

for all laboratory analyses. Work Plans were developed as necessary by contractors which specified appropriate QA/QC measures for all cleanup activities. EPA reviewed and approved the QA/QC plans which, in general, were based on the protocols in the U.S. EPA, Region IV.

Consistent with EPA guidance, a five year review of this project is necessary to ensure continued protection of human health and the environment. The statutory review will be conducted according to the Office of Solid Waste and Emergency Response Directive 9355.7-02, "Structure and Components of the Five year Reviews".

The five-year period begins with the date of RA contract award which, for this project, is September 8, 1992. Therefore, the review should be completed prior to September 8, 1997.

In conclusion, EPA, with the concurrence of the State, has determined that all appropriate remedial actions at the Lewisburg Dump site under CERCLA have been completed. The site no longer poses a threat to human health or the environment. Therefore, EPA proposes to delete the site from the NPL and requests public comments on the proposal.

Dated: November 27, 1995.

Patrick M. Tobin,

Acting Regional Administrator, USEPA, Region IV.

[FR Doc. 95-30798 Filed 12-19-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-179; RM-8728]

Radio Broadcasting Services; Cassville and Kimberling City, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Kevin M. and Patricia W. Wodlinger, proposing the substitution of Channel 261C2 for Channel 261A at Cassville, Missouri, reallocation of Channel 261C2 to Kimberling City, Missouri, and modification of the license for Station KRLK accordingly. The coordinates for Channel 261C2 at Kimberling City are 36-30-00 and 93-23-00. We shall propose to modify the license for Station KRLK in accordance with Sections 1.420(g) and (i) of the

Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before February 5, 1996, and reply comments on or before February 20, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: William J. Pennington, III, Post Office Box 1447, Mount Pleasant, South Carolina 29465.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-179, adopted December 6, 1995, and released December 15, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-30896 Filed 12-19-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 655

[Docket No. 951208293-5293-01; I.D. 110995B]

RIN 0648-AF01

Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 5

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 measures contained in Amendment 5 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP). Amendment 5 is intended to further the Americanization of the fisheries and to implement measures to prevent overfishing and avoid overcapitalization of the domestic fleet.

DATES: Comments on the proposed rule must be received on or before January 29, 1996.

ADDRESSES: Comments on the proposed rule should be sent to: Dr. Andrew A. Rosenberg, Regional Director, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-2298. Mark the outside of the envelope, "Comments on Amendment 5 Atlantic Mackerel, Squid, and Butterfish."

Comments regarding the burden-hour estimates or any other aspect of the collection-of-information requirements contained in this proposed rule should be sent to the Northeast Regional Director at the address above and the Office of Management and Budget (OMB) (Attention: NOAA Desk Officer), Washington, D.C. 20503.

Copies of the Amendment, final environmental impact statement, regulatory impact review, and other supporting documents are available upon request 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, Fishery Policy Analyst, 508-281-9104.

SUPPLEMENTARY INFORMATION:**Background**

Amendment 5 was developed in response to concerns regarding overcapitalization expressed by industry representatives at several meetings of the Mid-Atlantic Fishery Management Council (Council) and its Squid, Mackerel, and Butterfish (SMB) Committee in the early 1990's. Increases in domestic squid landings and a stagnation in the growth of butterfish landings at well below the maximum sustainable yield (MSY) for that species moved the Council to develop this comprehensive amendment.

At its July, 1992, meeting, the Council voted to publish a notice of control date for the Atlantic mackerel, squid, and butterfish fisheries. The control date established was August 13, 1992 (57 FR 36384, August 13, 1992). This notice informed the public that the Council was considering a moratorium on vessel permits issued for these fisheries. At its July, 1994, meeting, the Council reconsidered the need for a control date for the Atlantic mackerel fishery. The data the Council reviewed indicated the catch and fishing effort had decreased in 1993 and 1994, while stock biomass remained high. In response, the Council rescinded the control date for the Atlantic mackerel fishery (59 FR 49235, September 27, 1994). Initial public scoping meetings to discuss possible management measures for SMB took place in January, 1993, at which time the vessel moratorium, mesh restrictions, and area and seasonal closures were identified as measures for consideration. A public hearing draft of Amendment 5 was adopted by the Council at its June, 1994, meeting and presented at public hearings in December, 1994. As a result of issues raised at the hearings, the Council voted in February, 1995, to issue a supplement to Amendment 5 that contained revisions to the *Loligo* minimum mesh net requirement and the qualifying criteria for the vessel moratoria. Public hearings were conducted in April, 1995, to present the revised Amendment. The Council adopted Amendment 5 on May 25, 1995, for submission to NMFS for Secretarial review.

Status of the Stocks

In 1993, the 17th Northeast Regional Stock Assessment Workshop (17th SAW) was convened to examine the status of several species, including *Illex* and *Loligo* squid and butterfish.

Results of SAW 17, as indicated in the March, 1994, plenary report, estimated MSY for *Loligo* squid to be 36,000 metric tons (mt) based on the finding

that the *Loligo* has a life span of one year rather than three, as previously believed. The present MSY for *Loligo* squid is specified in the FMP as 44,000 mt, based on the assumption that *Loligo* squid has a 3-year life span. The 17th SAW advised that *Loligo* is considered to be fully utilized when based on the revised MSY of 36,000 mt.

The present MSY for *Illex* is specified in the FMP as 30,000 mt and is based on the disproven assumption that the life span of these animals is 2 years. Though the 17th SAW determined that *Illex* also has a life span of 1 year, it did not recommend revising the MSY. Instead, the 17th SAW recommended that, since *Illex* is a transboundary stock between the United States and Canada, a joint assessment should be conducted before a revised MSY could be recommended. However, the 17th SAW advised that the current MSY for *Illex* may be inappropriate and cautioned that, while the stock is under-exploited based on current MSY, the potential for recruitment overfishing may be substantial.

The exploitation rate for butterfish is unknown. However, the stock is at a low-to-medium biomass level and current catch levels are well below the MSY of 16,000 mt. The adult component of the stock has declined since 1990 and is currently well below average. It is estimated that 50 percent of the harvest of butterfish over the past several years has been discarded due to both the relatively small size of the fish and the lack of markets. The largest butterfish landings in recent years have been made as bycatch in the *Loligo* squid fishery.

At the time the Council was developing and adopting Amendment 5, the most recent stock assessment for Atlantic mackerel was that done in 1991, when the 12th SAW assessed the stock as underexploited with a high biomass. That assessment indicated that, following a period of poor year classes from 1976 through 1980, there were several years with relatively good recruitment, yielding especially strong year classes in 1982, 1987, and 1988. These cohorts contributed to a marked increase in stock biomass. Estimated spawning stock biomass was 3,010,000 mt in 1991 with an exploitation rate of 2 percent.

The recently concluded 20th SAW determined that, based on the 1994 stock assessment, the Atlantic mackerel stock continues to be under-exploited and at a high biomass level. The exploitation rate of two percent has not changed. The 20th SAW further concluded that the long-term potential catch (LTPC) projected for the Canadian

and U.S. Atlantic mackerel combined was approximately 150,000 mt. This represents an increase of 16,000 mt from the previous LTPC value of 134,000 mt. The LTPC is the estimate of allowable annual catch levels that would sustain the fishery for several years.

Management Measures

NMFS is requesting comment on all measures contained in Amendment 5. However, NMFS has serious concerns about the proposed criteria for entry into the fisheries for the squids and butterfish, the exemption proposed for the sea herring fishery, the Council's proposal to constrain ABC by the LTPC value, and the use of the 50-fathom curve as a boundary for the exemption from the minimum mesh size for *Loligo* during prosecution of the summer *Illex* fishery. Because of NMFS' concerns regarding the enforceability of the 50-fathom curve as a boundary, NMFS proposes a set of latitude-longitude coordinates to achieve the Council's intent in an enforceable manner. While comment is sought on all measures contained in the proposed rule, NMFS asks the public to focus on these measures in particular, to assist in conducting a thorough and deliberative review of the amendment before final approval or disapproval by the Secretary of Commerce (Secretary).

In addition, NMFS notes that the provision contained in Amendment 5 that would require the Secretary to publish a control date for the Atlantic mackerel fishery when commercial landings reach 50 percent of allowable biological catch (ABC) is not included in this proposed rule. NMFS does not consider this provision to be a management measure to be implemented by a fishery management plan. Rather, it is viewed as a statement of Council intent; NMFS expects that the Council will recommend the publication of a notice of control date when it deems this action necessary.

The permit and reporting requirements and revision to the annual specification process, if approved, will be implemented for the 1997 fishing year. Other provisions may be effective prior to that time.

