in the stock assessment. This experiment would allow one vessel to retain 25 fish in excess of the trawl trip limit for sablefish and is not expected to exceed 10 mt per year. It differs from the 1996 permit in that a state or Federal scientist would not need to be aboard every trip, but would be required to be present when the vessel offloads to gather the scientific samples. Also, the scientific samples would not necessarily be sold; they also could be distributed to a food bank or otherwise disposed of consistent with state and Federal law.

Requests for these renewals were presented at the Council's October 1996 meeting. The Council recommended renewal of all three in 1997. Comments on the three EFP programs for 1997 were invited at the October 1996 Council meeting. If approved, the whiting EFPs could be issued as early as March 1 for vessels delivering in the State of California, and mid-April for vessels delivering in Washington and Oregon; and the EFP for sablefish could be issued early in 1997. The decision on whether to issue EFPs and determinations on appropriate permit conditions will be based on a number of considerations, including the Council's recommendations and comments received from the public.

Classification

The final specifications and management measures for 1997 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act and 50 CFR parts 600 and 660 subpart G (the regulations implementing the FMP).

Much of the data necessary for these specifications and management measures came from the current fishing year. Because of the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the initial specifications and management measures, and the need to have these specifications and management measures in effect at the beginning of the 1997 fishing year, there is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment for the specifications and management measures. Amendment 4 to the FMP, implemented on January 1, 1991, recognized these timeliness considerations and set up a system by which the interested public is notified, through Federal Register publication and Council mailings, of meetings and of the development of these measures and is provided the opportunity to comment during the Council process. The public participated in GMT, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in August and October 1996 where these recommendations were formulated. Additional public comments on the specifications and management measures will be accepted for 30 days after publication of this document in the Federal Register. The Assistant Administrator (AA) will consider all comments made during the public comment period and may make modifications as appropriate.

An Environmental Assessment (EA) was prepared for the tribal groundfish rule that supported the AA's determination that the proposed 1996 Makah allocation would have no significant impact on the human environment. NMFS has updated the 1996 EA and has concluded that the 1997 Makah allocation will have no significant impact on the human environment.

The Administrative Procedure Act requires that publication of an action be made not less than 30 days before its effective date unless the AA finds, and publishes with the rule, good cause for an earlier effective date (5 U.S.C. 553(d)(3)). These specifications announce the harvest goals and the management measures designed to achieve those harvest goals in 1997. A delay in implementation could compromise the management strategies that are based on the projected landings from these trip limits. Therefore, a delay in effectiveness is contrary to the public interest and these actions are effective on January 1, 1997.

The tribal whiting allocation is developed following, as much as possible, the annual process for developing fishery specifications and management measures. This is because the information developed in this process (such as the ABC and HG for whiting) is important in the allocation process. In addition, the annual groundfish process provides the best opportunity to the interested public to receive notification of the proposed allocation and to provide comments. As described above in the response to public comments, the public received notice through the August and October Council meetings and Council newsletters. It is important to announce the tribal allocation with the other specifications and management measures so the affected industry will know the amount of whiting available to the various sectors and will be able to plan accordingly.

Dated: December 30, 1996.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96–33402 Filed 12–31–96; 2:35 pm]

BILLING CODE 3510–22–W

50 CFR Part 622

[Docket No. 961226370–6370–01; I.D. 111896A]

RIN 0648–AI15

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 2

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 2 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). Amendment 2 would add brown and pink shrimp to the FMP's fishery management unit, define overfishing for brown and pink shrimp, define optimum yield (OY) for brown and pink shrimp, require the use of certified bycatch reduction devices (BRDs) in all penaeid shrimp trawls in the exclusive economic zone (EEZ) in the South Atlantic, and establish a framework procedure for adding to the list of certified BRDs or modifying their specifications. The intended effects are to minimize the bycatch of finfish in shrimp trawling operations in the South Atlantic and to implement consistent, and therefore more enforceable, Federal and state management measures requiring the use of BRDs for reducing finfish bycatch in the penaeid shrimp fishery.

