

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 393

[FHWA Docket No. MC-96-41; USDOT Docket No. FHWA-97-2289]

RIN 2125-AE05

Public Meeting To Discuss the Development of the North American Standard for Protection Against Shifting or Falling Cargo

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FHWA is announcing a public meeting concerning the development of the North American Standard for Protection Against Shifting or Falling Cargo. The meeting will be held on September 27, 1997, at the Renaissance Denver Hotel in Denver, Colorado. The meeting will begin at 9:00 a.m. and end at 5:00 p.m. The meeting will include a review of the most recent version of the North American Standard for Protection Against Shifting or Falling Cargo and a review of cargo securement research recently conducted by certain industry groups.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Motor Carrier Research and Standards, HCS-10, (202) 366-4009; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On October, 17, 1996, the FHWA published an advance notice of proposed rulemaking (ANPRM) concerning the development of the North American Standard for Protection Against Shifting or Falling Cargo (61 FR 54142). The ANPRM indicated that the FHWA is considering proposing amendments to its regulations concerning cargo securement requirements for commercial motor vehicles engaged in interstate commerce. Specifically, the agency is considering adopting new cargo securement guidelines that will be based upon the results of a multi-year comprehensive research program to evaluate current regulations and industry practices. The FHWA requested comments on the process to

be used in developing the cargo securement guidelines.

Standard Development Process

The preliminary efforts at developing the North American Standard for Protection Against Shifting or Falling Cargo are currently being managed by a drafting group. The drafting group is developing a model set of cargo securement guidelines based upon the results from the multi-year research program. Membership in the drafting group includes representatives from the FHWA, Transport Canada, the Canadian Council of Motor Transport Administrators (CCMTA), the Ontario Ministry of Transportation, the Quebec Ministry of Transportation—Ontario and Quebec are conducting most of the research—and the Commercial Vehicle Safety Alliance (CVSA).

The meeting on September 27 is a follow-up to the May 3, 1997, public meeting and is intended to serve as part of a process for further developing the guidelines. A notice announcing the May 3, 1997, meeting was published in the *Federal Register* on April 21, 1997 (62 FR 19252). The September 27 meeting will involve a review of the work completed to date by the drafting group and the results of research recently completed by certain industry groups. The meeting is open to all interested parties. This process is intended to ensure that all interested parties have an opportunity to participate in the development of the guidelines, and to identify and consider the concerns of the Federal, State, and Provincial governments, carriers, shippers, industry groups, and associations as well as safety advocacy groups and the general public.

For individuals and groups unable to attend the meeting, the FHWA will publish the draft standard in the *Federal Register*. Further, the CCMTA has posted information on the INTERNET. The website is: <http://www.ab.org/ccmta/ccmta.html>.

With regard to future rulemaking notices, the FHWA will publish a separate notice concerning its review of the docket comments sent in response to the ANPRM. That notice will summarize the comments and identify any issues that warrant reconsideration of the standard development process.

Meeting Information

The meeting will be held on September 27, 1997, at the Renaissance Denver Hotel, 3801 Quebec Street, Denver, Colorado. The meeting is scheduled from 9:00 a.m. to 5:00 p.m. and is part of the Commercial Vehicle Safety Alliance's 1997 Annual

Conference. Attendance for the cargo securement meeting is free of charge and open to all interested parties. However, anyone interested in attending any other session or committee meeting of the CVSA's 1997 Annual Conference must register with the CVSA and pay the appropriate registration fee. For further information about registration for other sessions or meetings of the CVSA's 1997 Annual Conference please contact the CVSA at (301) 564-1623.

The FHWA notes that since the CVSA's 1997 Annual Conference is being held at the Renaissance Denver Hotel, the availability of guest rooms at the hotel is very unlikely. Therefore, those needing hotel accommodations should attempt to make reservations at other hotels in the vicinity.

List of Subjects in 49 CFR Part 393

Highway safety, Motor carriers, Motor vehicle safety.

Authority: 49 U.S.C. 31136, 31502; 49 CFR 1.48.