Elimination of the Potential for Joint Ventures and Directed Foreign Fishing for the Squids and Butterfish

The Council proposes to eliminate foreign participation in these fisheries. Joint ventures and total allowable levels of foreign fishing (TALFF) have not been allocated for squid or butterfish since the mid-1980's. The Council concluded that the domestic fleet has the capacity to harvest the OY from

these fisheries. However, joint venture and TALFF allocations for Atlantic mackerel may continue. If there is TALFF specified for Atlantic mackerel, there will be butterfish bycatch TALFF allocated that is equal to 0.08 percent of the mackerel TALFF, in order to reduce waste of bycatch in that fishery. The definitions of "other allocated species" and "prohibited species" at 50 CFR 611.50(b) are modified accordingly, to make squids "prohibited species."

MSY for *Loligo* Squid

The Council would revise the MSY for *Loligo* squid to 36,000 mt from 44,000 mt. The revision is based on the finding that the squid has a one-year life span. The stock is considered to be fully-exploited.

Spawning Stock Biomass (SSB) and LTPC for Atlantic Mackerel

The FMP currently specifies ABC for Atlantic mackerel as that U.S. catch that would yield an SSB of 600,000 mt. The Council would revise this threshold upward to 900,000 mt to promote recruitment. A time series based on the 1991 assessment found that the median year class size for years 1962-93, inclusive, was 1.277 billion fish. When the SSB was less than 900,000 mt, only 35 percent of the ensuing year classes were observed to be above the median. Conversely, 82 percent of the year classes were above the median recruitment level when SSB exceeded 900,000 mt.

The Council would also constrain ABC with a derived LTPC. The current LTPC specified annually by the Council would be 150,000 mt minus the projected annual Canadian catch. Therefore, at present, if this measure were approved, ABC could be no larger than 150,000 mt and is likely to be less. The Council believes that management of Atlantic mackerel should be based on long-term yield projections. However, NMFS is concerned about the fact that Atlantic mackerel stock abundance is very high currently, and that limiting ABC by LTPC may be overly constraining in the short term. The 20th SAW states that at current stock abundance amounts, Atlantic mackerel landings of 200,000 mt could be sustained for several years because of foregone yield in the fishery recently.

Seasonal Quota for *Loligo* Squid

This management measure would give the Regional Director authority to establish annual seasonal quotas for *Loligo* based on the recommendations of the Atlantic Mackerel, Squid, and Butterfish Monitoring Committee (Monitoring Committee) and the

Council. Such quotas are intended to ensure sufficient escapement of *Loligo* squid from the offshore winter fishery to allow for catches in traditional inshore fisheries.

Moratorium on Vessel Permits for Butterfish and Squids

The Council would establish a moratorium on new vessel permits for the directed fisheries for butterfish and the squids. The Council would also establish a vessel permit category open to all vessels, which would allow a vessel to retain up to 2,500 lb (1.13 mt) of each species per trip. This incidental catch level could be adjusted annually.

Moratorium permits would be issued for *Loligo* squid and butterfish jointly and *Illex* squid separately. In the November, 1994, public hearing draft, the time horizon that served as a basis for qualifying for the moratoria permits was August 13, 1988, to August 13, 1993. Landings requirements proposed at that time were 5,000 lb (2.27 mt) in one week for *Loligo* squid or butterfish and five separate trips of at least 5,000 lb (2.27 mt) each for *Illex*. Furthermore, it was proposed that vessels would qualify for the *Illex* permit if owners had purchased refrigerated sea water equipment or an on-board freezer by May 31, 1994, and had landed five trips of at least 5,000 lb (2.27 mt) prior to the promulgation of the final regulations implementing Amendment 5. Under both moratoria, vessel replacement would be allowed if a qualifying vessel leaves the fishery involuntarily; for example, if it sinks.

Comments during the public hearings held in December, 1994, indicated that the industry believed the qualification period for the *Illex* squid permit should be extended back to August 13, 1981. This revision would allow the catch history of vessels that participated in the foreign joint venture fishery prior to 1988 to qualify them for a moratorium permit. At the February 23, 1995, SMB Committee meeting, industry representatives argued that it would not be fair to limit the extension of the qualification period to the *Illex* fishery only, convincing the Committee to recommend that the Council extend the qualification period back to 1981, for both the *Illex* and *Loligo*/butterfish moratoria permits. Furthermore, the SMB Committee believed that the *Loligo*/butterfish landing criterion was not in line with active participation in these fisheries. It recommended requiring 20,000 lb (9.07 mt) to have been landed in any 30-consecutive-day period during the qualification period. The Council accepted the SMB Committee's recommendations at its

March, 1995, meeting. However, since these changes to the Public Hearing Draft regarding qualifying conditions were viewed as substantive, a Supplemental Public Hearing Draft was developed and presented at public hearings in April, 1995. After taking into account public comment, the Council adopted the revised qualifying criteria in May, 1995.

Party or Charter Boat Permit

The owner of a party or charter boat (vessel for hire) would be required to obtain an SMB party or charterboat permit. A party or charter vessel obtaining this permit could also have a commercial permit for Atlantic mackerel or a commercial moratorium permit for *Illex* squid and/or *Loligo*/butterfish if the vessel meets the qualifying criteria. However, such a vessel would be prohibited from fishing commercially when carrying passengers for a fee.

Atlantic Mackerel Permit

Although a moratorium would not exist on entry into the Atlantic mackerel fishery, an Atlantic mackerel permit would be required to harvest and sell Atlantic mackerel. Vessels receiving permits for the Atlantic mackerel fishery would be required to comply with the requirements implemented under the FMP, including recordkeeping and reporting.

Operator Permit

An operator of a vessel with a permit issued under this FMP would be required to have an operator permit issued by the Northeast Region, NMFS. The operator permits issued to operators in the fisheries for Northeast multispecies, American lobster, and Atlantic sea scallops would satisfy this requirement. The operator would be held accountable for violations of the fishing regulations and would be subject to a permit sanction. During the permit sanction period, the operator could not work in any capacity aboard a federally permitted fishing vessel.

Transfers at Sea

Only vessels issued a moratorium permit would be allowed to transfer *Loligo* squid, *Illex* squid, or butterfish at sea. This provision is intended to enhance enforcement of the incidental catch allowance for vessels without moratorium permits, which is currently specified as 2,500 lb (1.13 mt) of *Illex*, *Loligo*, or butterfish per trip.

Reporting and Recordkeeping

The Council intends to institute recordkeeping and reporting

requirements in the FMP that are identical to those required by the Summer Flounder, Northeast Multispecies, and Atlantic Sea Scallop Fishery Management Plans.

Commercial logbooks would be submitted on a monthly basis by vessel owners in order to monitor the fishery. Real-time assessment and management of the *Loligo* and *Illex* resources may be necessary due to the risk of overfishing stocks comprised of only a single cohort. The Council proposes that the Regional Director specify, during the first year of implementation, the data elements and reporting mechanism required to establish a real-time assessment and management program for the annual squid species. The Council would investigate the feasibility of such a management system in year 2 of the management program. Operators of party and charter boats with Federal permits would also be required to provide catch information on logbooks submitted monthly.

Dealers with permits issued pursuant to the FMP would submit weekly reports showing species purchased in pounds, and the name and permit number of the vessels from which the aforementioned species were purchased. Buyers that do not purchase directly from vessels would not be required to submit reports under this provision.

Minimum Mesh Size Requirement for Loligo Squid

The minimum mesh size requirement for the *Loligo* squid fishery and exemptions from that requirement would be established on a framework basis. These provisions could be changed by the Regional Director based upon the recommendation of the Council. This amendment proposes that initially, otter trawl vessels possessing one pound (0.45 kg) or more of *Loligo* squid be required to fish with nets having a minimum mesh size of 1-7/8 inch (48-mm) diamond mesh, inside stretch measure, applied throughout the net including the body and codend. A liner would be allowed to close the opening created by the rings in the rearmost portion of the codend, provided that it does not extend more than ten meshes forward from the rearmost portion of the codend. Net strengtheners, ropes, lines, or chafing gear on the outer portion of the trawl net would be required to have a mesh opening of at least 4.5 inches (115 mm), inside stretch measure. This provision would be implemented as a fishery measure that could be adjusted annually by the Regional Director, based upon a recommendation by the Council.

There are two proposed exemptions from the minimum mesh size requirement for *Loligo*. The first would exempt vessels fishing for *Illex* during the months of June, July, August, and September seaward of the 50-fathom curve. The second would exempt vessels participating in the directed fishery for sea herring, provided that 75 percent or more of their catch, by weight, is comprised of sea herring.