DATES: Written comments must be received on or before February 20, 1997.

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

Requests for copies of Amendment 2, which includes a regulatory impact review (RIR), a social impact analysis, and a supplemental final environmental impact statement (SFEIS), should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; Phone: 803–571–4366; Fax: 803–769–4520.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813–570–5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The shrimp fishery is the largest and most valuable commercial fishery in the South Atlantic, with approximately 1,400 large vessels and 1,000 small boats harvesting 30 million lb (13,608 mt) with an ex-vessel value of $60 million annually. Shrimp trawls have a significant bycatch of nontarget finfish and invertebrates, most of which are discarded dead. Scientific survey results indicate that the ratio of the weight of finfish bycatch to that of shrimp caught is about 2.3 to 1.

Bycatch may reduce the diversity of species within a marine ecosystem, adversely impact other fauna, and significantly reduce the yield in other fisheries that are directed at adults of the discarded species. Important fish species in the shrimp fishery bycatch include juveniles of mackerel, weakfish, spot, and croaker. If left to mature and grow, these juvenile fish possibly could be harvested later and produce a significantly higher yield in weight as well as enhancing the reproductive capacity of their stocks.

The Atlantic States Marine Fisheries Commission (ASMFC) has determined that weakfish are seriously overfished and on the verge of recruitment failure. The ASMFC adopted an Interstate Fishery Management Plan for Atlantic Weakfish (ISFMP) in 1985, primarily to address the lack of biological and fisheries data necessary for effective management of the weakfish resource. ISFMP Amendments 1 and 2 were adopted by the ASMFC to achieve significant reductions in fishing mortality of weakfish and to halt stock declines. ISFMP Amendment 2 directed the South Atlantic states to implement measures to achieve a 50 percent reduction in weakfish bycatch in the shrimp trawl fisheries for the 1996 fishing year. In order to accelerate weakfish conservation efforts, the ASMFC adopted Amendment 3 to its ISFMP in May 1996. The major goals of Amendment 3 are: Restoring the Atlantic coast weakfish resource over a 5-year period to a healthy level that will maintain commercial and recreational harvests consistent with a self-sustaining spawning stock; and providing for restoration and maintenance of habitat essential for the long term stability of the weakfish resource. Amendment 3 directs the states to require BRDs in all penaeid shrimp trawls nets above a certain size and requires that all BRDs be certified as demonstrating a 40 percent reduction by number or 50 percent reduction of bycatch mortality of weakfish when compared to catch rates in a net without a BRD. As members of the ASMFC, the southern Atlantic states have pledged to accomplish the BRD-related objectives of Amendment 3 in state waters during the 1996 shrimp season, which began in June 1996.

The Council has developed Amendment 2 to reduce bycatch of weakfish in Federal waters consistent with the objectives of Amendment 3 to the ISFMP, to enhance enforcement by requiring comparable BRDs in both state and Federal waters, and to initiate a process for certifying improved BRDs as they become available.

BRD Requirements

This rule would require the use of a certified BRD in most penaeid shrimp trawl nets in the South Atlantic EEZ. Specifically, on board a penaeid shrimp trawler, each trawl net that is rigged for fishing and has a mesh size less than 2.50 inches (6.35 cm) stretched mesh (center of knot to center of opposite knot), and each try net that is rigged for fishing and has a headrope length greater than 16.0 ft (4.9 m), must have a certified BRD installed. BRD designs that have passed the operational testing phase of the NMFS cooperative bycatch research program (i.e., extended funnel, expanded mesh, and fisheye BRDs) are certified for use in state waters and are certified for use in the EEZ where BRDs are required.

Most shrimp trawling in the South Atlantic occurs in state waters. Because most shrimp fishermen in the South Atlantic fish in both state and Federal waters on the same trip, the requirement to use BRDs in Federal waters should pose little, if any, additional burden on fishermen.

