FR 42371. The interim rules will go into effect on January 1, 1997. The Commission is also announcing that it will retransmit the rules and Explanation and Justification to Congress in early January. The rules will be retransmitted before the 105th Congress convenes on January 7, 1997 in order to begin the review period at the earliest opportunity. After they have been before Congress for 30 legislative days, the Commission will announce a date when the interim rules will go into effect as final rules. The Commission

expects this date to be in late March or early April.

Dated: November 8, 1996.
Lee Ann Elliott,
Chairman, Federal Election Commission.
[FR Doc. 96-29235 Filed 11-14-96; 8:45 am]
BILLING CODE 6715-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 648

[Docket No. 960805216-6307-03; I.D. 071596E]

RIN 0648-AH06

Fisheries of the Northeastern United States; Amendment 9 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

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

ACTION: Final rule.

SUMMARY: NMFS issues this rule to implement the approved provisions of Amendment 9 to the Fishery Management Plan (FMP) for the Summer Flounder, Scup, and Black Sea Bass Fisheries. This rule includes the initially disapproved quota measure, that has been revised and resubmitted by the Mid-Atlantic Fishery Management Council (Council). This rule implements management measures for the black sea bass fishery in order to reduce fishing mortality and allow the stock to rebuild.

EFFECTIVE DATE: December 16, 1996.

ADDRESSES: Copies of Amendment 9, the resubmitted portion of Amendment 9, the final environmental impact statement (FEIS), the regulatory impact review, and other supporting documents are available upon request from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, 1 Blackburn Drive, Gloucester, MA 01930, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20502 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION:

Background

This final rule implements approved measures contained in Amendment 9 to the FMP, which was prepared by the Council in consultation with the Atlantic States Marine Fisheries Commission (Commission) and the New England and South Atlantic Fishery Management Councils. Amendment 9 revises the summer flounder (*Paralichthys dentatus*) and scup (*Stenotomus chrysops*) FMP to include management measures for the black sea bass (*Centropristis striata*) fishery pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, as amended (Magnuson-Stevens Act). The management unit for this fishery is black sea bass in U.S. waters of the western Atlantic Ocean from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border. Background concerning the development of Amendment 9 was provided in the notice of proposed rulemaking (August 21, 1996, 61 FR 43217), and is not repeated here. The public comment period on the proposed rule for all management measures except the commercial quota provisions ended on October 7, 1996.

On July 19, 1996, NMFS, on behalf of the Secretary of Commerce (Secretary), after a preliminary evaluation as authorized by section 304(a)(1)(A)(ii) of the Magnuson-Stevens Act, disapproved the provision that would have implemented a state by state commercial quota for black sea bass in 1998. The measure was found to be incompatible with the Magnuson-Stevens Act and other applicable law.

The Council was informed that final approval of Amendment 9 was contingent upon the timely resubmission of a commercial quota measure that remedied the deficiencies of the disapproved measure. If the revised/resubmitted commercial quota provision could not be approved prior to Day 95 of the review period for the remaining measures of Amendment 9, Amendment 9 was at risk of disapproval due to inconsistency with national standard 1 of the Magnuson-Stevens Act. The Council, pursuant to section 304(b)(3)(A) of the Magnuson-Stevens Act, revised the measure and resubmitted a coastwide quarterly quota with trip limits that is fully described in the notice of proposed rulemaking published on September 6, 1996 (61 FR

47106). That notice provided a public comment period that concluded on September 26, 1996. No comments were received on the proposed revision. The revised/resubmitted quota measure was approved by NMFS on behalf of the Secretary on October 11, 1996. The remaining measures contained in Amendment 9 were approved by NMFS on behalf of the Secretary on October 17, 1996. The regulations implementing Amendment 9, including the quota measure contained in the resubmission, are being published together in this final rule.

Successful implementation of the commercial quota measure in 1998 will require the involved states to assist NMFS in monitoring commercial landings and to close state waters to fishing when quarterly quotas are attained. Since the FMP is a joint fishery management plan, the Commission will also have to take complementary action. The fact that the management unit bifurcates the State of North Carolina will mean that the State must establish monitoring and State waters closures to coincide with the boundary of the management unit. If the states, particularly North Carolina, are unable to implement necessary measures by 1998, a regulatory amendment will be necessary to modify the quota monitoring and implementation process to ensure effective implementation of the measure.

Amendment 9 Measures

This final rule implements a moratorium on new entrants into the commercial black sea bass fishery, imposes restrictions on the size of vessels allowed as a replacement for a moratorium eligible vessel, requires charter/party vessel, dealer, and operator permits, and establishes reporting and recordkeeping requirements. This rule also implements the following measures, which may be adjusted annually through the review process specified in Amendment 9: Minimum fish sizes, minimum mesh size for otter trawl vessels possessing a catch in excess of a specified threshold level, a maximum roller size, and pot and trap gear requirements. Modifications to recreational measures including season, possession limit, and minimum size may also be implemented if the Council deems them necessary in its annual review process. A coastwide harvest limit will be specified annually, beginning in 1998, at a level that will reduce the exploitation rate to the level specified in the rebuilding schedule. This coastwide harvest limit will be subdivided into a commercial quota and a recreational harvest limit.

The Council and the Commission may, in the future, alter the system to distribute and manage the annual commercial quota. Coastwide, regional, and state-by-state quotas may be considered in combination with different fractions of the fishing year. The Council may establish special management zones (SMZs) at the request of an individual issued a permit by the U.S. Army Corps of Engineers for an artificial reef. Such SMZs would be implemented by regulatory amendment.