NMFS Office of Enforcement and the Coast Guard have expressed concern about the enforceability of an exemption area defined by a fathom curve, so NMFS proposes a set of latitude-longitude coordinates intended to follow closely the 50-fathom curve and achieve the Council's intent in an enforceable manner. These law enforcement agencies are also concerned with the feasibility of the proposed sea herring exemption because of the difficulties in ascertaining relative percentages of the catch. After receiving public comment on these exemptions, NMFS will determine how best to administer these provisions, should they be approved.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended, requires NMFS to publish regulations proposed by a Council within 15 days of receipt of the amendment and proposed regulations. At this time, NMFS has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. NMFS, in making that determination, will take into account the information, views, and comments received during the comment period.

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy, Small Business Administration, that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The provisions that would be implemented by Amendment 5 would prevent overcapitalization of these fisheries relative to abundance and availability of the stocks of *Loligo*, *Illex*, and butterfish. Amendment 5, as indicated in the initial regulatory flexibility analysis prepared by the Council, would essentially maintain the status quo, in terms of revenues for participants in the fishery, since the proposed limited entry measures would include historical participants in the fisheries. Proposed measures would not substantially affect more than 20 percent of the present participants in

these fisheries and would not directly increase or decrease utilization or production of the affected species resulting in a change in expected revenues of greater than 5 percent.

This proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). Mandatory dealer reporting and annual employment data reporting have been approved by OMB under control numbers 0648-0229 and 0648-0018, respectively. Dealer reporting responses are estimated to take 2 minutes and employment data responses 6 minutes. The proposed rule also contains new requirements that have been submitted to OMB for approval. These requirements and their estimated response times are: vessel permits and vessel permit appeals at 30 minutes per response, operator permits at one hour per response, dealer permits at 5 minutes per response, and an observer notification requirement at 2 minutes per response.

The response estimates shown include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding any of these burden estimates or any other aspect of the collection of information to NMFS or OMB at the ADDRESSES above. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

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

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

Dated: December 14, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 611 and 655 are proposed to be amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq., 16 U.S.C. 971 et seq., 22 U.S.C. 1971 et seq., and 16 U.S.C. 1361 et seq.

2. In § 611.50, paragraphs (b)(3) and (b)(4)(i) and (b)(4)(ii) are revised to read as follows:

§ 611.50 Northwest Atlantic Ocean fishery.

* * * * *

(b) * * *

(3) *TALFF*. The TALFFs for the Northwest Atlantic Ocean fishery are published in the Federal Register. Current TALFFs are also available from the Regional Director. The procedures for determining and adjusting the Atlantic mackerel TALFF is set forth in 50 CFR part 655.

(4) * * *

(i) The other allocated species, namely: Atlantic herring, Atlantic mackerel, butterfish (as a bycatch of Atlantic mackerel), and river herring (including alewife, blueback herring, and hickory shad); and

(ii) The prohibited species, namely: American plaice, American shad, Atlantic cod, Atlantic menhaden, Atlantic redfish, Atlantic salmon, all marlin, all spearfish, sailfish, swordfish, black sea bass, bluefish, croaker, haddock, ocean pout, pollock, red hake, scup, sea turtles, sharks (except dogfish), silver hake, spot, striped bass, summer flounder, tilefish, yellowtail flounder, weakfish, white hake, short-finned squid, long-finned squid, windowpane flounder, winter flounder, witch flounder, Continental Shelf fishery resources, and other invertebrates (except non-allocated squids).

* * * * *

3. Part 655 is revised to read as follows:

PART 655—ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES

Subpart A—General Provisions

- Sec.
- 655.1 Purpose and scope.
- 655.2 Definitions.
- 655.3 Relation to other laws.
- 655.4 Vessel permits.
- 655.5 Operator permit.
- 655.6 Dealer permit.
- 655.7 Recordkeeping and reporting requirements.
- 655.8 Vessel identification.
- 655.9 Prohibitions.
- 655.10 Facilitation of enforcement.
- 655.11 Penalties.

Subpart B—Management Measures

- 655.20 Fishing year.
- 655.21 Maximum optimum yields.
- 655.22 Procedures for determining initial amounts.
- 655.23 Closure of the fishery.
- 655.24 Time and area restrictions for directed foreign fishing.

- 655.25 Gear restrictions.
 - 655.26 Minimum fish sizes. [Reserved]
 - 655.27 Possession limits. [Reserved]
 - 655.28 At-sea observer coverage.
 - 655.29 Transfer-at-sea.
 - 655.30 Experimental fishery.
- Figure 1 to Part 655—Exemption line to minimum net mesh-size requirement for *Loligo* squid.

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

Subpart A—General Provisions

§ 655.1 Purpose and scope.

(a) The regulations in this part govern the conservation and management of Atlantic mackerel, *Illex* squid, *Loligo* squid, and butterfish.

(b) The regulations governing fishing for Atlantic mackerel, *Illex* squid, *Loligo* squid, and butterfish by vessels other than vessels of the United States are contained in 50 CFR part 611.

(c) This part implements the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries of the Northwest Atlantic Ocean.

§ 655.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Atlantic butterfish or *butterfish* means the species *Peprilus triacanthus*.

Atlantic mackerel or *mackerel* means the species *Scomber scombrus*.

Atlantic Mackerel, Squid, and Butterfish Monitoring Committee or *Monitoring Committee* means a committee made up of staff representatives of the Mid-Atlantic and New England Fishery Management Councils, and the Northeast Regional Office and Northeast Fisheries Science Center of NMFS. The Council Executive Director or a designee chairs the Committee.

Being rerigged means physical alteration of the vessel or its gear had begun to transform the vessel into one capable of fishing commercially for squid or butterfish.

Blast freezer means a freezing system in which fish are frozen by being exposed to cold air being blown over them. The freezer must be designed for use on a fishing vessel rather than designed for residential or similar use.

Charter or *party boat* means any vessel that carries passengers for hire to engage in fishing.

Council means the Mid-Atlantic Fishery Management Council.

Dealer means any person who receives squid, mackerel, or butterfish for a commercial purpose, other than solely for transport on land, from the owner or operator of a vessel issued a permit under § 655.4.

Fishery Management Plan (FMP) means the Fishery Management Plan for the Atlantic mackerel, squid, and butterfish fisheries of the Northwest Atlantic Ocean, as revised by subsequent amendments.

Fishing for commercial purposes means any fishing or fishing activity that results in the harvest of Atlantic mackerel, squid, or butterfish, one or more of which (or parts thereof) is sold, traded, or bartered.

Fishing trip or *trip* means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

Gross registered tonnage (GRT) means the gross tonnage specified on the U.S. Coast Guard documentation.

Illex means the species *Illex illecebrosus* (short-finned or summer squid).

Joint venture harvest means U.S.-harvested Atlantic mackerel transferred to foreign vessels in the EEZ.

Land means to begin offloading fish or to offload fish at sea or on land, or to enter port with fish.

Liner means a piece of mesh rigged inside the main or outer net.

Loligo means the species *Loligo pealei* (long-finned or bone squid).

Metric ton (mt) means 1,000 kg or 2,204.6 lb.

Operator means the master, captain, or other individual on board a fishing vessel and in charge of that vessel's operations.

Personal use means not for sale, barter, or trade.

Plate freezer means a freezing system in which fish are frozen by contact with refrigerated plates. The freezer must be designed for use on a fishing vessel rather than designed for residential or similar use.

Postmark means independently verifiable evidence of date of mailing, such as U.S. Postal Service postmark, United Parcel Service (U.P.S.) or other private carrier postmark, certified mail receipt, overnight mail receipt, or receipt received upon hand delivery to an authorized representative of NMFS.

Recirculating sea water equipment means a refrigerated sea-water system in which the seawater cooled by mechanical refrigeration is circulated through tanks that contain fish.

Recreational fishing means fishing that is not intended to, nor does result in, the barter, trade, or sale of fish.

Recreational fishing vessel means any vessel from which no fishing other than recreational fishing is conducted.

Charter and party boats are not considered recreational fishing vessels.

Regional Director means the Regional Director, Northeast Region, National

Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930-2298, or a designee.

Reporting month means the period of time beginning at 0001 hours local time on the first day of each calendar month and ending at 2400 hours local time on the last day of each calendar month.

Reporting week means a period of time beginning at 0001 hours local time on Sunday and ending at 2400 hours local time the following Saturday.

Squid means *Loligo pealei* and *Illex illecebrosus*.

Substantially similar harvesting capacity means the same or less GRT and vessel registered length for commercial vessels.

Total length (TL) means the distance from the tip of the snout to the tip of the tail (caudal fin) while the fish is lying on its side normally extended.

Transfer means to begin to remove, to pass over the rail, or otherwise take away fish from any vessel and move them to another conveyance.

Under construction means that the keel has been laid.

Vessel registered length means the registered length specified on U.S. Coast Guard Documentation, or state registration if the state registered length is verified by a NMFS authorized official.

§ 655.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraphs (b) through (d) of this section.

