inspections, assign a lower priority to worksites where consultation visits are pending.

* * * * *

(4) The recognition and exemption program of the Occupational Safety and Health Administration (OSHA) consultation services provides incentives and support to smaller, high-hazard employers to work with their employees to develop, implement, and continuously improve the effectiveness of their workplace safety and health management system.

(i) *Programmed Inspection Schedule.* (A) When an employer requests participation in a recognition and exemption program, and undergoes a consultative visit covering all conditions and operations in the place of employment related to occupational safety and health; corrects all hazards that were identified during the course of the consultative visit within established time frames; has began to implement all the elements of an effective safety and health program; and agrees to request a consultative visit if major changes in working conditions or work processes occur which may introduce new hazards, OSHA's Programmed Inspections at that particular site may be deferred while the employer is working to achieve recognition and exemption status.

(B) Employers who meet all the requirements for recognition and exemption will have the names of their establishments removed from OSHA's Programmed Inspection Schedule for a period of not less than one year. The exemption period will extend from the date of issuance by the Regional Office of the certificate of recognition.

(ii) *Inspections.* OSHA will continue to make inspections in the following categories at sites that achieved recognition status and have been granted exemption from OSHA's Programmed Inspection Schedule; and at sites granted inspection deferrals as provided for under § 1908.7(b)(4)(i)(A):

(A) Imminent danger.

(B) Fatality/Catastrophe.

(C) Formal Complaints.

(5) When an employer requests consideration for participation in the recognition and exemption program under § 1908.7(b)(4), the provisions of § 1908.6(e)(7), (e)(8), (f)(3), and (f)(5) shall apply to other-than-serious hazards as well as serious hazards.

(c) * * *

(3) In the event of a subsequent inspection, the employer is not required to inform the compliance officer of the prior visit. The employer is not required to provide a copy of the state consultant's written report to the compliance officer, except to the extent that disclosure of information contained in the report is required by 29 CFR 1910.1020 or other applicable OSHA standard or regulation.

* * * * *

[FR Doc. 99–16592 Filed 7–1–99; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 990625173–9173–01; I.D. 033199C]

RIN 0648–AL57

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 16B

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 16B to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). This proposed rule would establish size limits for banded rudderfish, lesser amberjack, cubera snapper, dog snapper, mahogany snapper, mutton snapper, schoolmaster, scamp, gray triggerfish, and hogfish; exclude banded rudderfish, lesser amberjack, and hogfish from the 20–fish aggregate (combined) reef fish bag limit; establish new bag limits for hogfish, speckled hind, warsaw grouper, and for banded rudderfish and lesser amberjack combined; and remove queen triggerfish from the listing of Gulf reef fish and from the applicable regulations. The intended effect of this rule is to conserve and manage the reef fish resources of the Gulf of Mexico.

DATES: Written comments must be received on or before August 16, 1999.

ADDRESSES: Comments on the proposed rule must be sent to Dr. Roy E. Crabtree, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 16B, which includes an environmental assessment, and a regulatory impact review (RIR) should be sent to the Gulf of Mexico Fishery Management Council, Suite 1000, 3018 U.S. Highway 301 North, Tampa, FL 33619; Phone: 813–228–2815; Fax: 813-225-7015; E-mail: gulf.council@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Roy E. Crabtree at 727-570-5305; Fax: 727-570-5583.

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 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Amendment 16B establishes more conservative bag and size limits for several reef fish species and improves consistency with Florida's regulations, thereby improving enforcement.

Measures for Minor Amberjack Species

The word ''minor'' used by the Council in the FMP is not intended to reflect on the significance of these measures but instead to refer to the species banded rudderfish and lesser amberjack. A 1996 NMFS stock assessment suggests that the number of young greater amberjack has decreased steadily since 1991. In addition, anecdotal information from anglers along Florida's Gulf coast suggests that greater amberjack have decreased in size and abundance in recent years. In response to this information, the Council developed Amendment 12 to the FMP that established a 1–fish bag limit for greater amberjack and Amendment 15 to the FMP that established a seasonal closure of the commercial fishery. Under the FMP, greater amberjack are also subject to minimum size limits of 28 inches (71.1 cm) fork length for the recreational fishery and 36 inches (91.4 cm) for the commercial fishery.