Resubmitted Measure

This final rule will also implement, beginning in 1998, a commercial quarterly quota with trip limits that will be allocated to the commercial black sea bass fishery for the coastal states from Maine through North Carolina. The quarterly allocations and the associated percentages of the total quota are: January-March (38.64 percent), April-June (29.26 percent), July-September (12.33 percent), and October-December (19.77 percent). Any black sea bass landed for sale by a vessel possessing a black sea bass moratorium permit will count towards the quota, regardless of where the fish were harvested. Any black sea bass harvested north of Cape Hatteras and landed for sale by a vessel without a moratorium permit and fishing exclusively in state waters will be counted towards the quota by the state in which it is landed pursuant to the Fishery Management Plan for the Black Sea Bass Fishery adopted by the Commission. A series of prohibitions and management measures have been proposed to address the original concerns with regard to monitoring and enforcement of the commercial quota in the State of North Carolina.

Comments and Responses

One written comment was received from a fishery participant concerning Amendment 9. No comments were received concerning the resubmitted measure.

Comment: The commenter expressed concern for the resource and recommended increasing the minimum fish size to 12 inches (30.5 cm).

Response: The minimum fish size implemented under this rule is 9 inches (22.9 cm) total length (TL) and can be adjusted annually through the Monitoring Committee review process. Fifty percent of the black sea bass are sexually mature at 7.7 inches (19.5 cm) TL, so the minimum size should allow for increases in the spawning stock biomass while allowing more fish to spawn. The Council and Commission considered alternative size limits, but felt that larger limits could impose

significant economic burdens on the industry. The plan allows them, however, to reexamine the minimum size on an annual basis if anticipated stock benefits are not realized.

Changes From the Proposed Rules

This final rule incorporates changes made to the proposed rules for both Amendment 9 and the resubmitted quota measure. Unless otherwise noted, the changes specified below reference the proposed rule for Amendment 9.

In § 648.4, paragraph (a)(6) is no longer reserved for future use due to the approval of Amendment 8 to the FMP which regulates the scup fishery.

Section 648.4(a)(7)(i)(C) in the resubmission proposed rule was incorporated into § 648.4(b) for ease of reference, and the phrases "upon the receipt of" and "written" were added to clarify that the request for reissuance of a black sea bass moratorium permit must be received in writing from the vessel's owner.

In § 648.4(a)(7)(i)(A) (1) and (2), the phrase "in the management unit" was added to clarify that in order to qualify for a commercial black sea bass moratorium permit, documented landings must be of black sea bass from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border.

In § 648.12, subpart H (scup) is added to the list of species that may be exempted from the requirements of that part for the purpose of conducting experimental fishing beneficial to the management of the scup resource, as the final rule published on August 23, 1996 (61 FR 43420) made that subpart effective.

In § 648.14, paragraphs (a)(80) through (a)(82) have been renumbered as (a)(90) through (a)(92), as the approval of the regulations implementing Amendment 8 to the FMP that regulates the scup fishery included prohibitions in paragraphs (80) through (88), inclusively. Also, paragraphs (a)(93) through (a)(95) are added to clarify restrictions.

Section 648.140(b)(2) in the resubmission proposed rule was modified by adding the phrase "for all moratorium vessels" to clarify that a trip limit established by the Monitoring Committee will apply to all commercial vessels that are in possession of a Federal moratorium permit, regardless of gear type or vessel size.

Section 648.140(d)(2) in the resubmission proposed rule has been revised to clarify that a state will be required to close their ports to landings of black sea bass in the event the quota is attained, pursuant to the fishery

management plan adopted by the Commission.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated to the Assistant Administrator for Fisheries, NOAA, the authority to sign material for publication in the Federal Register.

Classification

The Regional Administrator, Northeast Region, NMFS, determined that Amendment 9 is necessary for the conservation and management of the black sea bass fishery and that it is consistent with the Magnuson-Stevens Act and other applicable law.

The Council prepared an FEIS for Amendment 9; a notice of availability was published by the Environmental Protection Agency on August 16, 1996 (61 FR 42608). The Assistant Administrator for Fisheries, NOAA (AA) determined, upon review of the FEIS and public comments, that the rule is environmentally preferable to the status quo. This rule would reduce exploitation, increase long-term yields, and, thus, reduce the risk of stock collapse in the black sea bass fishery.

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

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. These collection-of-information requirements have been approved by OMB, and the OMB control numbers and public reporting burden are listed as follows:

1. Dealer employment data (6 minutes per response), under OMB # 0648-0018.
2. Operator permits (1 hour per response), vessel moratorium permits (30 minutes per response), moratorium permit appeals (30 minutes per response), party and charter boat permits (30 minutes per response), dealer/processor permits (5 minutes per response), and experimental fishing exemptions (2 hours per response) under OMB # 0648-0202.
3. Vessel/party charter boat logbooks (5 minutes per response) under OMB # 0648-0212.
4. Dealer reporting responses (2 minutes per response) under OMB # 0648-0229.
5. Gear marking (1 minute per trap or pot) under OMB # 0648-0305.

6. Vessel marking (45 minutes per vessel) under OMB # 0648-0306.

The estimated response time includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. Send comments regarding any of these burden estimates, or any other aspect of the collection-of-information to NMFS and OMB (see ADDRESSES).

