stamps, or other authorized methods not requiring cancellation, according to the standards for the class of mail.

[Delete renumbered 2.6.]
* * * *
[Delete renumbered 3.2.]
* * * *
[Delete renumbered 4.2.]
* * * *
[Delete renumbered 4.4.]
* * * *
[Revise redesignates 5.0 to read as follows:]

5.0 CONGRESSIONAL FRANK
* * * *

5.2 Alternative Addressing
Mail sent under the franking privilege of a member of, or member-elect to, the Congress, or a delegate, delegate-elect, resident commissioner, or resident commissioner-elect to the House of Representatives may be addressed under the alternative addressing formats in 2.0 through 4.0 for delivery to customers within the congressional district, state, or area that he or she was elected to represent. A member of the House of Representatives may not, under the franking privilege, use the alternative addressing formats to send mail outside the congressional district that elected that member. Any representative elected at large may send franked mail with the simplified address format to postal customers within the entire state that elected the member.
* * * *

5.4 Delivery
Mail with a simplified addressing format is delivered within the district, state, or area to any of the following:
a. Each boxholder or family on a rural or highway contract route.
b. Each post office boxholder.
c. Each active possible delivery on city carrier routes.
d. For deliveries under 5.4a and 5.4c, partial distribution of simplified address mailings is permitted only when the carrier’s delivery territory crosses congressional district boundaries. In these cases, complete distribution is made to the portion of the route within a single congressional district.
* * * *

F Forwarding and Related Services
F000 Basic Services
* * * *
F010 Basic Information
* * * *

4.0 BASIC TREATMENT
* * * *

Exhibit 4.1 USPS Endorsements for Mail Undeliverable as Addressed
[Revise the footnote at the bottom of the exhibit to read as follows:]

* * * *

*Alternative address formats may not be used on: Express Mail, mail with any special service, mail sent with any ancillary service endorsement, or mail sent to any overseas post office. When an alternative address format is used on Periodicals, the publisher is notified of nondelivery only for those reasons marked with an asterisk (*).

* * * *

5.0 CLASS TREATMENT FOR ANCILLARY SERVICES

5.1 First-Class Mail and Priority Mail
* * * *
[Revise item b to read as follows:]

b. Alternative address formats under A040 may not be used on mail with any ancillary service endorsement or mail with any special service. Forwarding service is not provided for such mail. Undeliverable First-Class Mail with any alternative address format is returned with the reason for nondelivery attached only if the address is incorrect or incomplete or the mail is undeliverable for another reason, related solely to the address, as shown in Exhibit 4.1.
* * * *

5.2 Periodicals
[Revise item b to read as follows:]

b. Publications with an alternative address format under A040 are delivered to the address when possible. Forwarding service is not provided for such mail. A notice with the reason for the nondelivery of a publication is sent to the publisher only if the copy cannot be delivered to the current address.
* * * *

Stanley F. Mires,
Chief Counsel, Legislative.
[FR Doc. 03–13473 Filed 5–29–03; 8:45 am]

BILLING CODE 7710–12–P

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

50 CFR Part 622
[Docket No. 030430107–3107–01; I.D. 040703A]
RIN 0648–AN87

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Pelagic Sargassum Habitat of the South Atlantic Region

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 the Fishery Management Plan for Pelagic Sargassum Habitat of the South Atlantic Region (FMP). This rule proposes to limit the harvest or possession of pelagic sargassum in or from the exclusive economic zone (EEZ) off the southern Atlantic States to 5,000 lb (2,268 kg) annually, restrict fishing for pelagic sargassum in the South Atlantic EEZ to an area no less than 100 nautical miles offshore of North Carolina and to the months of November through June, require vessel owners or operators to accommodate NMFS-approved observers on all pelagic sargassum fishing trips, and restrict the mesh and frame sizes of nets used to harvest pelagic sargassum. The FMP also identifies essential fish habitat (EHF); establishes EHF-habitat areas of particular concern (EFH-HAPCs); and defines management unit, maximum sustainable yield, optimum yield, and overfishing parameters. The intended effects are to conserve and manage pelagic sargassum and to protect EHF.

DATES: Comments on this proposed rule must be received no later than 5 p.m., eastern time, on June 30, 2003.

ADDRESSES: Copies of the FMP may be obtained from the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; phone: 843–571–4366; fax: 843–769–4520; e-mail: safnc@safmc.net. The FMP includes a Final Environmental Impact Statement (FEIS), a Regulatory Impact Review, and a Social Impact Assessment/Fishery Impact Statement.