Juvenile greater amberjack, lesser amberjack, and banded rudderfish are difficult for the public to distinguish; consequently, misidentified juvenile greater amberjack may be landed as lesser amberjack or banded rudderfish, species that are currently unregulated. Therefore, the Council believes that additional protection for juvenile greater amberjack is warranted. The intent of this rule is to reduce the harvest of misidentified juvenile greater amberjack by limiting the harvest of these minor amberjack species.

The Council proposed in FMP Amendment 12 to apply an aggregate bag limit and a minimum size limit of 28 inches (71.1 cm) to greater amberjack, lesser amberjack, and banded rudderfish. These proposed

measures would have effectively eliminated the recreational harvest of banded rudderfish and lesser amberjack because these species rarely, if ever, reach 28 inches (71.1 cm). Although the Council did not present this aspect of the measures as a deliberate, direct allocation, it would have operated as the functional equivalent of a direct allocation because the effect of the measures would have been to shift the allocation of these species from principally recreational to entirely commercial. NMFS, considering this allocation unfair and inequitable, disapproved this portion of Amendment 12 based on national standard 4 of the Magnuson-Stevens Act, which requires that allocations of fishing privilege be fair and equitable to all fishermen.

Amendment 16B proposes new bag and size limits that should reduce the harvest of banded rudderfish, lesser amberjack, and misidentified greater amberjack while continuing to allow a limited recreational harvest of banded rudderfish and lesser amberjack. The proposed rule would (1) establish a ''slot limit'' of 14 inches (35.6 cm) (minimum) to 22 inches (55.9 cm) (maximum) fork length for the commercial and recreational harvest of banded rudderfish and lesser amberjack and (2) establish a 5–fish aggregate bag limit for banded rudderfish and lesser amberjack and exclude both species from the 20–fish aggregate reef fish bag limit.

Species Not Listed in the Management Unit

Since its inception, the FMP has included two lists of reef fishes: one of species in the management unit and another of species in the fishery but not included in the management unit. The establishment of a list of species in the fishery not to be included in the management unit was originally intended for data collection purposes only; however, the existence of two lists has created confusion regarding which species are subject to the FMP's management measures and implementing regulations. Amendment 16B would eliminate the distinction in the FMP between these two lists and create a single list of ''species in the reef fish FMP,'' which identifies the FMP's reef fish management unit species. Sand perch, dwarf sand perch, queen triggerfish, and hogfish are the only four reef fish species that are currently considered by the FMP to be species in the fishery but not in the management unit. Amendment 16B would include hogfish, dwarf sand perch, and sand perch in the FMP's management unit and remove queen triggerfish from the FMP and from the regulations implementing the FMP. This would allow Florida to regulate vessels registered in the State of Florida and fishing for queen triggerfish in the exclusive economic zone (EEZ) under Florida's more conservative management measures. Although queen triggerfish are found throughout the Gulf of Mexico, they are abundant only off Florida and are seldom landed outside Florida.

Size and Bag Limits Compatible with Florida's Regulations

Florida has established bag and size limits on several reef fish species for which there are either no corresponding limits in the EEZ or the Federal limits differ from the State limits. In response to a request from the Florida Marine Fisheries Commission (Commission) that the Council consider implementing size and bag limits consistent with those in Florida's waters, the Council proposes new consistent bag and size limits. In a November 3, 1994, letter, the Commission provided biological information that formed the basis for its request of Council. Based on the best scientific information available and on the precautionary approach to fisheries management, the Council believes that there is a need for greater protection for these species. The Council concluded that bag and size limits compatible with Florida's would be the most effective means of achieving this greater protection because compatible regulations would facilitate compliance and enforcement. Furthermore, the Council observes that, with the possible exception of gray triggerfish, Florida accounts for most of the recreational and commercial landings of these species. The Council believes that the proposed 12–inch (30.5–cm) minimum size limit for gray triggerfish is needed to respond to increasing effort directed toward the species and to anecdotal information that the stocks off Florida are declining and in need of regulation. The Council's belief is based on information provided by the Florida Marine Fisheries Commission and by a NMFS' assessment prepared for the South Atlantic Fishery Management Council.