A reinitiation of a section 7 consultation under the Endangered Species Act was completed on February 29, 1996, on the summer flounder, scup and black sea bass fisheries. The opinion concludes that the effects of the three fisheries, along with associated NMFS management actions, may adversely affect listed or proposed species, but are not likely to jeopardize their continued existence and will not result in the destruction or adverse modification of designated critical habitat.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the management measures contained in Amendment 9 would not have a significant economic impact on a substantial number of small entities. The Assistant General Counsel for Legislation and Regulation of the Department of Commerce further certified to the Chief Counsel for Advocacy of the Small Business Administration, that the revised/resubmitted commercial quota measure would not have a significant economic impact on a substantial number of small entities during the 1997 fishing year. The reasons for that determination were discussed in the resubmission proposed rule published in the Federal Register on September 6, 1996 (61 FR 47106). As a result, Regulatory Flexibility Analyses were not prepared for either action.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: November 7, 1996.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR chapter IX and 50 CFR chapter VI are amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, in paragraph (b), the table is amended by adding, in numerical order, the following entries to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * *	* * *
(b) * * *	
CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
* * * *	
50 CFR	
* * * *	
648.5	-0202
648.7	-0018, -0212, and -0229
648.8	-0306
648.144	-0305
* * * *	

50 CFR Chapter VI

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

3. The authority citation for part 648 continues to read as follows:

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

4. In § 648.1, paragraph (a) is revised to read as follows:

§ 648.1 Purpose and scope.

(a) This part implements the fishery management plans (FMP) for the Atlantic mackerel, squid, and butterfish fisheries (Atlantic Mackerel, Squid, and Butterfish FMP); Atlantic salmon (Atlantic Salmon FMP); the Atlantic sea scallop fishery (Atlantic Sea Scallop FMP (Scallop FMP)); the Atlantic surf clam and ocean quahog fisheries (Atlantic Surf Clam and Ocean Quahog FMP); the Northeast multispecies fishery (NE Multispecies FMP); and the summer flounder, scup and the black sea bass fisheries (Summer Flounder,

Scup and Black Sea Bass FMP). These FMPs and the regulations in this part govern the conservation and management of fisheries of the northeastern United States.

* * * * *

5. In § 648.2, definitions for "Black Sea Bass Monitoring Committee," "Black sea bass pot or black sea bass trap," are added, in alphabetical order, and the definition for "Council" is revised to read as follows:

§ 648.2 Definitions.

* * * * *

Black Sea Bass Monitoring Committee means a committee made up of staff representatives of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils, the Northeast Regional Office of NMFS, the Northeast Fisheries Science Center, and Commission representatives. The Council Executive Director or his designee chairs the Committee.

Black sea bass pot or black sea bass trap means any such gear used in catching and retaining black sea bass.

* * * * *

Council means the New England Fishery Management Council (NEFMC) for the Atlantic sea scallop and the NE multispecies fisheries, or the Mid-Atlantic Fishery Management Council (MAFMC) for the Atlantic mackerel, squid, and butterfish; the Atlantic surf clam and ocean quahog; and the summer flounder, scup and black sea bass fisheries.

* * * * *

6. In § 648.4, paragraph (a)(7) is added, and paragraph (b) is revised to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(7) *Black sea bass vessels.* Beginning June 1, 1997, any vessel of the United States that fishes for or retains black sea bass in or from the EEZ north of 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, must have been issued and carry on board a valid black sea bass moratorium permit, except for vessels other than party or charter vessels that observe the possession limit established pursuant to § 648.145.

(i) *Moratorium permits—(A) Eligibility.* A vessel is eligible to receive a permit to fish for and retain black sea bass in excess of the possession limit established pursuant to § 648.145 in the EEZ north of 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, if it meets any of the following criteria:

(1) The vessel landed and sold black sea bass in the management unit between January 26, 1988, and January 26, 1993; or

(2) The vessel was under construction for, or was being rigged for, use in the directed fishery for black sea bass on January 26, 1993, provided the vessel landed black sea bass in the management unit for sale prior to January 26, 1994.

(3) The vessel is replacing a vessel of substantially similar harvesting capacity that qualifies under the criteria in paragraphs (a)(7)(i)(A) (1) or (2) of this section, and both the entering and replaced vessels are owned by the same person. Vessel permits issued to vessels that leave the fishery may not be combined to create larger replacement vessels.

(B) *Application/renewal restrictions.* No one may apply for an initial black sea bass moratorium permit after:

(1) December 15, 1997; or

(2) The owner retires the vessel from the fishery.

(C) *Qualification restriction.* Unless the Regional Director determines to the contrary, no more than one vessel may qualify at any one time for a black sea bass moratorium permit based on that or another vessel's fishing and permit history. If more than one vessel owner claims eligibility for a black sea bass moratorium permit based on one vessel's fishing and permit history, the Regional Director will determine who is entitled to qualify for the permit according to paragraph (a)(7)(i)(D) of this section.

(D) *Change in ownership.* The fishing and permit history of a vessel is presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. If the fishing and permit history of the vessel is transferred, the transferee/buyer must comply with the requirements of paragraph (h) of this section for the continuation of a moratorium permit for his or her benefit.

(E) *Replacement vessels.* To be eligible for a moratorium permit under this section, the replacement vessel must be of substantially similar harvesting capacity as the vessel that initially qualified for the moratorium permit, and both vessels must be owned by the same person. Vessel permits issued to vessels that leave the fishery may not be combined to create larger replacement vessels.

(F) *Appeal of denial of permit.* (1) Any applicant denied a moratorium permit may appeal to the Regional

Director within 30 days of the notice of denial. Any such appeal shall be in writing. The only ground for appeal is that the Regional Director erred in concluding that the vessel did not meet the criteria in paragraph (a)(7)(i)(A) (1) or (2) of this section. The appeal shall set forth the basis for the applicant's belief that the Regional Director's decision was made in error.

(2) The appeal may be presented, at the option of the applicant, at a hearing before an officer appointed by the Regional Director.

(3) The hearing officer shall make a recommendation to the Regional Director.

(4) The decision on the appeal by the Regional Director is the final decision of the Department of Commerce.