Written comments on this proposed rule must be mailed to Steve Branstetter, Southeast Region, NMFS, 9721 Executive Center Drive N., St.
viability of the resource and, therefore, would be in compliance with the habitat policies of the Council, NMFS, and NOAA and in conformance with the mandate of the Magnuson-Stevens Act to address EFH. Accordingly, this rule proposes an annual quota of 5,000 lb (2,268 kg) wet, landed weight.

**Area and Seasonal Restrictions**

This rule proposes to restrict the harvest of pelagic sargassum in the South Atlantic EEZ to the area that is bounded by the latitude line of the Virginia/North Carolina boundary and 34° N. lat., (a line closely approximating the North Carolina/South Carolina boundary), and more than 100 nautical miles offshore. This restriction would prevent any geographic expansion of the fishery in the South Atlantic EEZ. In addition, this rule proposes to seasonally restrict the harvest of pelagic sargassum to the months of November through June. This seasonal restriction would lessen the incidental take of sea turtles. The summer and fall months are the months when the greatest density of post-hatching sea turtles is expected to occur in weed lines of pelagic sargassum.

**Observer Requirement**

This rule proposes to require an owner or operator of a vessel in the fishery to accommodate a NMFS-approved observer on trips. This requirement would facilitate the monitoring of pelagic sargassum catches, provide valuable information on the pelagic sargassum resource, and monitor the incidental take of sea turtles and other bycatch. The FMP specifies the proposed bycatch sampling methodology.

**Net and Frame Size Limitations**

This rule proposes a minimum allowable mesh size for a net used for pelagic sargassum of 4 inches (10.2 cm), stretched mesh, which was the minimum mesh size historically employed in the fishery. This minimum mesh size would preclude any increase in incidental catch that might be associated with smaller mesh sizes. This rule also proposes a limit on the size of the frame used to hold a pelagic sargassum net. Such frame could be no larger than 4 ft by 6 ft (1.2 m by 1.8 m). This measure would control harvesting efficiency and would help limit the amount of any one bed of pelagic sargassum that would be harvested, thus preserving some habitat for the remaining larval and juvenile fish and juvenile sea turtles after harvesting occurs.

**Additional Measures in the FMP**

In addition to the measures described above, for the management of pelagic sargassum, the FMP would establish the management unit; specify MSY, OY, maximum fishing mortality threshold (MFMT) (the fishing mortality rate which, if exceeded, constitutes overfishing), and minimum stock size threshold (MSST) (the stock size below which pelagic sargassum is overfished); and identify EFH and EFH-HAPC as follows:

**Management unit** - The population of pelagic sargassum (*Sargassum natans* or *S. fluitans*) in the South Atlantic EEZ and in adjoining state waters.

**MSY** - 100,000 mt (220,460,000 lb).

**OY** - 5,000 lb (2,268 kg), wet weight.

**MFMT** - 9.0 to 18.0 units per year (These values relate to the intrinsic rate of increase in the population).

**MSST** - 25,000 mt (55,115,000 lb).

**EFH - Where pelagic sargassum occurs in the South Atlantic EEZ and adjoining state waters including the Gulf Stream.**

**EFH-HAPC - Where pelagic sargassum occurs in the South Atlantic EEZ and adjoining state waters.**

**Availability of the FMP**

Additional background and rationale for management of sargassum are contained in the FMP. The availability of the FMP was announced in the Federal Register on April 17, 2003, (68 FR 18942). Written comments on the FMP must be received by June 16, 2003. NMFS will address all comments that are received on the FMP or on this proposed rule during their respective comment periods.

**Classification**

At this time, NMFS has not determined that the FMP is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. In making that determination, NMFS will take into account the data, views, and comments received during the comment period.

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

The Council prepared a Draft Environmental Impact Statement (DEIS) for the original version of the FMP; a notice of its availability was published on July 17, 1998 (63 FR 38643). The comment period ended on August 24, 1998. The environmental impacts described in the DEIS are summarized as follows: The proposed actions are not expected to have any adverse effects on the ocean and coastal habitats. The pelagic sargassum fishery substantially...
impacts habitat that is essential to a number of species under the Council’s management. The proposed actions will have a positive impact on the physical environment by limiting removal of pelagic sargassum. One firm that has harvested pelagic sargassum may be forced to cease operation unless an alternative source of pelagic sargassum can be economically accessed. The proposed actions are not expected to have a substantial adverse impact on public health or safety and are not expected to affect adversely a marine mammal population.