Amendment 2 Management Measures Not Reflected in the Proposed Rule

Framework Procedure for Certifying BRDs and for Modification of BRD Certification Criteria and Testing Protocol

In addition to the management measures reflected in the proposed rule, Amendment 2 would establish a framework procedure for certifying new or modified BRDs and for establishing and modifying BRD certification criteria and testing protocol. Any BRD that is eligible for NMFS certification must be shown to reduce the bycatch component of fishing mortality for Spanish mackerel and weakfish by 50 percent, or demonstrate a 40-percent reduction in number of these fish. The Regional Administrator, Southeast Region, NMFS (Regional Administrator), would be responsible for review and certification of BRDs for use in the South Atlantic EEZ. There would be two certification procedures. Under the first procedure, a new or modified BRD that is reviewed and recommended by a state management agency, and that meets the bycatch reduction criteria under the testing protocol specified by the Council, would be certified by the Regional Administrator. Under the second procedure, an individual would submit the results of BRD certification trials directly to NMFS. Such submissions would be evaluated by NMFS with the Regional Administrator making the final decision on BRD certification pursuant to the certification criteria, testing protocol, and terms of the FMP. Under either the first or second procedure, certification of a new or modified BRD would be announced by the Regional Administrator through publication of a notice in the Federal Register.

The proposed BRD testing protocol for certification does not include a shrimp loss criterion (i.e., estimated loss of shrimp when a BRD is used). However, any application for BRD certification would be required to provide data and analyses on the quantity of shrimp that could be lost when using the BRD. Also, an applicant would be required to identify: The sponsor of the BRD certification tests (e.g., Sea Grant program, university, or private firm); when and where the tests were conducted; the vessel or vessels involved; any special conditions or requirements of the tests; the statistical design and analyses that were performed, including length of tow, number of tows, and the measurements of shrimp and fishes; the names and affiliations of the observers; a complete description of the BRD, including detailed descriptions of how the BRD is installed in the nets; and the types of TEDs used. It should be noted that all certification tests would be required to be conducted with a state-approved or NMFS-approved observer aboard. It would be the responsibility of the applicant, or his/her agent, conducting the certification tests to ensure that a qualified observer is aboard during the tests.

Additional details concerning the Council's recommendations regarding the certification of BRDs, certification

criteria, and the BRD testing protocol are provided in Amendment 2 (see **ADDRESSES**) under the discussion regarding proposed Action 5 (pages 73–83 of Amendment 2). Action 5 also provides: The Regional Administrator will advise an applicant if a BRD is not certified; an applicant may resubmit a rejected request for certification; and the Regional Administrator may decertify a BRD should it be determined that such BRD does not meet the bycatch reduction criteria (page 76 of Amendment 2).

Brown and Pink Shrimp Measures

Amendment 2 would add brown and pink shrimp to the FMP's fishery management unit and define overfishing and OY for these species.

Annual landings of brown and pink shrimp off the southern Atlantic states over time appear to fit a normal distribution (a common statistical distribution) and have been relatively stable since the mid-1950s without any discernible upward or downward trend. Average annual landings for brown shrimp for the 1957–93 period have been 8,346,397 lb (3,786 mt); whereas average annual landings for pink shrimp for the same period have been 1,713,067 lb (777 mt). It appears that annual abundance of these shrimp is primarily influenced by environmental factors that determine the survival rate of juvenile shrimp. Fishing pressure, at least in the past, does not appear to have been a major factor controlling brown and pink shrimp abundance.

Since brown and pink shrimp are harvested in shrimp trawls for which BRDs will be required under Amendment 2, the Council concluded that it is necessary and appropriate that these shrimp species be added to the FMP management unit. The Council believes that the addition of these two shrimp species to the management unit would provide the necessary regulatory framework for establishing and enforcing compatible state and Federal regulations. Adding these species to the management unit would result in the following revised description of the FMP management unit: The management unit includes the populations of white, brown, pink, and rock shrimp along the U.S. Atlantic coast from the east coast of Florida, including the Atlantic side of the Keys, to the North Carolina/Virginia border.

