

5. Section 1552.235-78 is amended by revising the heading and paragraph (a)(1) to read as follows:

1552.235-78 Data Security for Toxic Substances Control Act Confidential Business Information (Sept. 1966)

(a) * * *

(1) The Contractor and Contractor's employees shall follow the security procedures set forth in the TSCA CBI Security Manual. The manual may be obtained from the Director, Information Management Division (IMD), Office of Pollution Prevention and Toxics (OPPT), U.S. Environmental Protection Agency (EPA), 401 M Street, SW, Washington, DC 20460. Prior to receipt of TSCA CBI by the Contractor, the Contractor shall ensure that all employees who will be cleared for access to TSCA CBI have been briefed on the handling, control, and security requirements set forth in the TSCA CBI Security Manual.

* * * * *

Dated: October 8, 1996.

Betty L. Bailey,

Director, Office of Acquisition Management.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 961008282-6282-01; I.D. 092796A]

RIN 0648-A197

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands; Red Hind Spawning Aggregations

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 a regulatory amendment prepared by the Caribbean Fishery Management Council (Council) in accordance with framework procedures for adjusting management measures of the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (FMP). In the Caribbean exclusive economic zone (EEZ) off western Puerto Rico, the regulatory amendment would adjust the

boundary of the existing red hind spawning aggregation seasonal/area closure and add two additional red hind spawning aggregation seasonal/area closures. The intended effect is to protect red hind spawning aggregations by prohibiting fishing in these areas during the spawning season.

DATES: Written comments must be received on or before November 8, 1996.

ADDRESSES: Comments on the proposed rule must be sent to Georgia Cranmore, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the regulatory amendment, which includes an environmental assessment and a regulatory impact review, should be sent to the Caribbean Fishery Management Council, 268 Ave. Muñoz Rivera, Suite 1108, San Juan, PR 00918-2577.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813-570-5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of Puerto Rico and the U.S. Virgin Islands is managed under the FMP. The FMP was prepared by the Council and is implemented by regulations at 50 CFR part 622 under the authority of the Magnuson Fishery Conservation and Management Act.

Background

Red hind, like most groupers, are long-lived, slow-growing, and aggregate for spawning. Hook and line and fish traps are the most commonly used gear in the commercial fishery; little data exist on the recreational fishery.

Commercial landings of red hind off western Puerto Rico have declined substantially since 1991. Almost 30,000 lb (13,608 kg) of red hind were reported landed in western Puerto Rico in 1991; landings in 1994 totaled about 11,000 lb (4,990 kg). Both the number and size of fish caught have declined in commercial landings. Fishing effort for red hind is highest during the spawning season, December 1 through February 28. The Council believes that protection of spawning aggregations is a practical way to reduce fishing mortality and also increase the likelihood of spawning success.

Amendment 2 (1993) to the FMP established a red hind spawning aggregation seasonal/area closure in the EEZ off western Puerto Rico, around Buoy 8 at Tourmaline Bank. In 1996, commercial fishermen testified that this area is larger and further to the west than needed to encompass the spawning aggregation around Tourmaline Bank. Additionally, Puerto Rico's Department of Natural and Environmental

Resources, working in cooperation with commercial fishermen, has identified two additional red hind spawning aggregations off western Puerto Rico that need protection.

Management Measures

In the EEZ off western Puerto Rico, the Council is proposing to: (1) Adjust the boundary of the existing red hind spawning aggregation seasonal/area closure around Buoy 8 at Tourmaline Bank by moving the closed area further to the east and reducing the size of the area from approximately 15 square nautical miles (nm²) to approximately 9 nm²; and (2) add two additional red hind spawning aggregation seasonal/area closures of 9 nm² each—one around Buoy 6 at Abrir La Sierra Bank and the other around a buoy to be deployed in the area known as "Bajo de Cico."

Red hind can be taken as bycatch in fish or crustacean traps or by other non-selective gear used in directed fisheries off western Puerto Rico. Thus, all commercial and recreational fishing for all species needs to be prohibited in the red hind spawning aggregation areas from December 1 through February 28, each year, to protect the spawning aggregations and to facilitate effective enforcement of the closed areas.

Commercial fishermen support these measures to protect the red hind spawning aggregations. They can shift effort to other species, such as snappers, outside the closed areas. Also, the adjustment of the boundary of the existing closure to exclude sandy bottom areas, previously closed to fishing, will allow trap fishermen to use these areas to store traps during bad weather. Although testimony by commercial fishermen indicates that recreational fishermen fish these spawning aggregations, no data exist on the potential impact on recreational fishermen of the proposed closed areas.

This proposed rule will close only those portions of the spawning aggregations off Puerto Rico that are in the EEZ. Complementary regulations by the Commonwealth of Puerto Rico are required to protect remaining portions within Puerto Rico's waters.