(b) Additional regulations governing domestic fishing for Northeast Multispecies, which affect this part, are found at 50 CFR part 651.

(c) Additional regulations governing domestic fishing for summer flounder, which affect this part, are found at 50 CFR part 625.

(d) Nothing in these regulations supersedes more restrictive state management measures.

§ 655.4 Vessel permits.

(a) *General*—(1) *Requirement*. Vessels, including party or charter vessels, must obtain a permit issued under this part to fish for or retain Atlantic mackerel, *Loligo*, *Illex*, or butterfish in or from the EEZ. This requirement does not pertain to recreational fishing vessels.

(2) *Condition*. Vessel owners who apply for a fishing vessel permit under this section must agree as a condition of the permit that the vessel's fishing, catch and pertinent gear (without regard to whether such fishing occurs in or from the EEZ or landward of the EEZ, and without regard to where such fish or gear are possessed, taken or landed)

will be subject to all requirements of this part. All such fishing, catch and gear will remain subject to all applicable state requirements. If a requirement of this part and a management measure required by state law differ, any vessel owner permitted to fish in the EEZ must comply with the more restrictive requirement.

(b) *Moratorium permits*—(1) *Loligo squid and butterfish*. A vessel is eligible for a moratorium permit to fish for and retain *Loligo* squid or butterfish in excess of the incidental catch allowance specified in paragraph (c)(1) of this section, if it meets any of the following criteria:

(i) The vessel landed and sold at least 20,000 lb (9.07 mt) of *Loligo* or butterfish in any 30-consecutive-day period between August 13, 1981, and August 13, 1993; or

(ii) The vessel is replacing a vessel of substantially similar harvesting capacity that involuntarily left the *Loligo* or butterfish fishery during the effective period of the moratorium, and both the entering and replaced vessels are owned by the same person. Vessel permits issued to vessels that involuntarily leave the fishery may not be combined to create larger replacement vessels.

(iii) Vessels that are judged unseaworthy by the Coast Guard for reasons other than lack of maintenance may be replaced by a vessel of substantially similar harvesting capacity during the effective period of the moratorium.

(2) *Illex squid*. A vessel is eligible for a moratorium permit to fish for and retain *Illex* squid in excess of the incidental catch allowance specified in paragraph (c)(1) of this section, if it meets any of the following criteria:

(i) The vessel landed and sold at least 5,000 lb (2.27 mt) of *Illex* on each of five trips between August 13, 1981, and August 13, 1993; or

(ii) Recirculating sea water equipment or an on-board commercial plate or blast freezer was purchased by May 31, 1994, and installed on the vessel, and the vessel landed five trips of at least 5,000 lb (2.27 mt) each of *Illex* prior to the effective date of these regulations; or

(iii) The vessel is replacing a vessel of substantially similar harvesting capacity that involuntarily left the *Illex* fishery during the effective period of the moratorium, and both the entering and replaced vessels are owned by the same person. Vessel permits issued to vessels that involuntarily leave the fishery may not be combined to create larger replacement vessels.

(iv) Vessels that are judged unseaworthy by the Coast Guard for reasons other than lack of maintenance

may be replaced by a vessel with the same or less GRT and vessel registered length for commercial vessels during the effective period of the moratorium.

(3) *Restriction*. No one may apply for the permits specified in paragraphs (b) (1) and (2) of this section more than 12 months after the effective date of these regulations, or the event specified under paragraph (i)(1) of this section. This section does not affect annual permit renewals.

(4) *Appeal of denial of permit*. (i) Any applicant denied a moratorium permit may appeal to the Regional Director within 30 days of the notice of denial. Any such appeal shall be in writing. The only ground for appeal is that the Regional Director erred in concluding that the vessel did not meet the criteria in paragraph (b) of this section. The appeal shall set forth the basis for the applicant's belief that the Regional Director's decision was made in error.

(ii) The appeal may be presented, at the option of the applicant, at a hearing before an officer appointed by the Regional Director.

(iii) The hearing officer shall make a recommendation to Regional Director.

(iv) The decision on the appeal by the Regional Director is the final decision of the Department of Commerce.

(c) *Incidental catch permit*. (1) Any vessel of the United States may obtain a permit to fish for or retain up to 2,500 lb (1.13 mt) of *Loligo* squid, *Illex* squid, or butterfish as an incidental catch in another directed fishery.

(2) *Adjustments to the incidental catch*. The incidental catch allowance may be revised by the Regional Director after recommendation by the Council following the procedure set forth in § 655.22. NMFS will publish a notification of any proposed adjustment in the Federal Register. The public may comment on the adjustment for 30 days after the date of publication. After consideration of public comments, NMFS may publish a notification of adjustment to the incidental catch allowance in the Federal Register.

(d) *Atlantic mackerel permit*. Any vessel of the United States may obtain a permit to fish for or retain Atlantic mackerel in or from the EEZ.

(e) *Party and charter boat permit*. Any party or charter boat may obtain a permit to fish for or retain Atlantic mackerel, squid or butterfish while carrying passengers for hire.

(f) *Vessel permit application*. (1) An application for a permit under this section must be submitted and signed by the owner of the vessel on an appropriate form obtained from the Regional Director at least 30 days prior to the date on which the applicant

desires to have the permit made effective. The Regional Director will notify the applicant of any deficiency in the application pursuant to this section. Applicants for moratorium permits shall provide information with the application sufficient for the Regional Director to determine if the vessel meets any eligibility requirements. Dealer weighout forms, joint venture receipts, and notarized statements from marine architects or surveyors or shipyard officials will be considered acceptable forms of proof.

(2) *Information requirements.* In addition to applicable information required to be provided by paragraph (f)(1) of this section, an application for a permit under this section must contain at least the following information, and any other information required by the Regional Director: Vessel name; owner name, mailing address, and telephone number; U.S. Coast Guard documentation number and a valid copy of the vessel's U.S. Coast Guard documentation or, if undocumented, the state registration number and a copy of the current state registration; home port and principal port of landing; overall length; gross tonnage; net tonnage; engine horsepower; year the vessel was built; type of construction; type of propulsion; approximate fish hold capacity; type of fishing gear used by the vessel; number of crew; permit category; if the owner is a corporation, a copy of the Certificate of Incorporation showing the principals in the corporation, and the names and addresses of all shareholders owning 25 percent or more of the corporation's shares; if the owner is a partnership, a copy of the Partnership Agreement and the names and addresses of all partners; if there is more than one owner, names of all owners that have acquired more than a 25-percent interest; the name and signature of the owner or the owner's authorized representative; permit number of any current or, if expired, previous Federal fishery permit issued to the vessel; and a copy of the charter/party boat license and number of passengers the vessel is licensed to carry (charter and party boats); and any other information required by the Regional Director to manage the fishery.

(g) *Fees.* The Regional Director may charge a fee to recover administrative expenses of issuing a permit required under this section. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining administrative costs of each special product or service. The fee may not exceed such costs and is specified on each application form. The appropriate

fee must accompany each application; if it does not, the application will be considered incomplete for purposes of paragraph (h) of this section. Any fee paid by an insufficient bank draft shall render any permit issued on the basis thereof null and void.

(h) *Issuance.* (1) Except as provided in Subpart D of 15 CFR Part 904, the Regional Director will issue a permit under this section within 30 days of receipt of the application unless:

(i) The applicant has failed to submit a complete application as described in paragraph (f) of this section. An application is complete when all requested forms, information, documentation, and fees, if applicable, have been received; or

(ii) The application was not received by the Regional Director by the deadlines set forth in paragraph (b)(3) of this section; or

(iii) The applicant has failed to comply with all applicable reporting requirements of § 655.7 during the 12 months immediately preceding the application.

(2) Upon receipt of an incomplete application, or an application from a person who has not complied with all applicable reporting requirements of § 655.7 during the 12 months immediately preceding the application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the Regional Director's notification, the application will be considered abandoned.

(i) *Expiration.* Except as provided in paragraphs (b)(1)(ii) and (b)(2)(iii) of this section, a permit expires:

(1) When the owner retires the vessel from the fishery;

(2) Upon the renewal date specified on the permit; or

(3) When the ownership of the vessel changes; however, the Regional Director may authorize the continuation of a moratorium permit for the squid and butterfish fisheries if the new owner requests. Applications for permit continuations must be addressed to the Regional Director.

(j) *Duration.* A permit is valid until it is revoked, suspended, or modified under 15 CFR part 904, or until it otherwise expires, or ownership changes, or the applicant has failed to report any change in the information on the permit application to the Regional Director as specified in paragraph (m) of this section.

(k) *Replacement.* Replacement permits for an otherwise valid permit may be issued by the Regional Director when requested in writing by the owner or authorized representative, stating the

need for replacement, the name of the vessel, and the federal fisheries permit number assigned. An application for a replacement permit will not be considered a new application. An appropriate fee may be charged for issuance of the replacement permit.

(l) *Transfer.* Permits issued under this part are not transferable or assignable. A permit is valid only for the fishing vessel and owner for which it is issued.

(m) *Change in application information.* Any change in the information specified in paragraph (f)(2) of this section must be submitted by the applicant in writing to the Regional Director within 15 days of the change. If the written notice of the change in information is not received by the Regional Director within 15 days, the permit is void.

(n) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(o) *Display.* The permit must be maintained in legible condition and displayed for inspection upon request by any authorized officer.

(p) *Sanctions.* Procedures governing enforcement-related permit sanctions and denials are found at subpart D of 15 CFR part 904.

§ 655.5 Operator permit.

(a) *General.* Any operator of a vessel holding a valid Federal Atlantic mackerel, *Loligo, Illex*, or butterfish permit under this part, or any operator of a vessel fishing for Atlantic mackerel, *Loligo, Illex*, or butterfish in the EEZ or in possession of Atlantic mackerel, *Loligo, Illex*, or butterfish in or harvested from the EEZ, must have and carry on board a valid operator's permit issued under this part. An operator permit issued pursuant to Parts 649, 650, or 651 shall satisfy the permitting requirement of this paragraph.

(b) *Operator application.* Applicants for a permit under this section must submit a completed permit application on an appropriate form obtained from the Regional Director. The application must be signed by the applicant and submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective. The Regional Director will notify the applicant of any deficiency in the application pursuant to this section.

(c) *Condition.* Vessel operators who apply for an operator's permit under this section must agree as a condition of this permit that the operator and vessel's fishing, catch, and pertinent gear (without regard to whether such fishing occurs in the EEZ or landward of the EEZ, and without regard to where

such fish or gear are possessed, taken, or landed), are subject to all requirements of this part while fishing in the EEZ or on board a vessel permitted under § 655.4. The vessel and all such fishing, catch, and gear will remain subject to all applicable state or local requirements. Further, such operators must agree as a condition of this permit that, if the permit is suspended or revoked pursuant to 15 CFR part 904, the operator cannot be on board any fishing vessel issued a Federal Fisheries Permit or any vessel subject to Federal fishing regulations while the vessel is at sea or engaged in offloading. If a requirement of this part and a management measure required by state or local law differ, any operator issued a permit under this part must comply with the more restrictive requirement.

(d) *Information requirements.* An applicant must provide at least all the following information and any other information required by the Regional Director: Name, mailing address, and telephone number; date of birth; hair color; eye color; height; weight; social security number (optional); and signature of the applicant. The applicant must also provide two recent (no more than 1 year old) color passport-size photographs.

(e) *Fees.* The Regional Director may charge a fee to recover the administrative expense of issuing a permit required under this section. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified on each application form. The appropriate fee must accompany each application; if it does not, the application will be considered incomplete for purposes of paragraph (f) of this section. Any fee paid by an insufficiently funded commercial instrument shall render any permit issued on the basis thereof null and void.

(f) *Issuance.* Except as provided in subpart D of 15 CFR part 904, the Regional Director shall issue an operator's permit within 30 days of receipt of a completed application if the criteria specified herein are met. Upon receipt of an incomplete or improperly executed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be deemed abandoned.

(g) *Expiration.* A Federal operator permit will expire upon the renewal date specified in the permit.

(h) *Duration.* A permit is valid until it is revoked, suspended or modified under 15 CFR part 904, or otherwise expires, or the applicant has failed to report a change in the information on the permit application to the Regional Director as specified in paragraph (k) of this section.

(i) *Replacement.* Replacement permits, for otherwise valid permits, may be issued by the Regional Director when requested in writing by the applicant, stating the need for replacement and the Federal operator permit number assigned. An applicant for a replacement permit must also provide two recent color passport-size photos of the applicant. An application for a replacement permit will not be considered a new application. An appropriate fee may be charged.

(j) *Transfer.* Permits issued under this section are not transferable or assignable. A permit is valid only for the person to whom it is issued.

(k) *Change in application information.* Notice of a change in the permit holder's name, address, or telephone number must be submitted in writing to, and received by, the Regional Director within 15 days of the change in information. If written notice of the change in information is not received by the Regional Director within 15 days, the permit is void.

(l) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(m) *Display.* Any permit issued under this part must be maintained in legible condition and displayed for inspection upon request by any authorized officer.

(n) *Sanctions.* Vessel operators with suspended or revoked permits may not be on board a federally permitted fishing vessel in any capacity while the vessel is at sea or engaged in offloading. Procedures governing enforcement related permit sanctions and denials are found at subpart D of 15 CFR part 904.

(o) *Vessel owner responsibility.* Vessel owners are responsible for ensuring that their vessels are operated by an individual with a valid operator's permit issued under this section.

§ 655.6 Dealer permit.

(a) *General.* All dealers must have a valid permit issued under this part in their possession.

(b) *Dealer application.* Applicants for a permit under this section must submit a completed application on an appropriate form provided by the Regional Director. The application must be signed by the applicant and

submitted to the Regional Director at least 30 days before the date upon which the applicant desires to have the permit made effective. The Regional Director will notify the applicant of any deficiency in the application pursuant to this section.

(c) *Information requirements.* Applications must contain at least the following information and any other information required by the Regional Director: Company name, place(s) of business, mailing address(es) and telephone number(s), owner's name; dealer permit number (if a renewal); and name and signature of the person responsible for the truth and accuracy of the report. If the dealer is a corporation, a copy of the Certificate of Incorporation must be included with the application. If the dealer is a partnership, a copy of the Partnership Agreement and the names and addresses of all partners must be included with the application.

(d) *Fees.* The Regional Director may charge a fee to recover the administrative expense of issuing a permit required under this section. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application; if it does not, the application will be considered incomplete for purposes of paragraph (e) of this section. Any fee paid by an insufficiently funded commercial instrument shall render any permit issued on the basis thereof null and void.

(e) *Issuance.* Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a permit at any time during the fishing year to an applicant unless the applicant has failed to submit a completed application. An application is complete when all requested forms, information, and documentation have been received and the applicant has submitted all applicable reports specified in § 655.7(a). Upon receipt of an incomplete or improperly executed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(f) *Expiration.* A permit will expire upon the renewal date specified in the permit.

(g) *Duration.* A permit is valid until it is revoked, suspended, or modified

under 15 CFR part 904, or otherwise expires, or ownership changes, or the applicant has failed to report any change in the information on the permit application to the Regional Director as required by paragraph (j) of this section.

(h) *Replacement.* Replacement permits, for otherwise valid permits, may be issued by the Regional Director when requested in writing by the applicant, stating the need for replacement and the Federal dealer permit number assigned. An application for a replacement permit will not be considered a new application. An appropriate fee may be charged.

(i) *Transfer.* Permits issued under this part are not transferable or assignable. A permit is valid only for the person to whom, or other business entity to which, it is issued.

(j) *Change in application information.* Within 15 days after a change in the information contained in an application submitted under this section, a written report of the change must be submitted to, and received by, the Regional Director. If written notice of the change in information is not received by the Regional Director within 15 days, the permit is void.

(k) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(l) *Display.* Any permit, or a valid duplicate thereof, issued under this part must be maintained in legible condition and displayed for inspection upon request by any authorized officer.

(m) *Federal versus state requirements.* If a requirement of this part differs from a fisheries management measure required by state law, any dealer issued a Federal dealer permit must comply with the more restrictive requirement.

(n) *Sanctions.* Procedures governing enforcement-related permit sanctions and denials are found at subpart D of 15 CFR part 904.

§ 655.7 Recordkeeping and reporting requirements.

(a) *Dealers—(1) Weekly report.* Dealers must send by mail, to the Regional Director or official designee, on a weekly basis, on forms supplied by or approved by the Regional Director, a report of fish purchases. If authorized in writing by the Regional Director, dealers may submit reports electronically or through other media. The following information and any other information required by the Regional Director must be provided in the report: Name and mailing address of dealer; dealer number; name and permit number of the vessels from which fish are landed or received; dates of purchases; pounds by species; price by species; and port

landed. If no fish are purchased during the week, a report so stating must be submitted. All report forms must be signed by the dealer or other authorized individual.

(2) *Annual report.* All persons required to submit reports under paragraph (a)(1) of this section are required to complete the "Employment Data" section of the Annual Processed Products Reports; completion of the other sections on that form is voluntary. Reports must be submitted to the address supplied by the Regional Director.

(3) *Inspection.* Upon the request of an authorized officer, or by an employee of NMFS designated by the Regional Director to make such inspections, the dealer must make immediately available for inspection copies of the required reports that have been submitted, or should have been submitted, and the records upon which the reports were based.

(4) *Record retention.* Copies of reports, and records upon which the reports were based, must be retained and be available for review for 1 year after the date of the last entry on the report. The dealer must retain such reports and records at its principal place of business.

(5) *Submitting reports.* Reports must be received, or postmarked if mailed, within 3 days after the end of each reporting week. Each dealer will be sent forms and instructions, including the address to which to submit reports, shortly after receipt of a dealer permit.

(6) *At-sea activities.* All persons purchasing, receiving, or processing any mackerel, squid, or butterfish at sea for landing at any port of the United States must submit information identical to that required by paragraphs (a) (1) and (2) of this section and provide those reports to the Regional Director or designee on the same frequency basis.

(b) *Vessel owners—(1) Fishing log reports.* The owner of any vessel issued a Federal Atlantic mackerel, *Loligo* squid, butterfish or *Illex* squid permit under § 655.4 must maintain on board the vessel, and submit, an accurate daily fishing log report for all fishing trips, regardless of species fished for or taken, on forms supplied by or approved by the Regional Director. If authorized in writing by the Regional Director, vessel owners may submit reports electronically. At least the following information, and any other information required by the Regional Director, must be provided: Vessel name, U.S. Coast Guard (USCG) documentation number (or state registration number if undocumented); permit number; date/time sailed; date/time landed; trip type;

number of crew; number of anglers (if a charter or party boat); gear fished; quantity and size of gear; mesh/ring size; chart area fished; average depth; latitude/longitude (or loran station and bearings); total hauls per area fished; average tow time duration; pounds by species of all species landed or discarded; dealer permit number; dealer name; date sold; port and state landed; and vessel operator's name, signature, and operator permit number.

(2) *When to fill in the log.* Fishing log reports must be filled in, except for information required but not yet ascertainable, before offloading has begun. All information in paragraph (b)(1) of this section must be filled in for each fishing trip before starting the next fishing trip.

(3) *Inspection.* Upon the request of an authorized officer, or an employee of NMFS designated by the Regional Director to make such inspections, at any time during or after a trip, owners and operators must make immediately available for inspection the fishing log reports currently in use, or to be submitted.

(4) *Record retention.* Copies of the fishing log reports must be retained and available for review for 1 year after the date of the last entry on the report.

(5) *Submitting reports.* Fishing log reports must be received or postmarked, if mailed, within 15 days after the end of the reporting month. Each owner will be sent forms and instructions, including the address to which to submit reports, shortly after receipt of a Federal Fisheries Permit. If no fishing trip is made during a month, a report so stating must be submitted.

§ 655.8 Vessel identification.

(a) *Vessel name.* Each fishing vessel owner subject to this part and over 25 ft (7.6 m) in length must affix permanently its name on the port and starboard sides of the bow and, if possible, on its stern.

(b) *Official number.* Each fishing vessel owner subject to this section and over 25 ft (7.6 m) in length must display its official number on the port and starboard sides of its deckhouse or hull, and on an appropriate weather deck, so as to be visible from above by enforcement vessels and aircraft. The official number is the U.S. Coast Guard documentation number, or the vessel's state registration number for vessels not required to be documented under title 46 of U.S.C.

(c) *Numerals.* Except as provided in paragraph (e) of this section, the official number must be permanently affixed in block arabic numerals in contrasting color at least 18 inches (45.7 cm) in

height for vessels over 65 ft (19.8 m) in length, and at least 10 inches (25.4 cm) in height for all other vessels over 25 ft (7.6 m) in length.

(d) *Duties of owner.* Any vessel owner subject to this part will:

(1) Keep the vessel's name and official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, its fishing gear, or any other object obstructs the view of the official number from any enforcement vessel or aircraft.

(e) *Nonpermanent marking.* Vessels carrying recreational fishing parties on a per capita basis or by charter must use markings that meet the above requirements, except for the requirement that they be affixed permanently to the vessel. The nonpermanent markings must be displayed in conformity with the above requirements when the vessel is fishing for Atlantic mackerel, squid, or butterflyfish.

§ 655.9 Prohibitions.

(a) In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person owning or operating a vessel issued a valid Federal Atlantic mackerel, squid, or butterflyfish permit under § 655.4, or issued an operator permit under § 655.5, to do any of the following:

(1) Possess more than the incidental catch allowance of squid, or butterflyfish unless issued a moratorium permit pursuant to § 655.4(b).

(2) Use any vessel for taking, catching, harvesting, or landing of any Atlantic mackerel, squid, or butterflyfish, except as provided in § 655.4(a), unless the vessel has on board a valid permit issued under § 655.4.

(3) Fail to report to the Regional Director within 15 days any change in the information contained in the permit application for a vessel, as specified in § 655.4(m).

(4) Falsify or fail to affix and maintain vessel markings as required by § 655.8.

(5) Take, retain, or land Atlantic mackerel, squid, or butterflyfish in excess of the trip allowance specified under § 655.23.

(6) Take, retain, or land Atlantic mackerel, squid, or butterflyfish after a total closure specified under § 655.23.

(7) Make any false statement, written or oral, to an authorized officer, concerning the taking, catching, landing, purchase, sale, or transfer of any mackerel, squid, or butterflyfish.

(8) Fish with or possess nets or netting that do not meet the minimum mesh requirement for *Loligo* specified in § 655.25(a) or that are modified,

obstructed, or constricted, if subject to the minimum mesh requirement, unless the nets or netting are stowed in accordance with § 655.25(b) or the vessel is fishing under an exemption specified in § 655.25(a).

(9) Sell or transfer Atlantic mackerel, squid, or butterflyfish to another person for a commercial purpose, other than transport, unless that person has a dealer permit issued under § 655.6.

(10) Falsify information in order to qualify a vessel for a moratorium permit pursuant to § 655.4(b).

(11) Transfer squid, or butterflyfish at sea to another vessel unless that other vessel is issued a valid moratorium permit issued pursuant to § 655.4(b) or a letter of authorization issued by the Regional Director.

(12) Fail to comply with any measures implemented pursuant to § 655.22.

(13) Refuse to embark a sea sampler if requested by the Regional Director.

(14) Assault, resist, oppose, impede, harass, intimidate, or interfere with or bar by command, impediment, threat, coercion or refusal of reasonable assistance an observer or sea sampler conducting his or her duties aboard a vessel.

(15) Fail to affix and maintain markings as required by § 655.8.

(16) Carry passengers for hire while fishing commercially under a permit issued pursuant to § 655.4 (b), (c), or (d).

(17) Fail to carry on board a letter of authorization if fishing in an experimental fishery pursuant to § 655.30.

(18) Employ an operator on board a vessel who has not been issued an operator permit that meets the requirements of § 655.5.

(b) It is unlawful for the owner and operator of a party or charter boat issued a permit (including a moratorium permit) pursuant to § 655.4, when the boat is carrying passengers for hire, to do any of the following:

(1) Violate any recreational fishing measures established pursuant to § 655.22(d)

(2) Sell or transfer Atlantic mackerel, squid, or butterflyfish to another person for a commercial purpose.

(3) Refuse to embark a sea sampler if requested by the Regional Director.

(c) It is unlawful for any person to do any of the following:

(1) Possess in or harvest from the EEZ Atlantic mackerel, squid, or butterflyfish, except as provided in § 655.4(a), unless the person is operating a vessel issued a permit pursuant to § 655.4, and the permit is on board the vessel, and has not been surrendered, revoked, or suspended.

(2) Possess nets or netting with mesh not meeting the minimum size

requirement of § 655.25 that does not meet the net stowage provisions of § 655.25, if the person possesses *Loligo* squid harvested in or from the EEZ.

(3) If subject to the permitting requirements in § 655.4, § 655.5, or § 655.6, to offload, to cause to be offloaded, sell or buy, whether on land or at sea, as an owner, operator, dealer, buyer, or receiver, without accurately and completely preparing and submitting in a timely fashion the documents required by § 655.7.

(4) Transfer squid or butterflyfish within the EEZ, unless the vessels participating in the transfer are issued valid moratorium permits pursuant to § 655.4(b) or valid letters of authorization pursuant to § 655.29.

(5) Purchase or otherwise receive, except for transport, Atlantic mackerel, squid, or butterflyfish from the owner or operator of a vessel issued a permit pursuant to § 655.4, unless in possession of a valid permit issued under § 655.6.

(6) Purchase or otherwise receive for a commercial purpose, Atlantic mackerel, squid, or butterflyfish caught by other than a vessel issued a permit pursuant to § 655.4, unless the vessel has not been issued a permit under this part and is fishing exclusively within the waters under the jurisdiction of any state.

(7) Make any false statements, oral or written, to an authorized officer concerning the catching, taking, harvesting, landing, purchase, sale, possession, or transfer of any Atlantic mackerel, squid, or butterflyfish.