(ii) *Party and charter boat permit.* The owner of any party or charter boat must obtain a permit to fish for or retain black sea bass in or from U.S. waters of the western Atlantic Ocean from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border, while carrying passengers for hire.

(b) *Permit conditions.* Vessel owners who apply for a fishing vessel permit under this section must agree as a condition of the permit that the vessel and the vessel's fishing activity, catch, and pertinent gear (without regard to whether such fishing occurs in the EEZ or landward of the EEZ, and without regard to where such fish or gear are possessed, taken or landed), are subject to all requirements of this part, unless exempted from such requirements under this part. All such fishing activities, catch, and gear will remain subject to all applicable state requirements. Except as otherwise provided in this part, if a requirement of this part and a management measure required by a state or local law differ, any vessel owner permitted to fish in the EEZ for any species managed under this part must comply with the more restrictive requirement. Owners and operators of vessels fishing under the terms of a summer flounder moratorium or black sea bass moratorium permit must also agree not to land summer flounder or black sea bass, respectively, in any state after the Regional Director has published a notification in the Federal Register stating that the commercial quota for that state or period has been harvested, and that no commercial quota is available for the respective species. A state not receiving an allocation of summer flounder or black sea bass is deemed to have no commercial quota available. Owners and operators of vessels fishing under the terms of a scup moratorium permit

must also agree not to land scup after the Regional Director has published a notification in the Federal Register stating that the commercial quota has been harvested. Owners or operators fishing for surf clams and ocean quahogs within waters under the jurisdiction of any state that requires cage tags are not subject to any conflicting Federal minimum size or tagging requirements. If a surf clam and ocean quahog requirement of this part differs from a surf clam and ocean quahog management measure required by a state that does not require cage tagging, any vessel owners or operator permitted to fish in the EEZ for surf clams and ocean quahogs must comply with the more restrictive requirement while fishing in state waters. However, surrender of a surf clam and ocean quahog vessel permit by the owner by certified mail addressed to the Regional Director allows an individual to comply with the less restrictive state minimum size requirement, as long as fishing is conducted exclusively within state waters. If the commercial black sea bass quota for a period is harvested, and the coast is closed to the possession of black sea bass north of 35°15.3' N. lat., any vessel owners that hold valid commercial permits for both the black sea bass and the NMFS, Southeast Region Snapper/Grouper fisheries, may surrender their moratorium Black Sea Bass permit by certified mail addressed to the Regional Director and fish pursuant to their Snapper/Grouper permit, as long as fishing is conducted exclusively in waters, and landings are made, south of 35°15.3' N. lat. A moratorium permit for the black sea bass fishery that is voluntarily relinquished or surrendered will be reissued upon the receipt of the vessel owner's written request after a minimum period of 6 months from the date of cancellation.

* * * * *

7. In § 648.5, paragraph (a) is revised to read as follows:

§ 648.5 Operator permits.

(a) *General.* Any operator of a vessel fishing for or possessing sea scallops in excess of 40 lb (18.1 kg), NE multispecies, and, as of January 1, 1997, mackerel, squid, or butterfish, or scup, and, as of June 1, 1997, black sea bass, harvested in or from the EEZ, or issued a permit for these species under this section, and carry on board, a valid operator's permit. An operator permit issued pursuant to part 649 of this chapter satisfies the permitting requirement of this section. This

requirement does not apply to operators of recreational vessels.

* * * * *

8. In § 648.6, paragraph (a) is revised to read as follows:

§ 648.6 Dealer/processor permits.

(a) *General.* All NE multispecies, sea scallop, summer flounder, surf clam and ocean quahog dealers, and surf clam and ocean quahog processors must have been issued under this section, and have in their possession, a valid permit for these species. As of January 1, 1997, all mackerel, squid, and butterfish dealers and all scup dealers, and, as of June 1, 1997, all black sea bass dealers must have been issued under this section, and have in their possession, a valid permit for these species.

* * * * *

9. In § 648.7, the first sentence in paragraph (a)(1)(i), paragraph (a)(2)(i), the heading and first sentence of paragraph (b)(1)(i), the first sentence of paragraph (b)(1)(iii) and paragraph (f)(3) are revised to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

(a) * * *

(1) * * *

(i) Summer flounder, scallop, NE multispecies, and, as of January 1, 1997, mackerel, squid or butterfish, and scup dealers, and, as of June 1, 1997, black sea bass dealers, must provide: Name and mailing address of dealer, dealer number, name and permit number of the vessels from which fish are landed or received, dates of purchases, pounds by species, price by species, and port landed. * * *

* * * * *

(2) * * *

(i) Summer flounder, scallop, NE multispecies, and, as of January 1, 1997, mackerel, squid, or butterfish and scup, and, as of June 1, 1997, black sea bass dealers must complete the "Employment Data" section of the Annual Processed Products Reports; completion of the other sections of that form is voluntary. Reports must be submitted to the address supplied by the Regional Director.

* * * * *

(b) * * *

(1) * * *

(i) *Owners of vessels issued a moratorium permit for summer flounder, mackerel, squid, or butterfish, scup or black sea bass, or a permit for sea scallop or multispecies.* The owner or operator of any vessel issued a moratorium permit for summer flounder, or, as of January 1, 1997, mackerel, squid, or butterfish, or scup,

or as of June 1, 1997, black sea bass, or a permit for sea scallops, or NE multispecies, must maintain on board the vessel, and submit, an accurate daily fishing log report for all fishing trips, regardless of species fished for or taken, on forms supplied by or approved by the Regional Director. * * *

* * * * *

(iii) *Owners of party and charter boats.* The owner of any party or charter boat issued a summer flounder or scup permit other than a moratorium permit and carrying passengers for hire shall maintain on board the vessel, and submit, an accurate daily fishing log report for each charter or party fishing trip that lands summer flounder or scup, unless such a vessel is also issued a moratorium permit for summer flounder, a permit for sea scallop, or NE multispecies, or, as of January 1, 1997, a permit for mackerel, squid or butterfish, or a moratorium permit for scup, or, as of June 1, 1997, a permit for black sea bass, in which case a fishing log report is required for each trip regardless of species retained. * * *

* * * * *

(f) * * *

(3) *At-sea purchasers, receivers, or processors.* All persons purchasing, receiving, or processing any summer flounder, or, as of January 1, 1997, mackerel, squid, or butterfish, or scup, or, as of June 1, 1997, black sea bass at sea for landing at any port of the United States must submit information identical to that required by paragraph (a)(1) or (a)(2) of this section, as applicable, and provide those reports to the Regional Director or designee on the same frequency basis.