Action on the Recommended Changes

The Council's recommended changes are within the scope of the management measures that may be adjusted by the framework procedure specified in the FMP. The Administrator, Southeast Region, NMFS, initially concurs that the Council's recommended measures are consistent with the objectives of the FMP, the national standards, and other applicable law. Accordingly, the

Council's recommended changes are published for comment. Final determinations will be made following review of all information and comments on the proposed rule.

Additional Change Proposed by NMFS

As a technical change to the regulations, NMFS proposes to alter minimally the boundary of the mutton snapper spawning aggregation area off the southwest coast of St. Croix. Fishing is prohibited in that area from March 1 through June 30, each year. The vast majority of the area is in state waters—Federal regulations apply only in the EEZ part. This change would (1) better conform the outer boundary of the area with the 100-fathom depth contour, as was intended in the FMP, as amended, (2) slightly reduce the EEZ part of the area, and (3) make the area compatible with that established in the U.S. Virgin Islands regulations.

Classification

This proposed rule has been determined to be not significant under E.O. 12866.

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 this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

In the EEZ off western Puerto Rico, the proposed rule would adjust the boundaries of the existing red hind spawning aggregation seasonal/area closure and add two additional red hind spawning aggregation seasonal/area closures. The intended effect is to protect red hind spawning aggregations by prohibiting all fishing in these areas during the spawning season.

The commercial red hind fishery is composed entirely of small businesses that could be affected by the management measures contained in the proposed rule. Based on a 1988 survey, there are approximately 882 commercial fishing vessels operating off Puerto Rico. An estimated 161 (or about 18 percent) have homeports near the proposed closed areas; many of these vessels have access to other fishing grounds and do not fish for red hind. Therefore, the proposed regulatory amendment is not expected to affect a substantial number of small entities. Those businesses that will be affected by the proposed rule are involved in the harvest of a wide variety of species, in addition to red hind; red hind catches account for only 1.3 percent of the annual fishery value in Puerto Rico. Furthermore, red hind catches will be affected in only some of the spawning areas for 3 months per year, and the effect on annual gross revenues will be considerably less than 5 percent. Hence, there is not expected to be a significant economic impact

on a substantial number of small entities and a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 622

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

Dated: October 18, 1996.

Gary C. Matlock,
*Acting 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 § 622.33, paragraph (a), paragraph (b) introductory text, and paragraph (b)(3) are revised to read as follows:

§ 622.33 Caribbean EEZ seasonal and/or area closures.

(a) *Mutton snapper spawning aggregation area.* From March 1 through June 30, each year, fishing is prohibited in that part of the following area that is in the EEZ. The area is bounded by rhumb lines connecting, in order, the points listed.

Point	North lat.	West long.
A	17°37.8'	64°53.0'
B	17°39.0'	64°53.0'
C	17°39.0'	64°50.5'
D	17°38.1'	64°50.5'
E	17°37.8'	64°52.5'
A	17°37.8'	64°53.0'

(b) *Red hind spawning aggregation areas.* From December 1 through February 28, each year, fishing is prohibited in those parts of the following areas that are in the EEZ. Each area is bounded by rhumb lines connecting, in order, the points listed.

* * * * *
(3) *West of Puerto Rico.*
(i) *Bajo de Cico*

Point	North lat.	West long.
A	18°15.7'	67°26.4'
B	18°15.7'	67°23.2'
C	18°12.7'	67°23.4'
D	18°12.7'	67°26.4'
A	18°15.7'	67°26.4'

(ii) *Tourmaline Bank*

Point	North lat.	West long.
A	18°11.2'	67°22.4'

Point	North lat.	West long.
B	18°11.2'	67°19.2'
C	18°08.2'	67°19.2'
D	18°08.2'	67°22.4'
A	18°11.2'	67°22.4'

(iii) *Abrir La Sierra Bank*

Point	North lat.	West long.
A	18°06.5'	67°26.9'
B	18°06.5'	67°23.9'
C	18°03.5'	67°23.9'
D	18°03.5'	67°26.9'
A	18°06.5'	67°26.9'

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50 CFR Part 622

[I.D. 101796C]

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

SUMMARY: NMFS announces that the Gulf of Mexico Fishery Management Council has submitted Amendment 14 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico for review, approval, and implementation by NMFS. Written comments are requested from the public.

DATES: Written comments must be received on or before December 23, 1996.

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

Requests for copies of Amendment 14, which includes an environmental assessment, a regulatory impact review, and an initial regulatory flexibility analysis, 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 Magnuson Fishery Conservation and Management Act requires that a Council-prepared amendment to a fishery management plan be submitted