The proposed rule would establish the following minimum size limits: Cubera snapper (12 inches (30.5 cm), total length (TL)); dog snapper (12 inches (30.5 cm), TL); mahogany snapper (12 inches (30.5 cm), TL); schoolmaster (12 inches (30.5 cm), TL); mutton snapper (16 inches (40.6 cm), TL); scamp (16 inches (40.6 cm), TL); gray triggerfish (12 inches (30.5 cm), TL); and hogfish (12 inches (30.5 cm), fork length). In addition, the proposed rule would establish a 5–fish bag limit for hogfish, exclude hogfish from the 20–fish aggregate reef fish bag limit, and clarify that sand perch and dwarf sand perch are excluded from the 20–fish aggregate bag limit. Sand perch and dwarf sand perch are often used as bait, and no evidence exists to suggest their stocks are in need of management.

Speckled Hind and Warsaw Grouper

The NMFS Office of Protected Resources has added speckled hind and warsaw grouper to the list of candidates for possible listing as threatened or endangered under the Endangered Species Act. Candidate status does not afford any additional protection for a species, but it does reflect a significant level of concern regarding a species' status. The proposed rule would establish a recreational bag limit of one speckled hind and one warsaw grouper per vessel. These new restrictions also would prohibit the sale of these species by the recreational sector because the FMP and existing regulations prohibit the sale of all reef fish subject to bag limits. The commercial harvest of warsaw grouper and speckled hind would continue and be limited by the deep-water grouper quota. The Council believes that, because warsaw grouper and speckled hind are usually caught in relatively deep water, the mortality rate of released fish is high; consequently, closure of the fishery would provide little additional protection. Furthermore, the Council believes that, because commercial vessels do not target these species and because the Council's intent is to eliminate targeted fishing of these species, additional restrictions on the commercial fishery are not needed.

Additional background and rationale for the measures discussed here are contained in Amendment 16B, the availability of which was announced in the **Federal Register** on April 14, 1999 (64 FR 18395). Written comments on Amendment 16B are solicited and must be received by June 14, 1999. Comments that are received by June 14, 1999, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its approval/disapproval decision on Amendment 16B. Comments received after that date will not be considered in the approval/disapproval decision. All comments received on Amendment 16B or on this proposed rule during their respective comment periods will be addressed in the preamble to the final rule.

Classification

At this time, NMFS has not determined that the amendment that this proposed rule would implement is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period on Amendment 16B.

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

The Chief Counsel for Regulation of the Department of Commerce has 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.

The Gulf of Mexico Fishery Management Council (Council) prepared a Regulatory Impact Review (RIR) indicating that the proposed actions in Amendment 16B are not significant under E.O. 12866. The Council also determined, and NMFS concurs, that the proposed actions will not result in a significant impact on a substantial number of small entities. From an overall viewpoint, the RIR indicates that the measures will result in short-term commercial revenue losses that are minor but only partially quantified. The entities that will be affected by the proposed regulations consist of about 1,500 commercial reef fish vessels with permits and about 900 for-hire (charterboat and headboat) vessels with permits. All of these firms qualify as small business entities according to the Small Business Administration definitions. Because of the large number of species involved in the proposed regulations, it is clear that over 20 percent of the small entities engaged in commercial and for-hire businesses that have a dependency on the reef fish fishery will be impacted to some degree by the regulations in aggregate. However, the degree of impact will be small as is shown in the following discussion.

The annual aggregate reef fish gross revenues produced by the commercial harvesters is about $45 million. Although there is no definitive information available regarding the gross revenues generated by the for-hire businesses, an estimate can be obtained by assuming that these 900 businesses conduct an average of about 250 trips per year at an average cost to the customers of about $500 per trip. These estimates are considered to be reasonable, and if so, the aggregate annual gross revenues for the for-hire businesses would exceed $100 million. In any event, the size of gross revenue generated by the for-hire businesses is comparable to revenues generated by the commercial harvesters.

It is proposed that a slot size limit of 14 inches minimum and 22 inches maximum be set for banded rudderfish and lesser amberjack. This slot limit would likely reduce the annual level of commercial catches because a small portion of the historical catch is known to exceed 22 inches. Although the exact amount of the reduction cannot be estimated due to a lack of data, it is known that the total annual commercial revenue for the two species combined is about $62,000. Hence, even if these species were totally excluded from the commercial catch, and they will not be, the maximum effect would be a reduction in reef fish revenues of about one tenth of one percent.

