

**INTERSTATE COMMERCE
COMMISSION****49 CFR Parts 1160 and 1165****[Ex Parte No. 55 (Sub-43A) and Ex Parte No.
MC-142 (Sub-1)]****Acceptable Forms of Requests for
Operating Authority (Motor Carriers
and Brokers of Property); Removal of
Restrictions From Authorities of Motor
Carriers of Property****AGENCY:** Interstate Commerce
Commission.**ACTION:** Discontinuance of proposed
supplemental rulemaking.

SUMMARY: The Commission is discontinuing the supplemental rulemaking to consider a bulk restrictions policy for specified commodities authority [49 FR 27182 July 2, 1984]. This action is consistent with the Commission's adoption of rules governing bulk service restrictions and other licensing and restriction removal matters in accordance with the decision in *American Trucking Ass'ns., Inc. v. I.C.C.*, 770 F.2d 535 (5th Cir. 1985) [ATA III], announced in a Final Rule published concurrently with this notice.

EFFECTIVE DATE: December 5, 1986.**FOR FURTHER INFORMATION CONTACT:**

Suzanne Higgins, (202) 275-7181

or

Louis E. Gitomer, (202) 275-7292.

SUPPLEMENTARY INFORMATION: The Commission's decision adopting final licensing and restriction removal rules in these proceedings to conform with the *ATA III* decision contains additional information. To purchase a copy of the decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357 in the DC Metropolitan area or (800) 424-5403, toll-free, outside the DC area.

**Energy and Environmental
Considerations**

This action will not affect significantly either the quality of the human environment or the conservation of energy resources.

**List of Subjects in 49 CFR Parts 1160 and
1165**Administrative practice and
procedure, Brokers, Motor carriers.Authority: 5 U.S.C. 553 and 49 U.S.C. 10101,
10321, 10922, 10923, 10924, and 11102.By the Commission, Chairman Gradison,
Vice Chairman Simmons, Commissioners
Sterrett, Andre, and Lamboley. ViceChairman Simmons dissented in part with a
separate expression.

Noreta R. McGee,

Secretary.

[FR Doc. 86-27380 Filed 12-4-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric
Administration****50 CFR Part 646****[Docket No. 60979-6179]****Snapper-Grouper Fishery of the South
Atlantic****AGENCY:** National Marine Fisheries
Service (NMFS), NOAA, Commerce.**ACTION:** Proposed rule.

SUMMARY: The Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (FMP) contains a management measure that provides for designating modified habitats or artificial reefs as special management zones (SMZs). This proposed regulatory amendment would (1) designate specific artificial reefs off the coasts of South Carolina and Georgia as SMZs; (2) restrict fishing gear in these areas to the use of hand-held hook-and-line gear (including manual, electric, or hydraulic rod and reel) and spearfishing (including powerheads except for the taking of jewfish); and (3) prohibit the taking of jewfish within these areas. The intended effect is to establish the designated artificial reefs (ARs) as SMZs and to manage them to promote orderly use of the resource, to reduce user group conflicts, and to maintain the intended socioeconomic benefits of the ARs to the maximum extent practicable.

DATES: Comments on the proposed rule must be received on or before January 5, 1987.

ADDRESSES: Comments on the proposed rule and requests for copies of the supplemental regulatory impact review/regulatory flexibility analysis and supplemental environmental impact statement should be sent to Donald W. Geagan, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT:
Donald W. Geagan, 813-893-3722.

SUPPLEMENTARY INFORMATION: The South Carolina Wildlife and Marine Resources Department and the Georgia Department of Natural Resources, under management measure 17 of the FMP, have requested that the South Atlantic Fishery Management Council (Council)

establish SMZs around 12 and 8 ARs respectively, located in the fishery conservation zone (FCZ) off their coasts. The ARs were constructed at considerable expense by South Carolina and Georgia, primarily to promote recreational fishing and diving opportunities that otherwise would not have existed over the generally featureless sand shelf that dominates the area.

The primary target species for recreational fishermen fishing the ARs is the black sea bass (*Centropristis striata*). Because this species is highly gregarious, it is particularly vulnerable to exploitation by fish traps and other efficient gear types. Even limited use of such gear can jeopardize the intended primary uses of the ARs and their associated benefits. By designating an AR and its surrounding area as an SMZ, the use of specific types of fishing gear that are not compatible with the primary uses the AR was constructed for may be prohibited or restrained.