Issued on: August 22, 1997.

John F. Grimm,

Acting Associate Administrator for Motor Carriers.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 285, 630, 644 and 678

[I.D. 080597G]

Atlantic Tuna; Atlantic Swordfish; Atlantic Billfish; Atlantic Shark Fisheries

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

ACTION: Notice of intent to prepare two Environmental Impact Statement (EIS) documents, Fishery Management Plan (FMP) and FMP amendment documents; notice of receipt of petitions for rulemaking; and request for written comments.

SUMMARY: NMFS announces its intent to prepare two EIS documents to assess the impacts of potential future management options on the natural and human environment for the Atlantic tuna, Atlantic swordfish, and Atlantic shark fisheries and the Atlantic billfish fishery. NMFS also intends to prepare FMP and/or FMP amendment documents for Atlantic tunas, swordfish, sharks, and billfish to

address new requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and, in the case of any species identified as overfished, develop rebuilding programs. The purpose of this notice is to: inform the interested public of the intent to prepare these EIS and FMP documents; provide information on new fishery management requirements of the Magnuson-Stevens Act, as amended; announce that NMFS is considering measures for the 1998 Atlantic tunas, Atlantic swordfish, Atlantic shark, and Atlantic billfish fisheries; announce the receipt of two petitions for rulemaking for Atlantic billfish; and request public comments on issues that NMFS should consider in preparing the EIS and FMP documents for the Atlantic tuna, Atlantic swordfish, Atlantic shark, and Atlantic billfish fisheries. Scoping meetings for the EIS and the FMP documents will be scheduled at a later date.

DATES: Public comments must be received on or before October 27, 1997. Public meetings will be announced at a later date.

ADDRESSES: Comments on the proposal to prepare two EISs and the FMP documents should be sent to: Rebecca Lent, Chief, Highly Migratory Species Management Division (F/SF1), Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Liz Lauck or Jill Stevenson, 301-713-2347; fax 301-713-1917.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic tunas, swordfish, and billfish fisheries are managed under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). The Atlantic shark fishery is managed under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). The Magnuson-Stevens Act authorizes the Secretary of Commerce (Secretary) to prepare FMPs and FMP amendments for the highly migratory species (HMS) that require conservation and management within the geographical area of one or more of the following Fishery Management Councils: New England Council, Mid-Atlantic Council, South Atlantic Council, Gulf Council, and Caribbean Council. This includes Atlantic tunas, swordfish, sharks, and billfish. Furthermore, the Magnuson-Stevens Act requires the Secretary to develop a rebuilding program for each species identified as overfished. The ATCA

authorizes the Secretary to issue regulations as may be necessary to carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue these regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA.

The Atlantic swordfish fishery is managed under the FMP for Atlantic Swordfish, and its implementing regulations published September 18, 1995, and found at 50 CFR part 630 issued under the authority of the Magnuson-Stevens Act and the ATCA. Regulations issued under the authority of ATCA carry out the recommendations of the ICCAT.

The fishery for Atlantic sharks is managed under the FMP prepared by NMFS under authority of section 304(g) of the Magnuson-Stevens Act, as amended, and implemented by regulations found at 50 CFR part 678. The previous Notice of Intent to prepare an EIS for the Atlantic shark fishery (62 FR 27585, May 20, 1997) is herein incorporated into this Notice of Intent to prepare an EIS for the Atlantic tunas, Atlantic swordfish, and Atlantic shark fisheries.

The Atlantic billfish fishery is managed under the FMP for Atlantic Billfish, and its implementing regulations published September 28, 1988, and found at 50 CFR part 644 under the authority of the Magnuson-Stevens Act. Recently, NMFS received two petitions for rulemaking to revise the FMP for Atlantic Billfish and its implementing regulations. These petitions seek amendments to the FMP and its implementing regulations that would: (1) Eliminate unnecessary and burdensome paperwork requirements; (2) improve data collection and monitoring of harvests; (3) minimize the economic incentives for recreational fishers to target overfished marlin stocks; and (4) identify blue and white marlin as overfished species. The first three issues, as well as new requirements of the Magnuson-Stevens Act, will be addressed by NMFS in coordination with the Billfish Advisory Panel. Resolution of the fourth issue depends largely on agency action based on the final rule concerning the NMFS National Standard Guidelines that address overfishing and overfished stocks. This rule has been proposed (62 FR 41907, August 4, 1997) and will be finalized this October. Also this fall, NMFS will submit a list of overfished fisheries to Congress. Once a fishery is identified as overfished, NMFS has 1 year to develop an FMP or amendment to address overfishing and rebuilding.