The Council prepared a FEIS for the original version of the FMP; a notice of its availability was published on October 15, 1999 (64 FR 55912). The comment period ended on November 15, 1999.

After the Council revised the original FMP, NMFS prepared a Supplemental DEIS; a notice of its availability was published on January 11, 2002 (67 FR 1462). The comment period ended on February 25, 2002.

The current FEIS is included in the FMP. The basic conclusions regarding the environmental impacts described in the Supplemental DEIS and the current FEIS are not significantly changed from the DEIS. It should be noted however, that no harvest of sargassum has been recorded since 1997 by the one firm. No directed fishery for sargassum currently exists in the South Atlantic.

Under section 7 of the Endangered Species Act, NMFS completed a consultation on the effect of the sargassum fishery on listed species, including loggerhead, green, leatherback, hawksbill, and Kemp’s ridley sea turtles. The biological opinion (BO), dated March 21, 2003, concludes that the sargassum fishery, as proposed to be managed by the FMP, would not likely jeopardize the continued existence of these sea turtle species. The BO sets a level of incidental take and existence of these sea turtle species. The BO sets a level of incidental take and existence of these sea turtle species.

The profitability question is: Will the regulations place a substantial number of small business entities at a significant competitive disadvantage to large business entities? Since no directed fishery for sargassum currently exists, no business entities, large or small, currently participate in the fishery. The sole historical participant, however, qualified as a small business entity. Since no participants in the fishery currently exist, and the sole historical participant was a small business entity, the issue of disproportionality does not arise.

The profitability question is: Will the regulations significantly reduce profit for a substantial number of small entities? Since no directed fishery for sargassum currently exists, the regulations do not significantly reduce profit for a substantial number of small
entities. Had the sole historical participant in the fishery continued operation, the allowable TAC would have reduced average harvest and revenues by 65 percent, from 14,333 lb (6,501 kg) wet weight (1995–1997 average harvest) to 5,000 lb (2,268 kg), with revenues reduced from $43,000 to $15,000. Although profit figures are not available, it is obvious that the reduction in profit would also be significant. However, as previously stated, no directed fishery exists, so no reduction in profits will occur for any small business entities.

Since there is no directed fishery for sargassum and no current processing of stockpiled product is assumed to be occurring, the proposed rule would not generate any negative economic impacts on small entities. Therefore, the issue of significant alternatives to mitigate economic impacts is not relevant. However, in the event that directed harvest is attempted, only the proposed harvest restrictions would result in direct economic impacts. The proposed harvest restrictions are not believed to be sufficient to allow sustained participation in a directed fishery for sargassum since the allowable harvest is only 5,000 lb (2,268 kg) wet weight per year. Two other alternatives, allowing no harvest and prohibiting harvest after January 1, 2001, would similarly not support sustained participation in the fishery and are, therefore, not relevant significant alternatives in that they would not mitigate the negative economic impacts of the proposed rule.

The no action alternative and an alternative establishing the TAC at 100,000 metric tons wet weight would effectively allow unrestricted harvest. Additional alternatives would specify TAC at 20,000 lb (9,072 kg) wet weight and 200,000 lb (90,720 kg) wet weight, which would allow harvests greater than the historical average harvest per year (8,615 lb (3,908 kg) wet weight for 1976–1997 or 14,333 lb (6,501 kg) wet weight for 1995–1997). Any of these alternatives would, therefore, eliminate the negative economic impacts on a directed fishery. These alternatives, however, are inconsistent with the Council’s intent to both discontinue unregulated harvest of sargassum and limit expansion of a sargassum fishery. The Council concluded that severe limitation on harvest is likely to increase productivity of marine life in the ecosystem and thus increase consumptive and, non-consumptive, and indirect (value to other species as habitat) use values. Furthermore, the Council concluded that maintaining these consumptive, non-consumptive, and indirect use benefits greatly outweigh the costs resulting from severely limiting harvest. In addition, there was overwhelming public support for a measure to prohibit the directed harvest of sargassum.

Copies of the IRFA and RIR are available upon request (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This proposed rule contains the collection-of-information requirements subject to review and approval by OMB under the PRA. These requirements have been submitted to OMB for approval. The public reporting burden is estimated to be 45 minutes per vessel for vessel identification requirements and 5 minutes for notification prior to a trip. Public comment is sought regarding whether these proposed collections-of-information are necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimates; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burdens of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collections of information to NMFS and OMB (see ADDRESSES).