Management measure 17 of the FMP (March 1983) is as follows:

*"Prohibition or Restraint of Specific
Fishing Gear From Artificial Reefs"*

Upon request to the [South Atlantic Fishery Management] Council from the permittee (possessor of a Corps of Engineers permit) for any artificial reef or fish attraction device (or other modification of habitat for the purpose of fishing) the modified area and an appropriate surrounding area may be designated as a Special Management Zone (SMZ) that prohibits or restrains the use of specific types of fishing gear that are not compatible with the intent of the permittee for the artificial reef or fish attraction device. This will be done by regulatory amendment similar to adding or changing minimum sizes (§ 10.2.3):

1. A monitoring team¹ will evaluate the request in the form of a written report considering the following criteria:
 - a. Fairness and equity
 - b. Promote conservation
 - c. Excessive shares.

2. At the request of the Steering Committee, the Council Chairman may schedule meetings of the Advisory Panel (AP) and/or Scientific and Statistical Committee (SSC) to review the report and associated documents and to advise the Council. The Council Chairman may also schedule public hearings.

3. The Council, following review of the Team's report, supporting data, public

¹ Monitoring Team The Team will be composed of members of the Council staff, the Fishery Operations Branch (Southeast Region, NMFS), and the NMFS Southeast Fisheries Center.

comments, and other relevant information, may recommend to the Southeast Regional Director of the National Marine Fisheries Service (RD) that a SMZ be approved. Such a recommendation would be accompanied by all relevant background data.

4. The RD will review the Council's recommendation, and if he concurs in the recommendation, will propose regulations in accordance with the recommendations. He may also reject the recommendation, providing written reasons for rejection.

5. If the RD concurs in the Council's recommendations, he shall publish proposed regulations in the *Federal Register* and shall afford a reasonable period for public comment which is consistent with the urgency of the need to implement the management measure(s).

The objectives of this proposed rule are as follows: (1) To establish SMZs that prohibit or restrain the use of specific types of fishing gear in order to promote orderly utilization of the resources and reduce user group conflicts; (2) to insure that the ARs will serve their primary intended purposes, to create incentives to maintain them, and to create incentives to establish other ARs and fish attraction devices (FADs), by managing the existing ARs in a manner which will maximize, to the extent practicable, the intended socioeconomic benefits of the ARs and to indicate that, were appropriated, future ARs and FADs will be designated as SMZs upon request; (3) to optimize use of biological production and/or create fishing opportunities that would not otherwise exist, thereby maintaining and promoting conservation.

Criteria used were: (1) To provide fairness and equity; (2) to promote conservation; (3) to avoid excessive shares; (4) to ensure SMZs are consistent with the objectives of the FMP, the Magnuson Act and other applicable law; and (5) to consider the natural bottom in and surrounding potential SMZs and impacts on historical uses.

The opportunity to request the Council to designate a SMZ is open to all permit holders and could focus on gear restrictions applicable to any or all user groups. This proposed rule concerns two requests in support of gear restrictions for fish traps, hydraulic and electric reels, longlines, and spearfishing that were received by the Council:

(1) South Carolina—"The South Carolina Wildlife and Marine Resources Department (SCWMRD) requests that the South Atlantic Fishery Management Council utilize its authority to *restrict the fishing methods used on artificial*

fishing reefs off the South Carolina coast to hand-held hook-and-line fishing and spearfishing." South Carolina modified its original request to track Georgia's request that would *"eliminate the taking of jewfish and powerheads (bang sticks) from areas set aside as special management areas (artificial reefs) off the South Carolina coast."* During Council and committee meetings, South Carolina representatives clarified that their intent was to allow the use of hand-held power-operated rods and reels and that their request did not preclude the use of trolling gear (i.e., placing a piece of manually operated hook-and-line gear in a holder).

(2) Georgia—"Since Georgia's offshore artificial reefs are located in the FCZ, resolution of these two problems—fish trapping and powerheading of jewfish—lies within the authority of the South Atlantic Fishery Management Council. For these reasons, please accept this correspondence as a formal application by the Georgia Department of Natural Resources requesting the Council to declare its offshore artificial reefs as special management zones. Further, the Department also requests that the *harvest of fish from these zones be limited to hand held hook-and-line fishing and spearfishing by divers. Spearfishing in these zones, it is recommended, should include the use of powerheads, except in the taking of jewfish, which should only be landed through traditional hook-and-line and other spearfishing techniques.*" During Council and committee meetings, Georgia representatives have clarified that their intent was to allow the use of hand-held power-operated rods and reels and that their request did not preclude the use of trolling gear.