(8) Fail to report to the Regional Director within 15 days any change in information contained in the permit application.

(9) Assault, resist, impede, oppose, harass, intimidate, or interfere with or bar by command, impediment, threat, coercion, or refusal of reasonable assistance to an observer or sea sampler conducting his or her duties aboard a vessel.

(10) Operate a vessel fishing for Atlantic mackerel, squid, or butterflyfish within the EEZ, unless issued an operator permit that meets the requirements of § 655.5.

(11) Violate any other provisions of this part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

(d) All Atlantic mackerel and butterflyfish possessed on board a party or charter boat issued a permit under § 655.4 are deemed to have been harvested from the EEZ.

(e) It is unlawful for any person to violate any terms of a letter authorizing experimental fishing pursuant to

§ 655.30 or to fail to keep such letter on board the vessel during the period of the experiment.

§ 655.10 Facilitation of enforcement.

See § 620.8 of this chapter.

§ 655.11 Penalties.

See § 620.9 of this chapter.

Subpart B—Management Measures

§ 655.20 Fishing year.

The fishing year is the 12-month period beginning on January 1 and ending on December 31.

§ 655.21 Maximum optimum yields.

The optimum yields (OYs) specified pursuant to § 655.22 during a fishing year may not exceed the following amounts:

- (a) Atlantic mackerel: That quantity of mackerel that is less than or equal to ABC specified pursuant to § 655.22;
- (b) *Loligo* squid: 36,000 mt (79,362,000 lb);
- (c) *Illex* squid: 30,000 mt (66,135,000 lb); and
- (d) Butterfish: 16,000 mt (35,272,000 lb).

§ 655.22 Procedures for determining initial annual amounts.

(a) *Initial annual specifications.* The Atlantic Mackerel, Squid, and Butterfish Monitoring Committee (Monitoring Committee) will meet annually to develop specifications regarding:

- (1) The initial optimum yield (IOY), domestic annual harvest (DAH), and domestic annual processing (DAP) for the squids;
- (2) The IOY, DAH, DAP and bycatch level of the total allowable level of foreign fishing (TALFF), if any, for butterfish; and
- (3) The IOY, DAH, DAP, joint venture processing (JVP), if any, and TALFF, if any, for Atlantic mackerel.
- (4) The Monitoring Committee will recommend these specifications to the Mackerel, Squid, and Butterfish Committee (Committee) of the Council. As a basis for establishing these specifications and restrictions, the Monitoring Committee will review available data pertaining to the following:
 - (i) Commercial and recreational landings;
 - (ii) Current estimates of fishing mortality;
 - (iii) Stock status;
 - (iv) The most recent estimates of recruitment;
 - (v) Virtual population analysis results;
 - (vi) Levels of noncompliance by harvesters or individual states;
 - (vii) Impact of size/mesh regulations;

(viii) The results of a survey of domestic processors and joint venture operators of estimated Atlantic mackerel processing capacity and intent to use that capacity (approved by the Office of Management and Budget under OMB control number 0648-0114);

(ix) The results of a survey of fishermen's trade associations of estimated Atlantic mackerel harvesting capacity and intent to use that capacity (approved by the Office of Management and Budget under OMB control number 0648-0114);

(x) Any other relevant information.

(b) *Guidelines.* The specifications determined pursuant to paragraph (a) by the Monitoring Committee will be consistent with the following guidelines:

(1) *Squid.* (i) The most recent biological data, including data on discards, will be reviewed annually under the procedures specified in paragraph (a) of this section. ABC for any fishing year is either the maximum OY specified in § 655.21, or a lower amount if stock assessments indicate that the potential yield is less than the maximum OY.

(ii) IOY is a modification of ABC based on social and economic factors.

(2) *Atlantic mackerel.* (i) Atlantic mackerel ABC is derived using the following terms: C = Estimated mackerel catch in Canadian waters for the upcoming fishing year; S = Mackerel spawning-stock size at the beginning of the upcoming fishing year for which catch estimates and quotas are being specified; and LTPC = Long term potential catch as estimated by the Northeast Fisheries Science Center (NEFSC).

(ii) ABC for the upcoming fishing year must be set at a level to maintain a minimum value for S of 900,000 mt (1,984,050,000 lb) and cannot exceed LTPC minus C.

(iii) IOY is less than or equal to ABC and represents a modification of ABC, based on social and economic factors.

(iv) IOY is composed of DAH and TALFF. DAH, DAP and JVP are projected by reviewing data from sources specified in this paragraph (a) and other relevant data including past domestic landings, projected amounts of mackerel necessary for domestic processing and for joint ventures during the fishing year, projected recreational landings, and other data pertinent for such a projection. The JVP component of DAH is the portion of DAH that domestic processors either cannot or will not use. In addition, IOY is based on such criteria as contained in the Magnuson Act, specifically section

201(e), and the application of the following economic factors:

- (A) Total world export potential by mackerel producing countries;
- (B) Total world import demand by mackerel consuming countries;
- (C) U.S. export potential based on expected U.S. harvests, expected U.S. consumption, relative prices, exchange rates, and foreign trade barriers;
- (D) Increased/decreased revenues to the U.S. from foreign fees;
- (E) Increased/decreased revenues to U.S. harvesters (with/without joint ventures);
- (F) Increased/decreased revenues to U.S. processors and exporters;
- (G) Increases/decreases in U.S. harvesting productivity due to decreases/increases in foreign harvest;
- (H) Increases/decreases in U.S. processing productivity; and
- (I) Potential impact of increased/decreased TALFF on foreign purchases of U.S. products and services and U.S.-caught fish, changes in trade barriers, technology transfer, and other considerations.

(v) The Council may also recommend that certain ratios of TALFF to purchases of domestic harvested fish and/or domestic processed fish be established in relation to the initial annual amounts.

(3) *Butterfish.* (i) The most recent biological data, including data on discards, will be reviewed annually under the procedures specified in paragraph (a) of this section. If this review indicates that the stock cannot support a level of harvest equal to the maximum OY, the Council will recommend establishing an ABC less than the maximum OY for the fishing year. This level represents the modification of maximum OY to reflect biological and ecological factors. If the stock is able to support a harvest level equivalent to the maximum OY, the ABC is to be set at that level.

(ii) IOY is a modification of ABC based on social and economic factors. The IOY is composed of a DAH and bycatch TALFF which is equal to 0.08 percent of the allocated portion of the Atlantic mackerel TALFF.

(c) *Adjustments.* The specifications established pursuant to this section may be adjusted by the Regional Director, in consultation with the Council, during the fishing year by publishing a notification in the Federal Register stating the reasons for such an action with a 30-day comment period.

(d) *Recommended measures.* Based on the review of the data described in paragraph (a) of this section, the Monitoring Committee will recommend to the Committee the following

measures it determines are necessary to assure that the specifications are not exceeded:

- (1) Commercial quotas;
- (2) The amount of *Loligo* squid, *Illex* squid, and butterfish which may be retained, possessed and landed by vessels issued the incidental catch permit specified in § 655.4(c);
- (3) Commercial minimum fish sizes;
- (4) Commercial trip limits;
- (5) Commercial seasonal quotas;
- (6) Minimum mesh sizes;
- (7) Commercial gear restrictions;
- (8) Recreational harvest limit;
- (9) Recreational minimum fish size;
- (10) Recreational possession limits;
- (11) Recreational season.

(e) *Annual fishing measures.* (1) The Committee shall review the recommendations of the Monitoring Committee. Based on these recommendations and any public comment, the Committee shall make its recommendations to the Council with respect to the specifications and any other measures necessary to assure that the specifications are not exceeded. The Council shall review these recommendations. Based on these recommendations, and any public comment, the Council shall make recommendations to the Regional Director. Included in the recommendation will be supporting documents, as appropriate, concerning the environmental, economic, and social impacts of the proposed action. The Regional Director will review these recommendations, and on or about November 1 of each year, will publish a notification in the Federal Register of proposed specifications and any other measures necessary to assure that the specifications are not exceeded. If the specifications differ from those recommended by the Council, the reasons for any differences must be clearly stated and the revised specifications must satisfy the criteria set forth in this section. The Federal Register notification of proposed specifications will provide for a 30-day public comment period.

(2) The Council's recommendations will be available in aggregate form for inspection at the office of the Regional Director during the public comment period.

(3) On or about December 15 of each year, the Secretary will make a final determination concerning the specifications for each species and the other measures contained in the notification of proposed specifications. After the Secretary considers all relevant data and any public comments, a notification of final specifications and response to public comments will be

published in the Federal Register. If the final amounts differ from those recommended by the Council, the reason(s) for the difference(s) must clearly be stated and the revised specifications must be consistent with the guidelines set forth in paragraph (b) of this section.