List of Subjects in 50 CFR Part 622

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


Rebecca Lent,
Deputy Assistant Administrator for Regulatory Programs, 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: Authority: 16 U.S.C. 1801 et seq.

2. In §622.1, table 1, the following entry is added in alphabetical order to read as follows:

<table>
<thead>
<tr>
<th>§622.1 Purpose and scope.</th>
</tr>
</thead>
<tbody>
<tr>
<td>* * * * * *</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TABLE 1.—FMPs IMPLEMENTED UNDER PART 622</th>
</tr>
</thead>
<tbody>
<tr>
<td>FMP Title</td>
</tr>
<tr>
<td>------------</td>
</tr>
<tr>
<td>* * * * *</td>
</tr>
</tbody>
</table>

3. In §622.2, the definition of "Pelagic sargassum" is added in alphabetical order to read as follows:

§622.2 Definitions and acronyms.

* * * * * * Pelagic sargassum means the species Sargassum natans or S. fluitans, or a part thereof.

4. In §622.6, paragraph (a)(1)(i) introductory text is revised to read as follows:

§622.6 Vessel and gear identification.

(a) * * *

(1) (i) Official number. A vessel for which a permit has been issued under §622.4, and a vessel that fishes for or possesses pelagic sargassum in the South Atlantic EEZ, must display its official number--

* * * * * *

5. In §622.8, paragraph (a), paragraph (b) introductory text, and paragraph (c) introductory text are revised to read as follows:

§622.8 At-sea observer coverage.

(a) Required coverage—(1) Pelagic sargassum. The owner or operator of a vessel that harvests or possesses pelagic sargassum on any trip in the South Atlantic EEZ must carry a NMFS-approved observer.

(2) Golden crab. The owner or operator of a vessel for which a Federal commercial permit for golden crab has been issued must carry a NMFS-approved observer, if the vessel’s trip is selected by the SRD for observer coverage.

(b) Notification to the SRD. When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:
Observer accommodations and access. An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

6. In §622.35, paragraph (g) is added to read as follows:

§622.35 South Atlantic EEZ seasonal and/or area closures.  

(g) Pelagic sargassum area and seasonal restrictions.  

(i) No person may harvest pelagic sargassum in the South Atlantic EEZ between 36°34′55″ N. lat. (directly east from the Virginia/North Carolina boundary) and 34° N. lat., within 100 nautical miles east of the North Carolina coast.  

(ii) No person may harvest or possess pelagic sargassum in or from the South Atlantic EEZ south of 34° N. lat.  

(2) Seasonal limitation. No person may harvest or possess pelagic sargassum in or from the South Atlantic EEZ during the months of July through October. This prohibition on possession does not apply to pelagic sargassum that was harvested and landed ashore prior to the closed period.

7. In §622.41, paragraph (k) is added to read as follows:

§622.41 Species specific limitations.  

(k) Pelagic sargassum. The minimum allowable mesh size for a net used to fish for pelagic sargassum in the South Atlantic EEZ is 4.0 inches (10.2 cm), stretched mesh, and such net must be attached to a frame no larger than 4 ft by 6 ft (1.2 m by 1.8 m). A vessel in the South Atlantic EEZ with a net on board that does not meet these requirements may not possess any pelagic sargassum.

8. In §622.42, paragraph (g) is added to read as follows:

§622.42 Quotas.  

(g) Pelagic sargassum. The quota for all persons who harvest pelagic sargassum in the South Atlantic EEZ is 5,000 lb (2,268 kg), wet, landed weight. See §622.35(g)(1) for area limitations on the harvest of pelagic sargassum.

9. In §622.43, paragraph (a)(7) is added and paragraph (b)(2) is revised to read as follows:

§622.43 Closures.  

(a)  

(7) Pelagic sargassum. Pelagic sargassum may not be harvested or possessed in the South Atlantic EEZ and the sale or purchase of pelagic sargassum in or from the South Atlantic EEZ is prohibited.

(b)  

(2) The prohibition on sale/purchase during a closure for allowable octocoral in paragraph (a)(2) of this section or for pelagic sargassum in paragraph (a)(7) of this section does not apply to allowable octocoral or pelagic sargassum that was harvested and landed ashore prior to the effective date of the closure.