10. In § 648.11, the first sentence in paragraph (a), and paragraph (e) are revised to read as follows:

§ 648.11 At-sea sea sampler/observer coverage.

(a) The Regional Director may request any vessel holding a permit sea scallop; or NE multispecies; or a moratorium permit for summer flounder, or, as of January 1, 1997, mackerel, squid, or butterfish, or scup, or as of June 1, 1997, black sea bass fisheries to carry a NMFS-approved sea sampler/observer. * * *

* * * * *

(e) The owner or operator of a vessel issued a summer flounder moratorium permit, or as of January 1, 1997, a scup moratorium permit or, as of June 1, 1997, a black sea bass moratorium permit, if requested by the sea sampler/observer also must:

(1) Notify the sea sampler/observer of any sea turtles, marine mammals, summer flounder, scup, or black sea

bass, or other specimens taken by the vessel.

(2) Provide the sea sampler/observer with sea turtles, marine mammals, summer flounder, scup, or black sea bass, or other specimens taken by the vessel.

* * * * *

11. Section 648.12 is revised to read as follows:

§ 648.12 Experimental fishing.

The Regional Director may exempt any person or vessel from the requirements of subparts B (Atlantic mackerel, squid, and butterfish), D (sea scallop), E (surf clam and ocean quahog), F (NE multispecies), G (summer flounder), H (scup), or I (black sea bass), of this part for the conduct of experimental fishing beneficial to the management of the resources or fishery managed under that subpart. The Regional Director shall consult with the Executive Director of the Council regarding such exemptions for the Atlantic mackerel, squid, and butterfish, the summer flounder, the scup, and the black sea bass fisheries.

12. In § 648.14, paragraph (a)(8) is revised, paragraphs (a)(90) through (a)(95) are added, paragraph (u) is redesignated as paragraph (w), and paragraphs (u), (v), and (w)(7) are added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(8) Assault, resist, oppose, impede, harass, intimidate, interfere with or bar by command, impediment, threat, or coercion either a NMFS-approved observer, sea sampler, or other NMFS-authorized employee aboard a vessel or in a dealer/processor establishment, conducting his or her duties aboard a vessel or in a dealer/processor establishment, or an authorized officer conducting any search, inspection, investigation, or seizure in connection with enforcement of this part.

* * * * *

(90) Possess in or harvest from the EEZ from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border, black sea bass either in excess of the possession limit established pursuant to § 648.145 or before or after the time period established pursuant to § 648.142, unless the person is operating a vessel issued a moratorium permit under § 648.4 and the moratorium permit is on board the vessel and has not been surrendered, revoked, or suspended;

(91) Fish for, catch, or retain 100 lb or more (45.4 kg or more) of black sea bass in or from the EEZ from 35°15.3' N. lat., the latitude of Cape Hatteras Light,

NC, northward to the U.S.-Canada border, unless the vessel meets the gear restrictions of § 648.144.

(92) Purchase or otherwise receive for commercial purposes black sea bass caught in the EEZ from 35°15.3' N. lat., the latitude of Cape Hatteras Light, North Carolina, northward to the U.S.-Canada border, by other than a vessel with a moratorium permit not subject to the possession limit established pursuant to § 648.145 unless the vessel has not been issued a permit under this part and is fishing exclusively within the waters under the jurisdiction of any state.

(93) Possess or use rollers used in roller rig or rock hopper trawl gear that do not meet the minimum size requirement of § 648.144 if the person possesses black sea bass harvested in or from the EEZ from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border.

(94) Possess or use pot and trap gear not meeting the requirements of § 648.144 if the person possesses black sea bass harvested in or from the EEZ from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border.

(95) Purchase or otherwise receive for commercial purposes black sea bass landed for sale by a moratorium vessel in any state, or part thereof, north of 35°15.3' N. lat., after the effective date of the notification published in the Federal Register stating that the commercial quarterly quota has been harvested and the EEZ is closed to the harvest of black sea bass.

* * * * *

(u) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraph (a) of this section, it is unlawful for any person owning or operating a vessel issued a black sea bass permit (including a moratorium permit) to do any of the following:

(1) Possess 100 lb (45.4 kg) or more of black sea bass, unless the vessel meets the minimum mesh requirement specified in § 648.144(a).

(2) Possess black sea bass in other than a box specified in § 648.145(c) if fishing with nets having mesh that does not meet the minimum mesh-size requirement specified in § 648.144(a).

(3) Land black sea bass for sale in any state, or part thereof, north or south of 35°15.3' N. lat., after the effective date of the notification published in the Federal Register stating that the commercial quarterly quota has been harvested and the EEZ is closed to the harvest of black sea bass.

(4) Fish with or possess nets or netting that do not meet the minimum

mesh requirement, or that are modified, obstructed or constricted, if subject to the minimum mesh requirement specified in § 648.144, unless the nets or netting are stowed in accordance with § 648.23(b).