The for-hire fishery also lands banded rudderfish and lesser amberjack, but data regarding the poundage involved are not conclusive. For example, the 1993 data indicate that up to 200,000 pounds may have been landed by the for-hire sector, but data for 1995 and 1996 indicate that current landings are less than 10,000 pounds per year. This may be explainable since the various amberjack species are very similar and the early data may include a large poundage of misidentified juvenile greater amberjack. Assuming that the more recent data are the most reliable because greater efforts toward species identification have been made recently, then the potential impacts on the for hire fishery are very small. Further, available data indicate that most of the for-hire catch currently falls within the proposed slot limit. Hence, available information indicates only a very small, but not fully quantified, effect on the for-hire sector. A 5–fish recreational bag limit is proposed for banded rudderfish and lesser amberjack. Recreational catch data collected since 1993 indicate that catches of banded rudderfish or lesser amberjack have never exceeded 3 fish per trip. Hence, the economic impact on the for-hire businesses is expected to be negligible.

The proposal to establish minimum size limits for cubera snapper, dog snapper, mahogany snapper, mutton snapper, schoolmaster, scamp, gray triggerfish and hogfish are proposed in order to bring Federal rules into compliance with size rules established by the state of Florida where most of the catch of these species occurs. With an exception in the case of scamp, these species are rarely caught in Federal waters. The proposed minimum size for scamp is 16 inches and because most of the catch of scamp in Federal waters consists of fish over 16 inches, the impact is expected to be very small. Another proposal will establish a 5–fish recreational bag limit for hogfish. The bulk of the recreational take of hogfish is by private recreational fishermen using spearguns; the for-hire industry accounts for only 1–3 percent of the total catch. Further, the catch of hogfish by any individual angler on a for-hire trip rarely exceeds five fish. Hence, the economic impact is expected to be negligible.

There is also a provision for a 1–fish bag limit for speckled hind and warsaw grouper. These species are thought to be highly overfished, and the current recreational catch of these two species is very small. The bag limits are proposed just as a precautionary measure in the event any particular angler might encounter an extraordinary assemblage of either species and the impact, if any, will be very small.

The provision to exclude banded rudderfish, lesser amberjack and hogfish from an existing 20–fish bag limit for species not otherwise regulated by a bag limit is being done for administrative purposes because these species will come under bag limits established by other proposals already discussed. Hence, this particular proposal has no impact.

The provision to remove queen triggerfish from the Reef Fish Fishery Management Plan is being suggested because the species is considered to be an ornamental species that is not normally targeted by commercial or recreational fishermen in Federal waters. The effect of the proposed regulation is to allow the state of Florida, which has jurisdiction for ornamental species, to enforce their existing laws with respect to catches that may occur in Federal waters. In any event, this species is rarely taken in Federal waters, and the expected economic impact is near zero.

The foregoing discussion establishes that the expected economic impacts of the proposed measures is very minor in the individual sense and in the aggregate. Hence, it is clear that there will not be a significant economic impact on a substantial number of small business entities engaged in the commercial harvesting of reef fish nor on the for-hire industry entities that depend on reef fish species for their livelihood.

As a result, 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: June 28, 1999.

Andrew A. Rosenberg,

Deputy 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 § 622.34, the last sentence in paragraph (g)(1) is revised to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(g) * * *

(1) * * * The provisions of this paragraph do not apply to the following species: dwarf sand perch, hogfish, and sand perch.

* * * * *

3. In § 622.37, the section heading, introductory text, and paragraph (d) are revised to read as follows:

§ 622.37 Size limits.

All size limits in this section are minimum size limits unless specified otherwise. Except for undersized king and Spanish mackerel allowed in paragraphs (c)(2) and (c)(3) of this section, a fish not in compliance with its size limit, as specified in this section, in or from the Caribbean, Gulf, South Atlantic, and/or Mid-Atlantic EEZ, as appropriate, may not be possessed, sold, or purchased. A fish not in compliance with its size limit must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on board are in compliance with the size limits specified in this section.

* * * * *

(d) *Gulf reef fish*—(1) *Snapper*. (i) Lane snapper—8 inches (20.3 cm), TL.

(ii) Vermilion snapper—10 inches (25.4 cm), TL.