§ 655.23 Closure of the fishery.

(a) *General.* The Secretary shall close the directed Atlantic mackerel, *Illex* squid, *Loligo* squid, or butterfish fishery in the EEZ when U.S. fishermen have harvested 80 percent of the DAH, if such closure is necessary to prevent the DAH from being exceeded. The closure will be in effect for the remainder of the fishing year, with incidental catches allowed as specified in paragraph (c) of this section, until the entire DAH is attained. When the Regional Director projects that DAH will be attained for any of the species, the Secretary shall close the fishery in the EEZ to all fishing for that species, and the incidental catches specified in paragraph (c) of this section will be prohibited.

(b) *Notification.* The Secretary will take the following actions if it is determined that a closure is necessary:

- (1) Notify, in advance, the Executive Directors of the Mid- Atlantic, New England, and South Atlantic Councils;
- (2) Mail notifications of the closure to all holders of permits issued under §§ 655.4, 655.5 and 655.6 at least 72 hours before the effective date of the closure;

(3) Provide for adequate notification of the closure to recreational participants in the fishery; and

(4) Publish a notification of closure in the Federal Register.

(c) *Incidental catches.* During a period of closure of the directed fishery, the trip limit for the species for which the fishery is closed is 10 percent by weight of the total amount of fish on board for vessels with *Loligo*/butterfish moratorium permits, *Illex* moratorium permits or mackerel commercial permits. During a period of closure of the directed fishery, the trip limit for the species for which the fishery is closed is either 10 percent by weight of the total amount of fish on board, or the allowed level of incidental catch specified in § 655.4(c)(1), whichever is less.

§ 655.24 Time and area restrictions for directed foreign fishing.

Foreign fishing is regulated under the provisions specified in § 611.50(b)(2).

§ 655.25 Gear restrictions.

(a) *Mesh restriction and exemptions.* Owners or operators of otter trawl

vessels possessing *Loligo* squid harvested in or from the EEZ may only fish with nets having a minimum mesh size of 1⁷/₈ inches (48 mm) diamond mesh, inside stretch measure, applied throughout the entire net. There are two exemptions to this requirement:

(1) During the months of June, July, August, and September, otter trawl vessels fishing for *Illex* seaward of the following coordinates (see Figure 1 to part 655):

Point	Latitude	Longitude
Point M1	43°58.0' N.	67°22.0' W.
Point M2	43°50.0' N.	68°35.0' W.
Point M3	43°30.0' N.	69°40.0' W.
Point M4	43°20.0' N.	70°00.0' W.
Point M5	42°45.0' N.	70°10.0' W.
Point M6	42°13.0' N.	69°55.0' W.
Point M7	41°00.0' N.	69°00.0' W.
Point M8	41°45.0' N.	68°15.0' W.
Point M9	42°10.0' N.	67°10.0' W.
Point M10	41°18.6' N.	66°24.8' W.
Point M11	40°55.5' N.	66°38.0' W.
Point M12	40°45.5' N.	68°00.0' W.
Point M13	40°37.0' N.	68°00.0' W.
Point M14	40°30.0' N.	69°00.0' W.
Point M15	40°22.7' N.	69°00.0' W.
Point M16	40°18.7' N.	69°40.0' W.
Point M17	40°21.0' N.	71°03.0' W.
Point M18	39°41.0' N.	72°32.0' W.
Point M19	38°47.0' N.	73°11.0' W.
Point M20	38°04.0' N.	74°06.0' W.
Point M21	37°08.0' N.	74°46.0' W.
Point M22	36°00.0' N.	74°52.0' W.
Point M23	35°45.0' N.	74°53.0' W.
Point M24	35°28.0' N.	74°52.0' W.

Vessels fishing under this exemption may not have available for immediate use, as described in paragraph (b) of this section, any net with mesh size less than 1⁷/₈ inches (48 mm) diamond mesh when the vessel is landward of the specified coordinates.

(2) Vessels participating in the directed fishery for sea herring, provided that their catch comprises 75 percent or more by weight of sea herring.

(b) *Net stowage requirements.* Otter trawl vessels possessing *Loligo* squid that are subject to the minimum mesh size may not have "available for immediate use" any net, or any piece of net, not meeting the minimum mesh size requirement, or any net, or any piece of net, with mesh that is rigged in a manner that is inconsistent with the minimum mesh size. A net that conforms to one of the following specifications and that can be shown not to have been in recent use, is considered not to be "available for immediate use":

(1) A net stowed below deck, provided:

(i) it is located below the main working deck from which the net is deployed and retrieved;

(ii) the towing wires, including the leg wires, are detached from the net; and

(iii) it is fan-folded (flaked) and bound around its circumference; or

(2) A net stowed and lashed down on deck, provided:

(i) it is fan-folded (flaked) and bound around its circumference;

(ii) it is securely fastened to the deck or rail of the vessel; and

(iii) the towing wires, including the leg wires, are detached from the net; or

(3) A net that is on a reel and is covered and secured, provided:

(i) the entire surface of the net is covered with canvas or other similar material that is securely bound;

(ii) the towing wires, including the leg wires, are detached from the net; and

(iii) the codend is removed from the net and stored below deck; or

(4) Nets that are secured in a manner authorized in writing by the Regional Director and published in the Federal Register.

(c) *Mesh obstruction or constriction.* Any combination of mesh or liners that effectively decreases the mesh below the minimum size is prohibited, except that a liner may be used to close the opening created by the rings in the rearmost portion of the net, provided the liner extends no more than 10 meshes forward of the rearmost portion of the net.

(d) *Net obstruction or constriction.* The owner or operator of a fishing vessel shall not use any device, gear, or material, including, but not limited to, nets, net strengtheners, ropes, lines, or chafing gear, on the top of the regulated portion of a trawl net that results in an effective mesh opening of less than $1\frac{7}{8}$ inches (48 mm) mesh (inside stretch measure); net strengtheners (covers), splitting straps and/or bull ropes or wire may be used, provided they do not constrict the top of the regulated portion of the net to less than effective $1\frac{7}{8}$ inches (48 mm) mesh (inside stretch measure). "Top of the regulated portion

of the net" means the 50 percent of the entire regulated portion of the net which (in a hypothetical situation) would not be in contact with the ocean bottom during a tow if the regulated portion of the net were laid flat on the ocean floor. For the purpose of this paragraph, head ropes shall not be considered part of the top of the regulated portion of a trawl net. Net strengtheners (covers) may not have a mesh less than effective 4.5-inch (11.43-cm) mesh (inside stretch measure).

§ 655.26 Minimum fish sizes. [Reserved]

§ 655.27 Possession limits. [Reserved]

§ 655.28 At-sea observer coverage.

(a) The Regional Director may require observers for any vessel holding a permit issued under § 655.4.

(b) Owners of vessels selected for observer coverage must notify the appropriate Regional or Center Director, as specified by the Regional Director, before commencing any fishing trip that may result in the harvest of Atlantic mackerel, *Loligo* squid, *Illex* squid, or butterfish. Notification procedures will be specified in selection letters to vessel owners.

(c) An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(1) Provide accommodations and food that are equivalent to those provided to the crew;

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties;

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position;

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish; and

(5) Allow the observer to inspect and copy any records associated with the

catch and distribution of fish for that trip.

§ 655.29 Transfer-at-sea.

Only vessels issued a moratorium permit under § 655.4(b) may transfer *Loligo*, *Illex*, or butterfish at sea. Unless authorized in writing by the Regional Director, vessels issued an incidental catch permit under 655.4(c) are prohibited from transferring or attempting to transfer *Illex*, *Loligo*, or butterfish from one vessel to another vessel.

§ 655.30 Experimental fishery.

(a) The Regional Director, in consultation with the Executive Director of the Council, may exempt any person or vessel from the requirements of this part for the conduct of experimental fishing beneficial to the management of the Atlantic mackerel, squid, or butterfish resource or fishery.

(b) The Regional Director may not grant such exemption unless he/she determines that the purpose, design, and administration of the exemption is consistent with the objectives of the FMP, the provisions of the Magnuson Act, and other applicable law, and that granting the exemption will not:

(1) Have a detrimental effect on the Atlantic mackerel, squid, or butterfish resource and fishery; or

(2) Cause any quota to be exceeded; or

(3) Create significant enforcement problems.

(c) Each vessel participating in any exempted experimental fishing activity is subject to all provisions of this FMP except those necessarily relating to the purpose and nature of the exemption. The exemption will be specified in a letter issued by the Regional Director to each vessel participating in the exempted activity. This letter must be carried on board the vessel seeking the benefit of such exemption.

4. Figure 1 to part 655 is added to read as follows:

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Figure 1 to Part 655—Exemption line to minimum net mesh-size requirement for Loligo squid