(5) Fish with or possess rollers used in roller rig or rock hopper trawl gear that do not meet the requirements specified in § 648.144(a)(5).

(6) Fish with or possess pots or traps that do not meet the requirements specified in § 648.144(b).

(7) Sell or transfer to another person for a commercial purpose, other than transport on land, any black sea bass, unless the transferee has a valid black sea bass dealer permit.

(8) Carry passengers for hire, or carry more than three crew members for a charter boat or five crew members for a party boat, while fishing commercially pursuant to a black sea bass moratorium permit.

(9) Possess, retain or land black sea bass harvested in or from the EEZ in excess of the commercial trip limit established pursuant to § 648.140.

(10) Land black sea bass for sale in any state south of North Carolina.

(11) Possess black sea bass harvested in or from the EEZ north or south of 35°15.3' N. lat. after the effective date of the notification published in the Federal Register stating that the commercial quarterly quota has been harvested and the EEZ is closed to the harvest of black sea bass.

(v) It is unlawful for the owner and operator of a party or charter boat issued a black sea bass permit (including a moratorium permit), when the boat is carrying passengers for hire or carrying more than three crew members if a charter boat or more than five members if a party boat, to:

(1) Possess black sea bass in excess of the possession limit established pursuant to § 648.145.

(2) Fish for black sea bass other than during a season specified pursuant to § 648.142.

(3) Sell black sea bass or transfer black sea bass to another person for a commercial purpose.

(w) * * *

(7) *Black sea bass.* All black sea bass possessed on board a party or charter boat issued a permit under § 648.4(a)(7)(ii) are deemed to have been harvested from U.S. waters of the western Atlantic Ocean from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border.

13. Subpart I is added to part 648 to read as follows:

Subpart I—Management Measures for the Black Sea Bass Fishery

- Sec.
- 648.140 Catch quotas and other restrictions.
- 648.141 Closure.
- 648.142 Time restrictions.
- 648.143 Minimum sizes.
- 648.144 Gear restrictions.
- 648.145 Possession limit.
- 648.146 Special management zones.

Subpart I—Management Measures for the Black Sea Bass Fishery

§ 648.140 Catch quotas and other restrictions.

(a) *Annual review.* The Black Sea Bass Monitoring Committee will review the following data, subject to availability, on or before August 15 of each year to determine the allowable levels of fishing and other restrictions necessary to result in a target exploitation rate of 48 percent for black sea bass in 1998, 1999, and 2000; a target exploitation rate of 37 percent in 2001 and 2002; and a target exploitation rate of 23 percent (based on F_{max}) in 2003 and subsequent years: Commercial and recreational catch data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; sea sampling and winter trawl survey data, or if sea sampling data are unavailable, length frequency information from the winter trawl survey and mesh selectivity analyses; impact of gear other than otter trawls, pots and traps on the mortality of black sea bass; and any other relevant information.

(b) *Recommended measures.* Based on this review, the Black Sea Bass Monitoring Committee will recommend to the Demersal Species Committee of the Council and the Commission the following measures to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded:

- (1) A commercial quota allocated to quarterly periods set from a range of (0) to the maximum allowed to achieve the specified target exploitation rate specified in paragraph (a) of this section. Implementation of this measure will begin in 1998.
- (2) A commercial trip limit for all moratorium vessels set from a range of (0) to the maximum allowed to assure that the quarterly quota is not exceeded.
- (3) Commercial minimum fish size.
- (4) Minimum mesh size in the codend or throughout the net and the catch threshold that will require compliance with the minimum mesh requirement.
- (5) Escape vent size.

(6) A recreational possession limit set from a range of (0) to the maximum allowed to achieve the target exploitation rate specified in paragraph (a) of this section. Implementation of this measure will begin in 1998.

(7) Recreational minimum fish size.

(8) Recreational season. This measure may be adjusted beginning in 1998.

(9) Restrictions on gear other than otter trawls and pots or traps.

(c) *Annual fishing measures.* The Demersal Species Committee shall review the recommendations of the Black Sea Bass Monitoring Committee. Based on these recommendations and any public comment, the Demersal Species Committee shall make its recommendations to the Council with respect to the measures necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded. The Council shall review these recommendations and, based on the recommendations and public comment, make recommendations to the Regional Director with respect to the measures necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded. Included in the recommendation will be supporting documents, as appropriate, concerning the environmental and economic impacts of the proposed action. The Regional Director will review these recommendations and any recommendations of the Commission. After such review, the Regional Director will publish a proposed rule in the Federal Register by October 15 to implement a commercial quota and a recreational harvest limit, and additional management measures for the commercial fishery, and will publish a proposed rule in the Federal Register by February 15 to implement additional management measures for the recreational fishery, if he or she determines that such measures are necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded. After considering public comment, the Regional Director will publish a final rule in the Federal Register to implement the measures necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded.

(d) *Distribution of annual quota.* (1) Beginning January 1, 1998, a commercial quota will be allocated by quarterly periods based upon the following percentages:

QUARTERLY COMMERCIAL QUOTA SHARES

Quarter	Share (percent)
January–March	38.64
April–June	29.26
July–September	12.33
October–December	19.77

(2) All black sea bass landed for sale in the states from North Carolina through Maine by a vessel with a moratorium permit issued under § 648.4(a)(7) shall be applied against that quarter's commercial quota, regardless of where the black sea bass were harvested. All black sea bass harvested north of 35°15.3' N. lat., and landed for sale in the states from North Carolina through Maine by any vessel without a moratorium permit and fishing exclusively in state waters will be counted against the quota by the state in which it is landed pursuant to the Fishery Management Plan for the Black Sea Bass Fishery adopted by the Commission. The Regional Director will determine the date on which the quarterly quota will be harvested and the EEZ north of 35°15.3' N. lat. closed. The Regional Director will publish a notice in the Federal Register advising that, upon that date, no vessel may possess black sea bass in the EEZ north of 35°15.3' N. lat. during a closure, nor may vessels issued a moratorium permit land black sea bass during the closure. Individual states will have the responsibility to close their ports to landings of black sea bass during a closure pursuant to the Fishery Management Plan for the Black Sea Bass Fishery adopted by the Commission. Any overages of the commercial quarterly quota landed will be deducted from that quarter's quota for the following year.