Amendment 2 would define overfishing for brown and pink shrimp as follows: Overfishing for brown or pink shrimp is occurring if annual landings for 3 consecutive years are more than two standard deviations below mean landings for the period 1957–1993. Thus, annual landings for 3 consecutive years would have to be below 2,946,157 lb (1,336 mt) (heads on) for brown shrimp and 286,293 lb (130 mt) (heads on) for pink shrimp in order for these resources to be considered overfished. Reduced landings could result from reduced fishing pressure rather than overfishing. Accordingly, under Amendment 2, if annual landings are more than two standard deviations below mean landings for the 1957–1993 period for 2 consecutive years, the Council would convene its Shrimp Stock Assessment Panel, Shrimp Advisory Panel, and Shrimp Committee to review the causes of such declines in landings and recommend, if appropriate, actions necessary to address the identified problems. In the event that declining landings are actually due to overfishing rather than reduced fishing effort or some other factor, this should ensure that the Council takes timely action to address the overfishing problem. The NMFS Southeast Science Center has certified that the Council's proposed overfishing definition is based on the best scientific information available.

Both pink and brown shrimp are short lived and produce annual crops. Thus, as long as sufficient spawners survive each year, the Council believes that there is no benefit from leaving an excess of the present year's crop for the next season. Based on the biological characteristics of brown and pink shrimp, there is a minimal chance of overfishing these species. For these reasons, the Council is proposing that OY for these species be defined as the amount of harvest that can be taken by U.S. fishermen without annual landings falling more than two standard deviations below mean landings for the 1957–1993 period for 3 consecutive years (i.e., below 2,946,157 lb (1,336 mt) (heads on) for brown shrimp and 286,293 lb (130 mt) (heads on) for pink shrimp). The Council selected this definition of OY based, in part, on the absence of evidence that present or past levels of fishing effort have caused either growth or recruitment overfishing.

Availability of Amendment 2

Additional background and rationale for the measures discussed above are contained in Amendment 2, the availability of which was announced in the Federal Register on November 25, 1996 (61 FR 59856). Public comment on Amendment 2 is invited through January 24, 1997.

Classification

At this time, NMFS has not made its final determination that Amendment 2 is consistent with the national standards, other provisions of the Magnuson-Stevens Act, and other applicable laws. In making that final 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 Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that Amendment 2 and its implementing rule would not have a significant impact on a substantial number of small entities as follows:

The proposed rule would require the use of certified bycatch reduction devices (BRDs) in most shrimp trawls used in the fisheries for penaeid shrimp in the exclusive economic zone (EEZ) of the South Atlantic and specifies the 3 types of BRDs that are initially deemed ''certified.''

For the 1994 fishing season, about 1,100 large shrimp vessels were licensed in Florida, Georgia, and South Carolina, and about 300 large vessels in North Carolina. In addition, there were probably 1,000 or more small vessels and boats which have a significant dependence on shrimp trawling in the South Atlantic area; these vessels fish mostly in North Carolina waters. All entities involved in the shrimp fisheries in the southeast Atlantic EEZ are considered small entities for purposes of the RFA.

Requiring the use of BRDs for all shrimp trawls in the South Atlantic EEZ would have little or no economic impact since virtually all shrimp fishermen in this area fish primarily in state waters where BRDs are already required. Most, if not all, shrimp fishermen have already equipped their trawls with BRDs in conformity with state regulations that should meet the BRD-certification requirements of this rule. Accordingly, there should be little or no additional costs to fishermen in complying with the BRD requirements of this rule when they fish in the EEZ.

