Dated: November 8, 1996.

Mary D. Nichols,

*Assistant Administrator for Air and Radiation.*

[FR Doc. 96–29659 Filed 11–22–96; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

**[PR Docket No. 89–552; FCC 96–448]**

### 220 MHz Radio Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission seeks comment on its tentative conclusion that the ''40-mile rule'' should be repealed, as recommended by the SMR Advisory Group L.C. This action is needed to establish a comprehensive record on which to base a final decision.

**DATES:** Comments are due December 10, 1996.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Marty Liebman, Wireless Telecommunications Bureau, (202) 418–1310.

**SUPPLEMENTARY INFORMATION:**

Commission Seeks Supplemental Comment on Request To Eliminate 40-Mile Rule for 220 MHz Radio Service

Released: November 19, 1996.

1. Section 90.739 of the Commission's Rules stipulates that a licensee in the 220 MHz radio service may not hold more than one license within a 40-mile area, unless the licensee can justify the need for an additional license based on communications requirements.

2. On April 5, 1996, the SMR Advisory Group, L.C. (SMR Group) filed *ex parte* comments in the above-captioned proceeding, urging the Commission to eliminate Section 90.739 (the ''40-mile rule''). In its comments, SMR Group suggests that elimination of the rule would enhance the competitive potential of the 220 MHz service, and would be consistent with Commission findings of regulatory parity between the 220 MHz service and other commercial mobile radio services. SMR Group also contends that the original purpose for the rule—*i.e.*, to prevent spectrum warehousing—is no longer relevant in the context of today's mobile communications marketplace. Subsequently, the American Mobile Telecommunications Association, Securicor Radiocoms, Ltd., and SEA, Inc., also filed *ex parte* comments asking that the Commission eliminate this rule. Based on these filings, the Commission tentatively concludes that the rule should be repealed.

3. Pursuant to Section 1.415(d) of the Commission's Rules, 47 CFR § 1.415(d), the Commission seeks comment on this tentative conclusion. In particular, interested parties are invited to address any legal, factual, or policy considerations that may be associated with this issue. Comments must be filed no later than December 10, 1996. No reply comments will be accepted.

4. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street NW, Room 222, Washington, DC 20554, referencing PR Docket No. 89–552. The full text of the comments is available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street NW, Room 239, Washington, DC 20554. Copies may also be obtained from the International Transcription Service, Inc. (ITS), 2100 M Street NW, Suite 140, Washington, DC 20037, (202) 857–3800.

Initial Regulatory Flexibility Analysis

5. For purposes of this Public Notice, the Initial Regulatory Flexibility Analysis adopted in the Third Notice of Proposed Rulemaking in PR Docket No. 89–552 (60 FR 46564, September 7, 1995) applies.

List of Subjects in 47 CFR Part 90

Radio.

Federal Communications Commission

William F. Caton,

*Acting Secretary.*

[FR Doc. 96–30002 Filed 11–22–96; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 622

**[Docket No. 961108316–6316–01; I.D. 101796C]**

**RIN 0648–AI47**

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 14

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

**ACTION:** Proposed rule, request for comments.

**SUMMARY:** NMFS issues this proposed rule to implement Amendment 14 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). This proposed rule would prohibit the use or possession of fish traps in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) beginning February 8, 2007; prohibit the use or possession of fish traps west of 85°30′ W. long.; modify the procedure for retrieval of fish traps when a breakdown prevents a vessel with a trap endorsement from retrieving its traps; modify the restrictions on transfer of fish trap endorsements and reef fish permits; prohibit the harvest or possession of Nassau grouper in or from the EEZ of the Gulf; and clarify the authority of the Regional Administrator, Southeast Region, NMFS (RA), to reopen a prematurely closed fishery. In addition, NMFS proposes to extend the current prohibition on the possession of dynamite on board a permitted vessel to those vessels permitted in the South Atlantic golden crab fishery. The intended effects of this rule are to conserve and manage the reef fish resources of the Gulf and enhance enforceability of the regulations.

**DATES:** Written comments must be received on or before January 9, 1997.

**ADDRESSES:** Comments on the proposed rule or on the initial regulatory flexibility analysis (IRFA) must be sent to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Comments regarding the collection-of-information requirement 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, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

Requests for copies of Amendment 14, which includes an environmental assessment, a regulatory impact review (RIR), and an IRFA, should be sent to the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL, 33609, PHONE: 813–228–2815; FAX: 813–225–7015.

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

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act).

## Background and Rationale

The Council developed Amendment 14 to address various problems in the reef fish fishery. Most of the problems are associated with the fish trap fishery and the February 7, 1997, expiration of the existing moratorium on the issuance of additional fish trap endorsements.

## Phaseout of the Use of Fish Traps in the Gulf

The Council established a moratorium on additional fish trap endorsements under Amendment 5 that will extend through February 7, 1997 (final rule implementing Amendment 5 was effective February 7, 1994; 59 FR 966). This moratorium was implemented to stabilize the number of participants in the fish trap fishery until the Council could obtain better information on the trap fishery's ecological impacts. This information was recently provided through completion of a NMFS observer study on the biological effects of the fish trap fishery. The study indicated, that for the particular area where most of the study data were collected, fish traps can target the higher-value species (grouper and snapper) without major bycatch of non-targeted species. Because the study's duration and geographical extent were limited, the Council determined that the study data and conclusions may not be representative of the Gulf reef fish trap fishery as a whole.

Many of the Council members were concerned over the apparent lack of compliance with fish trap rules and believed that enforcement would never be adequate to assure compliance. The Council members were concerned over the impacts of incidental catch of non-targeted species, increased unreported fishing effort, and long-term ghost fishing from abandoned or lost traps with non-functioning escape panels. Because fish traps are completely submerged and can be fished without fishermen being present, they are difficult for enforcement officers to locate and, if being fished illegally without surface buoys, are difficult to identify. Regulations pertaining to trap construction specifications, including escape panels, prohibited areas, and tag requirements can only be enforced if the fisherman is intercepted during the relatively short periods of deployment or retrieval. The Council's Law Enforcement and Reef Fish Advisory Panels both recommended that the use of fish traps be banned in the Gulf EEZ.

After extensive deliberations and consideration of public comments, the Council proposed a 10-year phaseout of the fish trap fishery. Compared to an immediate prohibition, the 10-year phaseout period would spread the economic impact on the existing participants over a relatively long time. This phaseout period would allow fishermen to make a gradual transition to other fisheries without the disruption associated with an immediate termination of the fishery. The majority of fishermen in the fish trap fishery are only partially dependent on the fishery and can switch to other fisheries or fishing methods in which they are already participating.

## Prohibition on the Use or Possession of Fish Traps West of Cape San Blas, FL

The Council proposes to prohibit the use of fish traps west of 85°30′ W. long., the longitude of Cape San Blas, FL, consistent with the Council's intent to limit, reduce, and ultimately eliminate the use of fish traps. This measure would prevent an expansion of the fishery beyond its current geographical range and was supported by most persons who testified on this measure at the Council's public hearings. The measure would also limit potential enforceability problems by restricting the area where traps may be used. The immediate effects on fishermen would be limited since only one person who owns a vessel with a fish trap endorsement resides west of Cape San Blas, FL.

## Modification of the Procedure for Retrieval of Fish Traps

In the event of a breakdown of a vessel with a fish trap endorsement, current regulations allow another vessel to retrieve its fish traps, if written authorization from the owner or operator of the vessel with the endorsement is on board. Those authorizations do not have to be obtained from or registered with NMFS. This provision is being used in a manner not intended by the Council. Some owners of vessels with fish trap endorsements are providing such authorizations to the operators of other vessels without regard to vessel breakdowns. In this manner, vessels that do not have fish trap endorsements are being used to tend traps.

To provide greater accountability for retrieval of traps when vessel breakdown prevents retrieval by the vessel with the fish trap endorsement, the proposed measure would require that authorization to retrieve a disabled vessel's traps be obtained from NMFS' Office of Enforcement. Such authorizations would be specific as to vessel, individual(s), point of landing, and time period, and be issued only at the time that a disabling incident occurs. This measure would allow enforcement personnel, including U.S. Coast Guard and state enforcement officers, to check with NMFS' Office of Enforcement to verify the terms of authorization. The Office of Enforcement will accept phone calls around the clock; messages at certain times of the day will require a return call by office personnel.

## Modification of the Restrictions on Transfer of Fish Trap Endorsements

During the first 2 years of the phaseout period, fish trap endorsements would be transferable among vessels with reef fish permits. This initial transfer period is intended to give fish trap fishermen an opportunity to exit the fishery and receive economic compensation by selling their endorsements. The Council limited the period for unrestricted transfers to 2 years to encourage a continued reduction in the number of fish trap endorsements for the remainder of the phaseout.

During the third through the tenth year of the phaseout period, fish trap endorsements would be transferable only to an immediate family member, another person upon death or disability of the endorsement holder, another vessel owned by the same entity, or any of the 56 individuals who were fishing traps after November 19, 1992, and were excluded by the current moratorium. The limitation on transfer of endorsements under these conditions would be expected to result in additional attrition during the last 8 years of the phaseout. Endorsements that expire and are not renewed would not be reissued.

Modification of the Restrictions on Transfer of Reef Fish Permits

The current regulations allow transfer of a permit between persons only when the owner of the vessel whose permit is being transferred has met the income qualification for the permit. This prevents a vessel operator, whose earned income qualified a vessel for a permit, from acquiring the permit by transfer from the owner when buying the vessel from the owner. The Council proposed an exception to the general rule that only an owner-qualified permit may be transferred to another person by allowing the transfer when the recipient is the income-qualifying operator.

The Council also proposed to allow a non-income-qualifying owner who loses his income-qualifying operator to continue in the reef fish fishery for a limited time (grace period) in order to meet the income qualification for the vessel permit. Currently, upon transfer of a reef fish permit, an owner who does not meet the earned income requirement and who receives a trap permit by transfer may continue to operate the vessel in the fishery for one full calendar year in order to meet that requirement. An additional 3½ months (beyond the one full calendar year period) is provided for the new owner to document his/her earned income for the calendar year and apply for renewal of the permit and for NMFS to process the application and issue a renewed permit. However, an owner who loses his/her earned-income qualifying operator does not have the same grace period. The Council's proposal would grant the same grace period for meeting the earned income requirement to such owner.

Prohibition on the Harvest or Possession of Nassau Grouper

Nassau grouper is on the candidate list of threatened or endangered species under the Endangered Species Act. The species is classified by NMFS as over-utilized, with a current potential yield of zero. Harvest and possession of Nassau grouper is prohibited in Florida's waters, the South Atlantic EEZ, and the Caribbean EEZ, but not in the Gulf EEZ. A closure of the Gulf EEZ would provide consistent regulations for Nassau grouper in the U.S. EEZ. Economic impacts are expected to be limited, because Nassau grouper have comprised 0.5 percent of shallow-water grouper harvest in recent years.

Reopening of a Commercial or Recreational Fishery

The Council proposes to authorize the RA to reopen a commercial or recreational fishery for a Gulf reef fish species or species group when needed to ensure that a commercial quota or recreational allocation may be reached. Such authorization would constitute a modification to the framework procedure of the FMP for making changes to management measures. As the closure provisions currently apply only to Gulf reef fish species or species groups that have commercial quotas, the proposed change would not be immediately applicable to the recreational fisheries for Gulf reef fish.

Availability of Amendment 14

Additional background and rationale for the measures discussed above are contained in Amendment 14, the availability of which was announced in the Federal Register (61 FR 55128, October 24, 1996).

Changes Proposed by NMFS

Current regulations prohibit the possession on board a permitted vessel of dynamite or similar explosive substance. To apply this prohibition to permitted vessels in the South Atlantic golden crab fishery, NMFS proposes to add, at § 622.31(a), a reference to § 622.17, which is the section that requires permits in the golden crab fishery.

Generally, a vessel permit or endorsement is not transferable. To correctly reflect the current exceptions to that general rule, NMFS proposes to add, at § 622.4(g), a reference to § 622.4(p) regarding transfers of red snapper endorsements.

NMFS proposes other minor language changes for consistency and clarity.

Classification

Section 304(a)(1)(D) of the Magnuson Act requires NMFS to publish regulations proposed by a Council within 15 days of receipt of the amendment and regulations. At this time, NMFS has not determined that the provisions of Amendment 14 are consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

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

As part of the RIR, the Council prepared an IRFA, summarized as follows. Since all participants in the fishery, including those in the fish trap sector, are small business entities, disproportionate effects on capital costs of compliance would not occur. A substantial number of the 92 small business entities that use fish traps in the reef fish fishery would be affected by the proposed rule. These entities would not be able to use fish traps beginning February 8, 2007, and would incur a substantial reduction in income. The regulations are likely to result in a change in gross revenues of more than 5 percent. Performance standards are not practicable because the trap gear cannot be adequately monitored and enforced. Approximately 87 percent of these entities (80 in number) would be able to switch to other fisheries, but would incur substantial increases in costs to acquire and operate the alternative gear. Since the fish traps and related gear would not be marketable, all investments in the traps and gear would be lost. Approximately 13 percent of these entities (12 in number) would be unable to switch to other fisheries and would be forced to cease business operations. No duplicative, overlapping, or conflicting Federal rules have been identified regarding this action. Significant alternatives to the proposed action to eliminate the use of fish trap gear in ten years were considered including: Several related alternatives that would create a permanent fish trap license limitation system but differed in the number of allowed participants; an alternative that would extend the current permit moratorium until the year 2000; an alternative delaying any decisions for two years; and a status-quo alternative. The Council chose its preferred alternative (ten-year phase out of the trap fishery) based on a determination that this action would address its concerns about the adverse biological impacts of fish traps and the serious enforcement difficulties with this fishery, while providing affected trap fishermen sufficient time to plan for the termination of the fishery. The IRFA discusses the costs and benefits of all the alternatives considered by the Council for this action. The IRFA also identifies and assesses the alternatives for the other proposed measures of Amendment 14. A copy of the IRFA is available (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 a new collection-of-information requirement subject to the PRA—namely, the requirement that, when a vessel with a fish trap

endorsement has a breakdown that prevents the vessel from retrieving its traps, the owner or operator must notify the nearest NMFS Office of Enforcement and obtain authorization for another vessel to retrieve the traps. This requirement has been submitted to OMB for approval. The public reporting burden for this collection of information is estimated at 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this reporting burden estimate, or any other aspect of the collection of information, including suggestions for reducing the burden, 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: November 13, 1996.

Rolland A. Schmitten,

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be 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 § 622.4, in paragraph (a)(2)(i), in the second sentence, the words ''moratorium on'' are removed; in paragraph (a)(2)(v), the last sentence is revised; in paragraph (g), the first sentence is revised; paragraphs (m) and (n) are revised; and in paragraph (p)(3)(i) the last, parenthetical sentence is revised to read as follows:

### § 622.4 Permits and fees.

(a) * * *

(2) * * *

(v) * * * See paragraph (m) of this section regarding a moratorium on commercial vessel permits for Gulf reef fish and paragraphs (m)(3) and (m)(5) of this section for limited exceptions to the earned income requirement for a permit.

* * * * *

(g) * * * A vessel permit or endorsement or dealer permit issued under this section is not transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish, as provided in paragraph (n) of this section for a fish trap endorsement, or as provided in paragraph (p) of this section for a red snapper endorsement. * * *

* * * * *

(m) *Moratorium on commercial vessel permits for Gulf reef fish.* This paragraph (m) is effective through December 31, 2000.

(1) No applications for additional commercial vessel permits for Gulf reef fish will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraphs (m)(2) through (m)(5) of this section, and are subject to the requirement for timely renewal in paragraph (m)(6) of this section.

(2) An owner of a permitted vessel may transfer the commercial vessel permit for Gulf reef fish to another vessel owned by the same entity.

(3) An owner whose earned income qualified for the commercial vessel permit for Gulf reef fish may transfer the permit to the owner of another vessel, or to the new owner when he or she transfers ownership of the permitted vessel. Such owner of another vessel, or new owner, may receive a commercial vessel permit for Gulf reef fish for his or her vessel, and renew it through April 15 following the first full calendar year after obtaining it, without meeting the earned income requirement of paragraph (a)(2)(v) of this section. However, to further renew the commercial vessel permit, the owner of the other vessel, or new owner, must meet the earned income requirement not later than the first full calendar year after the permit transfer takes place.

(4) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may transfer the permit to the income qualifying operator when such operator becomes an owner of a vessel.

(5) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may have the operator qualification on the permit removed, and renew it without such qualification through April 15 following the first full calendar year after removing it, without meeting the earned income requirement of paragraph (a)(2)(v) of this section. However, to further renew the commercial vessel permit, the owner must meet the earned income requirement not later than the first full calendar year after the operator qualification is removed. To have an operator qualification removed from a permit, the owner must return the original permit to the RD with an application for the changed permit.

(6) A commercial vessel permit for Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not received by the RD within 1 year of the expiration date of the permit.

(n) *Endorsements for fish traps in the Gulf.* The provisions of this paragraph (n) are effective through February 7, 2007.

(1) Only those fish trap endorsements that are valid on February 7, 1997, may be renewed. Such endorsements are subject to the restrictions on transfer in paragraphs (n)(2) and (3) of this section and are subject to the requirement for timely renewal in paragraph (n)(5) of this section. Effective February 8, 2007, no fish trap endorsements are valid.

(2) Through February 7, 1999, a fish trap endorsement may be transferred only to a vessel that has a commercial permit for reef fish.

(3) The provisions of this paragraph (n)(3) are effective February 8, 1999. A fish trap endorsement is not transferable except as follows:

(i) An owner of a vessel with a fish trap endorsement may transfer the endorsement to another vessel owned by the same entity.

(ii) A fish trap endorsement is transferable upon a change of ownership of a permitted vessel with such endorsement from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father.

(iii) When a change of ownership of a vessel with a fish trap endorsement is directly related to the disability or death of the owner, the RD may issue such endorsement, temporarily or permanently, with the commercial vessel permit for Gulf reef fish that is issued for the vessel under the new owner. Such new owner will be the person specified by the owner or his/her legal guardian, in the case of a disabled owner, or by the will or executor/administrator of the estate, in the case of a deceased owner. (Paragraphs (m)(3) and (m)(4) of this section apply for the transfer of a commercial vessel permit for Gulf reef fish upon disability or death of an owner.)

(iv) A fish trap endorsement may be transferred to a vessel with a commercial vessel permit for Gulf reef fish whose owner has a record of landings of reef fish from fish traps in the Gulf EEZ, as reported on fishing vessel logbooks received by the SRD from November 20, 1992, through February 6, 1994, and who was unable to obtain a fish trap endorsement for the vessel with the reported landings.

(4) The owner of a vessel that is to receive a transferred endorsement must return the originals of the endorsed commercial vessel permit for Gulf reef fish and the unendorsed permit to the RD with an application for a fish trap endorsement for his or her vessel.

(5) A fish trap endorsement that is not renewed or that is revoked will not be reissued. Such endorsement is considered to be not renewed when an application for renewal is not received by the RD within 1 year of the expiration date of the permit.

* * * * *

(p) * * *

(3) * * *

(i) * * * (Paragraphs (m)(3) and (m)(4) of this section apply for the transfer of a commercial vessel permit for Gulf reef fish upon disability or death of an owner.)

* * * * *

3. In § 622.31, in paragraph (a), the reference to ''§ 622.4'' is revised to read ''§ 622.4 or § 622.17'' and paragraph (c) is revised to read as follows:

**§ 622.31 Prohibited gear and methods.**

* * * * *

(c) *Fish traps.* (1) A fish trap may not be used in the South Atlantic EEZ.

(2) A fish trap may not be used or possessed in the Gulf EEZ west of 85°30' W. long. and, effective February 8, 2007, may not be used or possessed in the Gulf EEZ.

(3) A fish trap used other than where authorized in paragraph (c)(1) or (c)(2) of this section may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

* * * * *

4. In § 622.32, paragraph (b)(2)(iii) is revised to read as follows:

**§ 622.32 Prohibited and limited harvest species.**

* * * * *

(b) * * *

(2) * * *

(iii) Red drum and Nassau grouper may not be harvested or possessed in or from the Gulf EEZ. Such fish caught in the Gulf EEZ must be released immediately with a minimum of harm.

* * * * *

**§ 622.37 [Amended]**

5. In § 622.37(d)(4), the word ''Nassau,'' is removed.

6. In § 622.40, paragraph (a)(2) is revised to read as follows:

**§ 622.40 Limitations on traps and pots.**

(a) * * *

(2) *Gulf EEZ.* A fish trap in the Gulf EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the vessel with the fish trap endorsement to fish such trap. If such vessel has a breakdown that prevents it from retrieving its traps, the owner or operator must immediately notify the nearest NMFS Office of Enforcement and must obtain authorization for another vessel to retrieve and land its traps. The request for such authorization must include the requested effective period for the retrieval and landing, the persons and vessel to be authorized to retrieve the traps, and the point of landing of the traps. Such authorization will be specific as to the effective period, authorized persons and vessel, and point of landing. Such authorization is valid solely for the removal of fish traps from the EEZ and for harvest of fish incidental to such removal.

* * * * *

7. In § 622.42, paragraph (a)(3) is revised to read as follows:

**§ 622.42 Quotas.**

* * * * *

(a) * * *

(3) Shallow-water groupers, that is, all groupers other than deep-water groupers, jewfish, and Nassau grouper, including scamp before the quota for shallow-water groupers is reached, combined—9.8 million lb (4.4 million kg), round weight.

* * * * *

**§ 622.43 [Amended]**

8. In § 622.43(b)(1), the words ''bartered, traded, or'' are removed.

9. In § 622.48, paragraph (d)(1) is revised to read as follows:

**§ 622.48 Adjustment of management measures.**

* * * * *

(d) * * *

(1) For a species or species group: Target date for rebuilding an overfished species, TAC, bag limits, size limits, vessel trip limits, closed seasons or areas, gear restrictions, quotas, and reopening of a fishery prematurely closed.

* * * * *

[FR Doc. 96–29500 Filed 11–22–96; 8:45 am]

BILLING CODE 3510–22–F

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## 50 CFR Part 622

**[I.D. 111896A]**

## Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 2

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

**ACTION:** Notice of availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** NMFS announces that the South Atlantic Fishery Management Council has submitted Amendment 2 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region for review, approval, and implementation by NMFS. Written comments are requested from the public.

**DATES:** Written comments must be received on or before January 24, 1997.

**ADDRESSES:** Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702.

Requests for copies of Amendment 2, which includes a final supplemental environmental impact statement, a regulatory impact review, and a social impact assessment should be sent to the South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, SC 29407–4699; Phone: (803) 571–4366; Fax: (803) 769–4520.

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

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any fishery management plan or amendment to the Secretary of Commerce for review and approval, disapproval, or partial disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a document in the Federal Register stating that the amendment is available for public review and comment.

Amendment 2 would: (1) Add brown and pink shrimp to the fishery management unit; (2) define overfishing for brown and pink shrimp; (3) define optimum yield for brown and pink shrimp; (4) require the use of certified bycatch reduction devices (BRDs) in all penaeid shrimp trawls in the exclusive economic zone in the South Atlantic; (5) establish a framework procedure for the Regional Administrator, Southeast Region, NMFS, to certify new BRDs, to decertify BRDs, and to specify and modify certification criteria and BRD testing requirements.

NMFS expects to publish proposed regulations that would implement Amendment 2 shortly for public review and comment.

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