§ 648.141 Closure.

EEZ closure. The Regional Director shall close the EEZ to fishing for black sea bass by commercial vessels issued a moratorium permit for the remainder of the calendar year by publishing notification in the Federal Register if he or she determines that the action or inaction of one or more states will cause the applicable target exploitation rate specified in § 648.140(a) to be exceeded. The Regional Director may reopen the EEZ if earlier action or inaction by a state has been remedied by that state without causing the applicable specified target exploitation rate to be exceeded.

§ 648.142 Time restrictions.

Vessels that are not eligible for a moratorium permit under § 648.4(a)(6)

and fishermen subject to the possession limit may fish for black sea bass from January 1 through December 31. Beginning in 1998, this time period may be adjusted pursuant to the procedures in § 648.140.

§ 648.143 Minimum sizes.

(a) The minimum size for black sea bass is 9 inches (22.9 cm) total length for all vessels issued a permit under § 648.4(a)(7) and for all other vessels which fish for or retain black sea bass in or from U.S. waters of the western Atlantic Ocean from 35°15.3' N. lat., the latitude of Cape Hatteras Light, North Carolina, northward to the U.S.-Canada border. The minimum size may be adjusted for commercial and/or recreational vessels pursuant to the procedures in § 648.140.

(b) The minimum size in this section applies to the whole fish or any part of a fish found in possession (e.g., fillets), except that party or charter vessels possessing valid state permits authorizing filleting at sea may possess fillets smaller than the size specified if skin remains on the fillet and all other state requirements are met.

§ 648.144 Gear restrictions.

(a) *Trawl gear restrictions*—(1) *General.* (i) Otter trawlers whose owners are issued a black sea bass moratorium permit and that land or possess 100 lb or more (45.4 kg or more) of black sea bass per trip, must fish with nets that have a minimum mesh size of 4.0 inches (10.2 cm) diamond or 3.5 inches (8.9 cm) square (inside measure) mesh applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, or, for codends with less than 75 meshes, the minimum-mesh-size codend must be a minimum of one-third of the net, measured from the terminus of the codend to the center of the head rope, excluding any turtle excluder device extension.

(ii) Mesh sizes shall be measured pursuant to the procedure specified in § 648.104(a)(2).

(2) *Net modifications.* No vessel subject to this part shall use any device, gear, or material, including, but not limited to nets, net strengtheners, ropes, lines, or chafing gear, on the top of the regulated portion of a trawl net; except that, one splitting strap and one bull rope (if present) consisting of line or rope no more than 3 inches (7.6 cm) in diameter may be used if such splitting strap and/or bull rope does not constrict, in any manner, the top of the regulated portion of the net, and one rope no greater than 0.75 inches (1.9 cm) in diameter extending the length of the net from the belly to the terminus of

the codend along the top, bottom, and each side of the net. "Top of the regulated portion of the net" means the 50 percent of the entire regulated portion of the net that (in a hypothetical situation) will not be in contact with the ocean bottom during a tow if the regulated portion of the net were laid flat on the ocean floor. For the purpose of this paragraph, head ropes shall not be considered part of the top of the regulated portion of a trawl net.

(3) *Mesh obstruction or constriction.*

(i) A fishing vessel may not use any mesh configuration, mesh construction, or other means on or in the top of the net, as defined in paragraph (a)(2) of this section, that obstructs the meshes of the net in any manner, or otherwise causes the size of the meshes of the net while in use to diminish to a size smaller than the minimum established pursuant to paragraph (a)(1)(i) of this section.

(ii) No person on any vessel may possess or fish with a net capable of catching black sea bass in which the bars entering or exiting the knots twist around each other.

(4) *Stowage of nets.* Otter trawl vessels subject to the minimum mesh-size requirement of paragraph (a)(1)(i) of this section may not have "available for immediate use" any net or any piece of net that does not meet the minimum mesh size requirement, or any net, or any piece of net, with mesh that is rigged in a manner that is inconsistent with the minimum mesh size requirement. A net that is stowed in conformance with one of the methods specified in § 648.23(b) and that can be shown not to have been in recent use, is considered to be not "available for immediate use."

(5) *Roller gear.* Rollers used in roller rig or rock hopper trawl gear shall be no larger than 18 inches (45.7 cm) in diameter.

(b) *Pot and trap gear restrictions*—(1) *Escape vents.* All black sea bass traps or pots must have an escape vent placed in a lower corner of the parlor portion of the pot or trap which complies with one of the following minimum sizes: 1.125 inches (2.86 cm) by 5.75 inches (14.61 cm); or a circular vent 2 inches (5.08 cm) in diameter; or a square vent with sides of 1.5 inches (3.81 cm), inside measure. These dimensions may be adjusted pursuant to the procedures in § 648.140.

(2) *Gear marking.* The owner of a vessel issued a black sea bass moratorium permit must mark all black sea bass pots or traps with the vessel's USCG documentation number or state registration number.

(3) *Degradable panels.* Black sea bass pots or traps must have the hinges and

fasteners of one panel or door made of one of the following degradable materials:

(i) Untreated hemp, jute, or cotton string of $\frac{3}{16}$ inches (4.8 mm) diameter or smaller; or

(ii) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners; or

(iii) Ungalvanized or uncoated iron wire of 0.094 inches (2.4 mm) diameter or smaller.