Regarding the impacts of this rule, the Council's regulatory impact review (RIR) concluded: Any economic impact would result in much less than a 5 percent reduction in annual gross revenues to small entities; any increase in compliance costs would be less than a 5 percent increase in total costs of production; all entities involved are small entities; capital costs of compliance represent a very small portion of capital available to small entities; and no entities are expected to be forced to cease business operations. For these reasons, the RIR concluded that this proposed rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 622

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

Dated: December 30, 1996.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.2, definitions for ''BRD'', ''Headrope length'', ''Penaeid shrimp trawler'', and ''Try net'' are added in alphabetical order to read as follows:

§ 622.2 Definitions and acronyms.

* * * * *

BRD means bycatch reduction device.

* * * * *

Headrope length means the distance, measured along the forwardmost webbing of a trawl net, between the points at which the upper lip (top edge) of the mouth of the net are attached to sleds, doors, or other devices that spread the net.

* * * * *

Penaeid shrimp trawler means any vessel that is equipped with one or more trawl nets whose on-board or landed catch of brown, pink, or white shrimp (penaeid shrimp) is more than 1 percent, by weight, of all fish comprising its on-board or landed catch.

* * * * *

Try net, also called test net, means a net pulled for brief periods by a shrimp trawler to test for shrimp concentrations or determine fishing conditions (for example, presence or absence of bottom debris, jellyfish, bycatch, seagrasses, etc.).

* * * * *

3. In § 622.41, paragraph (g) is added to read as follows:

§ 622.41 Species specific limitations.

* * * * *

(g) *Shrimp in the South Atlantic*—(1) *BRD requirement.* On a penaeid shrimp trawler in the South Atlantic EEZ, each trawl net that is rigged for fishing and has a mesh size less than 2.50 inches (6.35 cm), as measured between the centers of opposite knots when pulled taut, and each try net that is rigged for fishing and has a headrope length longer than 16.0 ft (4.9 m), must have a certified BRD installed. A trawl net, or try net, is rigged for fishing if it is in the water, or if it is shackled, tied, or otherwise connected to a sled, door, or other device that spreads the net, or to a tow rope, cable, pole, or extension, either on board or attached to a shrimp trawler.

(2) *Certified BRDs.* The following BRDs are certified for use by penaeid shrimp trawlers in the South Atlantic EEZ. Specifications of these certified BRDs are contained in Appendix D of this part.

(i) Extended funnel.

(ii) Expanded mesh.

(iii) Fisheye.

4. In § 622.48, paragraph (h) is added to read as follows:

§ 622.48 Adjustment of management measures.

* * * * *

(h) *South Atlantic shrimp.* Certified BRDs and their specifications.

5. Appendix D is added to part 622 to read as follows:

Appendix D to Part 622—Specifications for Certified BRDs in the South Atlantic Shrimp Fishery

A. *Extended Funnel.*

1. *Description.* The extended funnel BRD consists of an extension with large-mesh webbing in the center (the large-mesh escape section) and small-mesh webbing on each end held open by a semi-rigid hoop. A funnel of small-mesh webbing is placed inside the extension to form a passage for shrimp to the codend. It also creates an area of reduced water flow to allow for fish escapement through the large mesh. One side of the funnel is extended vertically to form a lead panel and area of reduced water flow. There are two sizes of extended funnel BRDs, a standard size and an inshore size for small trawls.

2. *Minimum Construction and Installation Requirements for Standard Size.*

(a) *Extension Material.* The small-mesh sections used on both sides of the large-mesh escape section are constructed of 1⅝ inch (4.13 cm), No. 30 stretched mesh, nylon webbing. The front section is 120 meshes around by 6½ meshes deep. The back section is 120 meshes around by 23 meshes deep.

(b) *Large-Mesh Escape Section.* The large-mesh escape section is constructed of 8 to 10 inch (20.3 to 25.4 cm), stretched mesh, webbing. This section is cut on the bar to form a section that is 15 inches (38.1 cm) in length by 95 inches (241.3 cm) in circumference. The leading edge is attached to the 6½-mesh extension section and the rear edge is attached to the 23-mesh extension section.