The artificial reefs off South Carolina and Georgia are located on an expansive shelf area with large areas devoid of any hard or live bottom. These areas have not supported any significant fisheries in the past. In fact, these large barren areas have limited the development of recreational fishing. By placing artificial reef material in these locations, fishing opportunities that did not previously exist were created. These locations are not important to the income of commercial trap fishermen, based on discussions with commercial fishermen and input at the public hearings. There is general support for the creation of SMZs in Georgia and South Carolina both among the recreational as well as the commercial sectors. The Council approved South Carolina's and Georgia's requests with one modification. Their request to prohibit the use of powerheads for

taking jewfish was expanded to prohibit the retention or possession of jewfish by all gear types and prohibit the taking of jewfish by all types of spearfishing gear (e.g., bang sticks or powerheads, carbon dioxide-powered guns, arbolets, Hawaiian sling and spear, pole guns etc.) Jewfish caught incidentally by hook-and-line gear should be released in a manner to best ensure their survival (e.g., by cutting the line without removing the fish from the water). This modification is being suggested for two reasons: (1) If the resource (large jewfish) is what is important, then protecting the resource should be the objective; and (2) jewfish can be taken by several gear types (powerheads, spearguns, Hawaiian sling and spear, and hook-and-line). Prohibiting only powerheads would not be effective in protecting large jewfish and could be considered unfair and arbitrary.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is consistent with the national standards and other provisions of the Magnuson Fishery Conservation and Management Act and other applicable law.

It was previously determined, on the basis of a regulatory impact review (RIR) and regulatory flexibility analysis (RFA) summarised in the final rule implementing the FMP (48 FR 39466, August 31, 1983) that the rule is not major under Executive Order 12291. A supplemental RIR was prepared for this propose rule; it indicated that the anticipated benefits exceed the compliance cost to the public.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The impact on excluded user groups would be limited to a small segment of the sea bass trap fishery at the present time. State officials estimated that trapping around artificial reefs represents less than five percent of the total commercial sea bass fishery. Further, the excluded area represents an insignificant portion of the available fishing grounds and is not a historical fishing area for trappers. Prohibiting the harvest of jewfish will have a minimal economic impact, because jewfish are sporadic inhabitants of artificial reefs and are not sufficiently abundant to support any sustained fishing activity.

This rule does not contain a collection of information requirement for the

purposes of the Paperwork Reduction Act.

These measures are part of the Federal action for which an environmental impact statement (EIS) was prepared. The final EIS for the FMP was filed with the Environmental Protection Agency and the notice of availability was published on August 19, 1983 (48 FR 37702).

This rule does not directly affect the coastal zone of any State with an approved coastal zone management program.

List of Subjects in 50 CFR Part 646

Fisheries, Fishing.

Dated: December 2, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 646 is proposed to be amended as follows:

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

1. The authority citation for Part 646 continues to read as follows:

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

2. In Part 646, the Table of Contents is amended by adding under Subpart B a new section designation to read as follows:

* * * * *

646.24 Area limitations.

3. Section 646.6 is amended by changing the period at the end of paragraph (a)(18) to a semicolon and adding new paragraphs (a) (19), (20), and (21) to read as follows:

§ 646.6 [Amended]

(a) * * *

(19) Fish with any type of fishing gear except hand-held hook-and-line gear or spearfishing gear as specified in § 646.24(b) (1) and (2);

(20) Possess or retain jewfish taken by any type of fishing gear or take any jewfish with spearfishing gear or as specified in § 646.24(b)(3); or

(21) Fail to release immediately in the water any incidentally caught jewfish as specified in § 646.24(b)(3).

* * * * *

4. A new § 646.24 is added to read as follows:

§ 646.24 Area limitations.

(a) The following artificial reef, and surrounding areas are established as Special Management Zones (SMZ):

(1) *Little River Reef*. The area is bounded by straight lines connecting the following points:

A 33°49.60' N., 78°30.51' W.
B 33°48.95' N., 78°31.30' W.
C 33°48.92' N., 78°29.72' W.
D 33°48.60' N., 78°30.50' W.

(2) *Paradise Reef*. The area is bounded on the north by 33°31.59' N. latitude; on the south by 33°30.51' N. latitude; on the east by 78°57.55' W. longitude; and on the west by 78°58.85' W. longitude.