(4) *Ghost panels.* Black sea bass traps or pots must contain a panel affixed to the trap or pot with degradable fasteners as specified in paragraph (b)(3) of this section and which measures at least 3.0 inches (7.62 cm) by 6.0 inches (15.24 cm).

(5) *Lathe spacing.* Pots or traps constructed of wooden lathes must have spacing of at least 1.125 inches (2.875 cm) between one set of lathes in the parlor portion of the trap.

§ 648.145 Possession limit.

A possession limit will be established pursuant to the procedures in § 648.140 to assure that the recreational harvest limit is not exceeded.

(a) If whole black sea bass are processed into fillets, an authorized officer will convert the number of fillets to whole black sea bass at the place of landing by dividing fillet number by two. If black sea bass are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole black sea bass.

(b) Black sea bass harvested by vessels subject to the possession limit with more than one person aboard may be pooled in one or more containers. Compliance with the daily possession limit will be determined by dividing the number of black sea bass on board by the number of persons aboard, other than the captain and the crew. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner and operator.

(c) Owners or operators of otter trawl vessels issued a moratorium permit under § 648.4(a)(6) and fishing with, or possessing on board, nets or pieces of net that do not meet the minimum mesh requirements and that are not stowed in accordance with § 648.144(a)(4), may not retain 100 lb or more (45.4 kg or more) of black sea bass. Black sea bass on board these vessels shall be stored so as to be readily available for inspection in a standard 100-lb (45.4-kg) tote.

§ 648.146 Special management zones.

The recipient of a Corps of Engineers permit for an artificial reef, fish

attraction device, or other modification of habitat for purposes of fishing may request that an area surrounding and including the site be designated by the Council as a special management zone (SMZ). The SMZ will prohibit or restrain the use of specific types of fishing gear that are not compatible with the intent of the artificial reef or fish attraction device or other habitat modification. The establishment of an SMZ will be effected by a regulatory amendment pursuant to the following procedure:

(a) A SMZ monitoring team comprised of members of staff from the Mid-Atlantic FMC, NMFS Northeast Region, and NMFS Northeast Fisheries Science Center will evaluate the request in the form of a written report considering the following criteria:

- (1) Fairness and equity.
- (2) Promotion of conservation.
- (3) Avoidance of excessive shares.
- (4) Consistency with the objectives of

Amendment 9 to the Fishery Management Plan for the Summer Flounder, Scup and Black Sea Bass fisheries, the Magnuson-Stevens Act, and other applicable law.

(5) The natural bottom in and surrounding potential SMZs.

(6) Impacts on historical uses.

(b) The Council Chairman may schedule meetings of Industry Advisors and/or the Scientific and Statistical Committee to review the report and associated documents and to advise the Council. The Council Chairman may also schedule public hearings.

(c) The Council, following review of the SMZ monitoring teams's report, supporting data, public comments, and other relevant information, may recommend to the Regional Director that a SMZ be approved. Such a recommendation will be accompanied by all relevant background information.

(d) The Regional Director will review the Council's recommendation. If the Regional Director concurs in the recommendation, he or she will publish a proposed rule in the Federal Register in accordance with the recommendations. If the Regional Director rejects the Council's recommendation, he or she shall advise the Council in writing of the basis for the rejection.

(e) The proposed rule shall afford a reasonable period for public comment. Following a review of public comments

and any information or data not previously available, the Regional Director will publish a final rule if he or she determines that the establishment of the SMZ is supported by the substantial weight of evidence in the administrative record and consistent with the Magnuson-Stevens Act and other applicable law.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM86-2-000]

Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands

Issued November 8, 1996.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; update of Federal land use fees.

SUMMARY: On May 8, 1987, the Commission issued its final rule amending Part 11 of its regulations (Order No. 469, 52 FR 18201, May 14, 1987). The final rule revised the billing procedures for annual charges for administering Part I of the Federal Power Act, the billing procedures for charges for Federal dam and land use, and the methodology for assessing Federal land use charges.

In accordance with the Commission's regulations, the Commission by its designee, the Executive Director, is updating its schedule of fees for the use of government lands. The yearly update is based on the most recent schedule of fees for the use of linear rights-of-way prepared by the United States Forest Service. Since the next fiscal year will cover the period from October 1, 1996, through September 30, 1997, the fees in this notice will become effective October 1, 1996. The fees will apply to fiscal year 1997 annual charges for the use of government lands.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Diane E. Bernier, Financial Services Division, Office of the Executive

Director and Chief Financial Officer, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 219-2886.

SUPPLEMENTARY INFORMATION: In accordance with § 11.2, 18 CFR, the land values included in this document will be published in the Federal Register. In addition, the Commission provides all interested persons an opportunity to inspect or copy contents of this document during normal business hours in Room 2A at the Commission's Headquarters, 888 First Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing 202-208-1397 if dialing locally or 1-800-856-3920 if dialing long distance. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400 or 1200bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS indefinitely in ASCII and WordPerfect 5.1 format for one year. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 2A, 888 First Street, N.E., Washington, D.C. 20426.

List of Subjects in 18 CFR Part 11

Electric power, Reporting and recordkeeping requirements.

Christie McGue,

Executive Director and Chief Financial Officer.

Accordingly, the Commission, effective October 1, 1996, amends Part 11 of Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

PART 11—[AMENDED]

1. The authority citation for Part 11 continues to read as follows:

Authority: 16 U.S.C. 791a-825r; 42 U.S.C. 7101-7352.

2. In Part 11, Appendix A is revised to read as follows: