

## List of Subjects in 49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA proposes to amend part 195 of title 49 of the Code of Federal Regulations as follows:

**PART 195—[AMENDED]**

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 60102, 60104, 60108, 60109; and 49 CFR 1.53.

2. Section 195.302 (c)(1) is revised to read as follows:

**§ 195.302 General requirements.**

\* \* \* \* \*

(c) Except for onshore pipelines that transport HVL, the following compliance deadlines apply to pipelines under paragraphs (b)(1) and (b)(2)(i) of this section that have not been pressure tested under this subpart:

(1) Before December 7, 1996, for each pipeline each operator shall—

(i) Plan and schedule testing according to this paragraph; or

(ii) Establish the pipeline's maximum operating pressure under § 195.406(a)(5).

\* \* \* \* \*

Issued in Washington, D.C. on October 17, 1995.

Richard B. Felder,

*Associate Administrator for Pipeline Safety.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 646**

[I.D. 101095B]

**Snapper-Grouper Fishery of the South Atlantic; Public Scoping Meeting**

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

**ACTION:** Public scoping meetings.

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

under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (Snapper-Grouper FMP).

**DATES:** The public scoping meetings are scheduled to begin at 6:30 p.m. on Monday, October 23, 1995, in Wilmington, NC 28401, and will end when all business is completed. See **SUPPLEMENTARY INFORMATION** for additional information on the scoping meetings.

**ADDRESSES:** The public scoping meetings will be held in conjunction with the South Atlantic Fishery Management Council public meetings to be held October 22-27, 1995, at the Coast Line Inn, 503 Nutt Street, Wilmington, NC 28401; telephone: (800) 763-2800.

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

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

**SUPPLEMENTARY INFORMATION:** At the first scoping meeting, comments will be solicited on the sale of fish caught under the recreational bag limits for all species as established by the Council's FMPs. The Council has considered this issue on numerous occasions over the past several years, and both commercial and recreational fishermen have expressed concern about this matter. Currently, all of the Council's FMPs allow for the sale of fish taken in a legal bag limit. The issue regarding the sale of fish caught under bag limits involves several considerations including: (1) The definitions of recreational and commercial fishermen, (2) the ethical question of a "recreational" fisherman selling his catch, and (3) the impacts of selling fish caught under an FMP-established bag limit on an FMP-established commercial quota for the same species. The Council will consider prohibiting the sale of fish caught by recreational anglers. The Council is inviting, and will consider, the views of recreational and commercial fishermen and other interested persons on this matter prior to taking any formal and final action. The Council is particularly interested in hearing about the possible impacts of prohibiting the sale of recreationally-caught fish.

At the second scoping meeting, which will follow the first meeting, comments will be solicited on wreckfish caught by recreational fishermen and on the commercial bycatch of wreckfish outside of the Blake Plateau.

Amendments 3 and 4 to the Snapper Grouper FMP established a management program for wreckfish in the South Atlantic region. A regulatory adjustment framework measure was also included in the Snapper-Grouper FMP allowing the Council to set total allowable catch each year and at the same time consider other possible management options. Amendment 5 to the Snapper Grouper FMP established an individual transferrable quota (ITQ) system in the wreckfish fishery that allows only ITQ shareholders to land and sell wreckfish, and allows only permitted dealers to handle wreckfish and to buy wreckfish from ITQ shareholders.

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

The Council is considering the following management options for regulating this fishery: (1) No action (i.e., continue to prohibit the taking or landing of wreckfish in the South Atlantic region except by ITQ shareholders); (2) set a recreational bag limit of one or two fish per fisherman per trip; (3) set a recreational bag limit of one or two fish per boat per trip; (4) set a recreational bag limit of one or two fish per boat per day; (5) set an undetermined recreational bag limit; (6) set a bag limit of one or two fish per boat per trip for commercial fishermen in the South Atlantic region who are not wreckfish ITQ shareholders; (7) set a bag limit of one or two fish per boat per day for commercial fishermen in the South Atlantic region who are not wreckfish ITQ shareholders; (8) set a bag limit of one or two fish per boat per trip for commercial fishermen in the south Florida area who are not wreckfish ITQ shareholders; (9) set a bag limit of one to two fish per boat per day for commercial fishermen in the south Florida area who are not wreckfish ITQ shareholders; (10) allow for an undetermined commercial bag limit in the South Atlantic region; and (11) allow for an undetermined commercial bag limit only in the South Florida area.

Written public comments on the subjects of the scoping meetings, as well as any Council scoping documents made available to the public, may be submitted to the Council from the time of the scoping meetings until such time as the Council has prepared appropriate

and related public hearing documents that are available for public comment. For copies of the public scoping documents, see **ADDRESSES**.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by October 20, 1995 (see **ADDRESSES**).

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

Dated: October 17, 1995.

Richard W. Surdi,

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

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## 50 CFR Part 652

[Docket No. 951017252-5252-01; I.D. 101695C]

### Atlantic Surf Clam and Ocean Quahog Fisheries

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

**ACTION:** Proposed 1996 fishing quotas for surf clams and ocean quahogs; request for comments.

**SUMMARY:** NMFS issues proposed quotas for the Atlantic surf clam and ocean quahog fisheries for 1996. These quotas are selected from a range defined as optimum yield (OY) for each fishery. The intent of this action is to establish allowable harvests of surf clams and ocean quahogs from the exclusive economic zone in 1996.

**DATES:** Public comments must be received on or before November 16, 1995.

**ADDRESSES:** Send comments to: Andrew A. Rosenberg, Regional Director, Northeast Region, NMFS One Blackburn Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope, "Comments—1996 Surf Clam and Ocean Quahog Quotas."

Copies of the Mid-Atlantic Fishery Management Council's analysis and recommendations are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901-6790.

**FOR FURTHER INFORMATION CONTACT:** Myles Raizin (Resource Policy Analyst), 508-281-9104.

**SUPPLEMENTARY INFORMATION:** NMFS, acting on behalf of the Secretary of

Commerce, in consultation with the Mid-Atlantic Fishery Management Council (Council), is directed under the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP), to specify quotas for surf clams and ocean quahogs on an annual basis from a range defined by the FMP as the OY for each fishery. Further, it is the policy of the Council that the levels selected should allow fishing to continue at that level for at least 10 years for surf clams and 30 years for ocean quahogs. While staying within these constraints, the quotas are also to be set at a level that would meet the estimated annual demand.

For surf clams, the quota must fall within the OY range of 1.85 million bushels (mil. bu.) to 3.4 mil. bu. For ocean quahogs, the quota must fall within the OY range of 4.00 mil. bu. to 6.00 mil. bu.

During its discussions of the 1996 quota recommendations, the Council also considered revising the overfishing definitions specified in the FMP. Overfishing is presently defined for both species in terms of actual yield levels, that is, overfishing is defined as harvests in excess of the quota levels specified for a given year. These overfishing definitions do not incorporate biological considerations to protect against overfishing of the two species. The Council is now developing an amendment to the FMP that contains new overfishing definitions. NMFS will review the proposed quotas for 1996 in the context of the new proposed overfishing definitions before issuing the final quotas for 1996.

In proposing these quotas, NMFS considered the available stock assessments, data reported by harvesters and processors, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas closed to fishing. This information was presented in a written report, "Overview of the Surf Clam and Ocean Quahog Fisheries and Quota Recommendations for 1996," prepared by the Council. The proposed quotas for the 1996 Atlantic surf clam and ocean quahog fisheries are shown below. The surf clam quota would be unchanged from 1995, and the ocean quahog quota would be reduced by approximately 9 percent.

NMFS notes that the Council used the 1992 stock abundance survey, as described in the 1993 stock assessment report, in setting the 1996 quotas. The most recent stock abundance survey, completed in 1994, was considered to be a statistical anomaly as described in

the final specifications for these species in 1995 (60 FR 25853), and was set aside until a more thorough review of the data was possible. As this review is not completed, NMFS still considers the 1992 stock abundance survey to be the best scientific information available. This data was used in conjunction with the updated information stated above.

### PROPOSED 1996 SURF CLAM/OCEAN QUAHOG QUOTAS

Fishery	1996 final quotas (mil. bu)	1996 final quotas (mil. hL)
Surf clam ..	2.565	1.362
Ocean quahog .....	4.450	2.363

#### Surf Clams

The Council staff originally proposed a surf clam quota of 2.843 mil. bu., based on the assumption that Georges Bank, presently closed to the fishery due to the presence of paralytic shellfish poisoning toxin (PSP), would reopen. The staff assumed that the risks from PSP would be eliminated by implementation of a dockside test for the toxin and that half of the surf clam resource on Georges Bank would be available over the next 10 years. As a result of this assumption, the staff recommended an increase in quota of 10 percent from the 1995 level of 2.565 mil. bu.

The staff recommendation was presented to the Council's Science and Statistical Committee (SSC), Surf Clam and Ocean Quahog Committee (Committee), and Industry Advisors at a meeting in July, 1995. These bodies did not accept the staff assumption concerning the reopening of Georges Bank. At the July meeting, the SSC was the only body to make an alternative quota recommendation; the SSC recommended that the 1996 quota should remain unchanged from 1995 (2.565 mil. bu.).

In August, 1995, the Council met as a "Committee of the Whole" to consider the SSC recommendation and revised the staff recommendation. Subsequent to its original proposal, the staff reviewed two projections based on the most recent stock assessment, both of which assumed that there would be no Georges Bank harvest. The first projection estimated the number of years that the quota could remain at the 1995 level of 2.565 mil. bu. This projection showed a median of 7 supply years, with an 80% confidence level that the supply years would fall into a range between 5 and 10 years. The second projection calculated that a