(3) *Ten Mile Reef*. The area is bounded on the north by 33°26.65' N. latitude; on the south by 33°25.05' N. latitude; on the east by 78°51.08' W. longitude; and on the west by 78°52.97' W. longitude.

(4) *Pauleys Island Reef*. The area is bounded on the north by 33°26.58' N. latitude; on the south by 33°25.76' N. latitude; on the east by 79°00.29' W. longitude; and on the west by 79°01.24' W. longitude.

(5) *Georgetown Reef*. The area is bounded on the north by 33°14.90' N. latitude; on the south by 33°13.99' N. latitude; on the east by 78°59.45' W. longitude; and on the west by 79°00.65' W. longitude.

(6) *Capers Reef*. The area is bounded on the north by 32°45.45' N. latitude; on the south by 32°43.91' N. latitude; on the east by 79°33.81' W. longitude; and on the west by 79°35.10' W. longitude.

(7) *Kiawah Reef*. The area is bounded on the north by 32°29.78' N. latitude; on the south by 32°28.25' N. latitude; on the east by 79°59.20' W. longitude; and on the west by 80°00.95' W. longitude.

(8) *Edisto Offshore Reef*. The area is bounded on the north by 32°15.30' N. latitude; on the south by 32°13.90' N. latitude; on the east by 79°50.25' W. longitude; and on the west by 79°51.45' W. longitude.

(9) *Hunting Island Reef*. The area is bounded on the north by 32°13.72' N. latitude; on the south by 32°12.30' N. latitude; on the east by 80°19.23' W. longitude; and on the west by 80°21.00' W. longitude.

(10) *Fripp Island Reef*. The area is bounded on the north by 32°15.92' N. latitude; on the south by 32°14.75' N. latitude; on the east by 80°21.62' W. longitude; and on the west by 80°22.90' W. longitude.

(11) *Betsy Ross Reef*. The area is bounded on the north by 32°03.60' N. latitude; on the south by 32°02.88' N. latitude; on the east by 80°24.57' W. longitude; and on the west by 80°25.50' W. longitude.

(12) *Hilton Head Reef*. The area is bounded on the north by 32°00.61' N. latitude; on the south by 31°59.42' N.

latitude; on the east by 80°35.23' W. longitude; and on the west by 80°36.37' W. longitude.

(13) *Artificial Reef—A*. The area is bounded on the north by 30°56.4' N. latitude; on the south by 30°55.2' N. latitude; on the east by 81°15.4' W. longitude; and on the west by 81°16.5' W. longitude.

(14) *Artificial Reef—C*. The area is bounded on the north by 30°51.4' N. latitude; on the south by 30°50.1' N. latitude; on the east by 81°09.1' W. longitude; and on the west by 81°10.4' W. longitude.

(15) *Artificial Reef—G*. The area is bounded on the north by 30°59.1' N. latitude; on the south by 30°57.8' N. latitude; on the east by 80°57.7' W. longitude; and on the west by 80°59.2' W. longitude.

(16) *Artificial Reef—F*. The area is bounded on the north by 31°06.6' N. latitude; on the south by 31°05.6' N. latitude; on the east by 81°11.4' W. longitude; and on the west by 81°13.3' W. longitude.

(17) *Artificial Reef—J*. The area is bounded on the north by 31°36.7' N. latitude; on the south by 31°35.7' N. latitude; on the east by 80°47.0' W. longitude; and on the west by 80°48.1' W. longitude.

(18) *Artificial Reef—L*. The area is bounded on the north by 31°46.2' N. latitude; on the south by 31°45.1' N. latitude; on the east by 80°35.8' W. longitude; and on the west by 80°37.1' W. longitude.

(19) *Artificial Reef—KC*. The area is bounded on the north by 31°51.2' N. latitude; on the south by 31°50.3' N. latitude; on the east by 80°46.0' W. longitude; and on the west by 80°47.2' W. longitude.

(b) The following restrictions apply within the SMZs.

(1) Fishing may be conducted only with hand-held hook-and-line gear (including manual electric, or hydraulic rod and reel) and spearfishing gear (including powerhead).

(2) The use of fish traps, bottom longlines, gill nets, and trawls is prohibited.

(3) Jewfish may not be harvested by any type of gear. Jewfish taken incidentally by hook-and-line gear must be released immediately by cutting the line without removing the fish from the water.

[FR Doc. 85-27343 Filed 12-4-86; 8:45 am]

BILLING CODE 3510-22-M