Magnuson-Stevens Act Requirements

On September 27, 1996, Congress passed the Sustainable Fisheries Act (SFA), Public Law 104-297, which amended the Magnuson Fishery Conservation and Management Act (and renamed it the Magnuson-Stevens Fishery Conservation and Management Act). The SFA was signed into law on October 11, 1996. It contains several changes that affect the management and management processes of marine fisheries by the Secretary. Specifically, by October 11, 1998, all FMPs, FMP amendments, and FMP regulations must be amended, where necessary, to include: Reporting methods to identify the type and amount of bycatch or bycatch mortality; identification and use of data on commercial, recreational, and charter fishing components of the fishery; description and identification of Essential Fish Habitat (EFH), minimization to the extent practicable of adverse impacts caused by fishing on EFH, and identification of actions that will encourage conservation of EFH; and assessment of the impact of FMP measures on the fishing community. Additionally, each FMP must contain specific criteria regarding overfishing including: Specification of elements for identifying whether a fishery is overfished and measures to prevent overfishing; measures to rebuild overfished stocks and to ensure that, if deemed necessary, restrictions are equitably distributed among user groups; and measures to minimize mortality in recreational catch and release programs. Note that these are some, but not all, of the new requirements of the SFA. Refer directly to the Act for details.

Management Measures Under Consideration

NMFS will consider additional measures for 1998 and beyond for managing the Atlantic tuna, Atlantic swordfish, Atlantic shark, and Atlantic billfish fisheries. These measures will constitute, in part, long-term rebuilding programs for any fisheries identified as overfished and may include commercial quotas, recreational bag limits, commercial trip limits, minimum size restrictions, time/area closures, regional quotas, consistency between state and Federal regulations, gear restrictions, limited access, and permitting and reporting requirements. Consistent with the amended Magnuson-Stevens Act, NMFS is establishing advisory panels (APs) to assist in the development of FMPs and FMP amendments for Atlantic tunas, swordfish, sharks, and billfish. The HMS AP will assist NMFS

in developing a single FMP that will establish a management plan for Atlantic tunas and will amend the existing plans for Atlantic swordfish and Atlantic sharks. The Billfish AP will assist NMFS in amending the Atlantic Billfish FMP. Scoping for the two EISs and the FMP documents will be held in conjunction with the APs.

NMFS has determined that preparation of one EIS is appropriate for the Atlantic tunas, Atlantic swordfish, and Atlantic shark fisheries due to the potentially significant impact of upcoming regulations on the human environment and because changes have occurred in the fisheries since the last EISs were prepared. In addition, NMFS

has determined that one EIS is appropriate for these fisheries due to the high degree of overlap in the participants in HMS fisheries, and because regulatory actions affecting one fishery can directly or indirectly impact the other fisheries. Participants in the fishery, including processors, may be required to operate under alternative management measures that may redistribute fishing effort and/or mortality in order to facilitate recovery of these highly migratory resources. NMFS has determined that a separate EIS for Atlantic billfish is appropriate because of differences between the fishery for Atlantic billfish and the other Atlantic HMS fisheries.

Timing of the Analysis and Tentative Decisionmaking Schedule

Written comments on the intent to prepare the two EISs and the FMP documents will be accepted until October 27, 1997. Comments will be considered in the preparation of the draft EISs (DEIS) as part of FMP or FMP amendment documents addressing long-term rebuilding programs and other measures.

Dated: August 22, 1997.

George H. Darcy,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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