(iii) Cubera, dog, gray, mahogany, and yellowtail snappers and schoolmaster—12 inches (30.5 cm), TL.

(iv) Red snapper—15 inches (38.1 cm), TL.

(v) Mutton snapper—16 inches (40.6 cm), TL.

(2) *Grouper*. (i) Scamp—16 inches (40.6 cm), TL.

(ii) Black, red, and yellowfin groupers and gag—20 inches, (50.8 cm), TL.

(3) *Other Gulf reef fish species*. (i) Gray triggerfish—12 inches (30.5 cm), TL.

(ii) Hogfish—12 inches (30.5 cm), fork length.

(iii) Banded rudderfish and lesser amberjack—14 inches (35.6 cm), fork length (minimum size); 22 inches (55.9 cm), fork length (maximum size).

(iv) Greater amberjack—28 inches (71.1 cm), fork length, for a fish taken by a person subject to the bag limit specified in § 622.39(b)(1)(i); and 36 inches (91.4 cm), fork length, for a fish taken by a person not subject to the bag limit.

* * * * *

4. In § 622.39, the second and third sentences of paragraph (a)(1), and paragraphs (b)(1)(ii), (b)(1)(v), and (b)(2) are revised; and paragraphs (b)(1)(vii) and (b)(1)(viii) are added to read as follows:

§ 622.39 Bag and possession limits.

(a) * * *

(1) * * * Unless specified otherwise, bag limits apply to a person on a daily basis, regardless of the number of trips in a day. Unless specified otherwise, possession limits apply to a person on a trip after the first 24 hours of that trip. * * *

* * * * *

(b) * * *

(1) * * *

(ii) Groupers, combined, excluding jewfish and Nassau grouper—5 per person per day, but not to exceed 1 speckled hind and 1 Warsaw grouper per vessel per day.

* * * * *

(v) Gulf reef fish, combined, excluding those specified in paragraphs (b)(1)(i) through (b)(1)(iv) and paragraphs (b)(1)(vi) through (b)(1)(viii) of this section and excluding dwarf sand perch and sand perch—20.

* * * * *

(vii) Banded rudderfish and lesser amberjack, combined—5.

(viii) Hogfish—5.

(2) *Possession limits*. A person, or a vessel in the case of speckled hind or Warsaw grouper, on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

* * * * *

Table 3 of Appendix A to Part 622 [Amended]

5. In Table 3 of Appendix A to Part 622, the entry, ''Queen triggerfish, *Balistes vetula*'', is removed.

[FR Doc. 99–16916 Filed 7–1–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 062199A]

New England Fishery Management Council; Public Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 3-day public meeting on July 13-15, 1999, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, July 13, 1999, at 9:30 a.m. and on Wednesday and Thursday, July 14-15, 1999, at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone (207) 775-2331. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036; telephone: (781) 231-0422.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231-0422.

SUPPLEMENTARY INFORMATION:

Tuesday, July 13, 1999

At the start of the meeting the Council Chairman and Executive Director will ask The Council for approval to form a Research Steering and Experimental Fisheries Committee. This group would identify and prioritize fishery management research needs in the Northeast region, including the one-percent TAC set-aside earmarked for sea scallop fishery research. A presentation of the Interspecies Committee Report will follow and will review discussions about: Managing fishing harvest capacity, including NMFS initiatives; strawman proposals for controlling latent effort; possible changes to the fishing year for Council fishery management plans; and outstanding issues for small vessel upgrading provisions. The morning session will conclude with a presentation of the annual Stock Assessment and Fishery Evaluation Report for the herring fishery.

In the afternoon, the Council will discuss Atlantic herring management and will consider the following actions: Approval of specifications for the 2000 fishing year, approval of an adjustment to the U.S. at-sea processing specification for the 1999 fishing year, and approval to develop a framework adjustment to the proposed Herring Fishery Management Plan (FMP) for the 2000 fishing year. The framework adjustment would change the FMP to include a possible adjustment to the timing of the fishing year, changes to reporting requirements for large domestic at-sea processing vessels, a modification to allow the specification of U.S. at-sea processing allocation by management area, and possible changes to other measures contained in the FMP. The Council will also discuss and may approve a control date for the herring fishery and development of a controlled access system.

Wednesday, July 14, 1999

The Council will continue to discuss herring agenda items until noon. An update on whiting management will