(c) *Funnel.* The funnel is constructed of 1½ inch (3.81 cm), stretched mesh, No. 30 depth-stretched and heat-set polyethylene webbing. The circumference of the leading edge is 120 meshes and the back edge is 78 meshes. The short side of the funnel is 34 to 36 inches (86.4 to 91.4 cm) long and the opposite side of the funnel extends an additional 22 to 24 inches (55.9 to 61.0 cm). The circumference of the leading edge of the funnel is attached to the forward small-mesh section three meshes forward of the large-mesh escape section and is evenly sewn, mesh for mesh, to the small-mesh section. The after edge of the funnel is attached to the after small-mesh section at its top and bottom eight meshes back from the large-mesh escape panel. Seven meshes of the top and seven meshes of the bottom of the funnel are attached to eight meshes at the top and bottom of the small-mesh section, such eight meshes being located immediately adjacent to the top and bottom centers of the small-mesh section on the side of the funnel's extended side. The extended side of the funnel is sewn at its top and bottom to the top and bottom of the small-mesh section, extending at an angle toward the top and bottom centers of the small-mesh section.

(d) *Semi-Rigid Hoop.* A 30-inch (76.2-cm) diameter hoop constructed of plastic-coated trawl cable, swaged together with a ⅜-inch (9.53-mm) micropress sleeve, is installed 5 meshes behind the trailing edge of the large-mesh escape section. The extension webbing must be laced to the ring around the entire circumference and must be equally distributed on the hoop, that is, 30 meshes must be evenly attached to each quadrant.

(e) *Installation.* The extended funnel BRD is attached 8 inches (20.3 cm) behind the posterior edge of the TED. If it is attached behind a soft TED, a second semi-rigid hoop, as prescribed in paragraph A.2.(d), must be installed in the front section of the BRD extension webbing at the leading edge of the funnel. The codend of the trawl net is attached to the trailing edge of the BRD.

3. *Minimum Construction and Installation Requirements for Inshore Size.*

(a) *Extension Material.* The small-mesh sections used on both sides of the large-mesh escape section are constructed of 1⅜ inch (3.5 cm), No. 18 stretched mesh, nylon webbing. The front section is 120 meshes around by 6½ meshes deep. The back section is 120 meshes around by 23 meshes deep.

(b) *Large-Mesh Escape Section.* The large-mesh escape section is constructed of 8 to 10 inch (20.3 to 25.4 cm), stretched mesh, webbing. This section is cut on the bar to form a section that is 15 inches (38.1 cm) by 75 inches (190.5 cm) in circumference. The leading edge is attached to the 6½-mesh extension section and the rear edge is attached to the 23-mesh extension section.

(c) *Funnel.* The funnel is constructed of 1⅜ inch (3.5 cm), stretched mesh, No. 18 depth-stretched and heat-set polyethylene webbing. The circumference of the leading edge is 120 meshes and the back edge is 78 meshes. The short side of the funnel is 30 to 32 inches (76.2 to 81.3 cm) long and the opposite side of the funnel extends an additional 20 to 22 inches (50.8 to 55.9 cm). The circumference of the leading edge of the funnel is attached to the forward small-mesh section three meshes forward of the large-mesh escape section and is evenly sewn, mesh for mesh, to the small-mesh section. The after edge of the funnel is attached to the after small-mesh section at its top and bottom eight meshes back from the large-mesh

escape panel. Seven meshes of the top and seven meshes of the bottom of the funnel are attached to eight meshes at the top and bottom of the small-mesh section, such eight meshes being located immediately adjacent to the top and bottom centers of the small-mesh section on the side of the funnel's extended side. The extended side of the funnel is sewn at its top and bottom to the top and bottom of the small-mesh section, extending at an angle toward the top and bottom centers of the small-mesh section.

(d) *Semi-Rigid Hoop.* A 24-inch (61.0-cm) diameter hoop constructed of plastic-coated trawl cable, swaged together with a 3/8-inch (9.53-mm) micropress sleeve, is installed 5 meshes behind the trailing edge of the large mesh section. The extension webbing must be laced to the ring around the entire circumference and must be equally distributed on the hoop, that is, 30 meshes must be evenly attached to each quadrant.

(e) *Installation.* The extended funnel BRD is attached 8 inches (20.3 cm) behind the posterior edge of the TED. If it is attached behind a soft TED, a second semi-rigid hoop, as prescribed in paragraph A.3.(d), must be installed in the front section of the BRD extension webbing at the leading edge of the funnel. The codend of the trawl net is attached to the trailing edge of the BRD.

B. *Expanded Mesh.* The expanded mesh BRD is constructed and installed exactly the same as the standard size extended funnel BRD, except that one side of the funnel is not extended to form a lead panel.

C. *Fisheye.*

1. *Description.* The fisheye BRD is a cone-shaped rigid frame constructed from aluminum or steel rod of at least ¼ inch diameter, which is inserted into the codend to form an escape opening. Fisheyes of several different shapes and sizes have been tested in different positions in the codend.

2. *Minimum Construction and Installation Requirements.* The fisheye has a minimum opening dimension of 5 inches (12.7 cm) and a minimum total opening area of 36 square inches (91.4 square cm). The fisheye must be installed in the codend of the trawl to create an opening in the trawl facing in the direction of the mouth of the trawl no further forward than 11 ft (3.4 m) from the codend tie-off rings.

[FR Doc. 97–187 Filed 1–3–97; 8:45 am]

BILLING CODE 3510–22–P

50 CFR Part 678

[I.D. 120696A]

RIN 0648–AH77

Atlantic Shark Fisheries; Notice of Availability of Amendment 1

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

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

SUMMARY: NMFS announces that the Highly Migratory Species Division has submitted Amendment 1 to the Fishery Management Plan for the Sharks of the Atlantic Ocean (FMP) for review, approval, and implementation by NMFS. Written comments are requested from the public. Amendment 1 would implement limited access measures for the Atlantic shark fisheries.

DATES: Written comments must be received on or before February 28, 1997.

ADDRESSES: Send comments to William Hogarth, Acting Chief, Highly Migratory Species Division (F/SF1), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Requests for copies of Amendment 1, which includes an environmental assessment and a regulatory impact review, should be sent to Margo Schulze, Fishery Biologist, Highly Migratory Species Division (F/SF1), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Margo Schulze or John Kelly, 301–713–2347; fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: The fishery for Atlantic sharks is managed under the FMP prepared by NMFS under authority of section 304(g) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act), as amended, and was implemented on April 26, 1993, through regulations found at 50 CFR part 678.

If approved, Amendment 1 would redefine permits as directed or incidental, develop eligibility criteria for these permits based on historical participation, and specify rules for transferability of permits. NMFS has determined that the Atlantic shark fishery is overcapitalized, with an excessive number of permitted vessels relative to current harvest levels. The objective of this amendment is to take a first and significant step towards reducing fleet capacity to levels more closely aligned with resource production by implementing limited access, substantially reducing latent harvesting capacity, and implementing measures to prevent further overcapitalization.

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

Dated: December 30, 1996.

Gary C. Matlock,

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

[FR Doc. 96–33394 Filed 12–30–96; 4:57 pm]

BILLING CODE 3510–22–F

50 CFR Part 679

[Docket No. 96122063–6363–01; I.D. 120296B]

RIN 0648–AI65

Fisheries of the Exclusive Economic Zone off Alaska; Maximum Retainable Bycatch Percentages

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a regulatory amendment to reduce maximum retainable bycatch percentages for sablefish in the Gulf of Alaska (GOA) groundfish trawl fisheries and to allow the use of GOA arrowtooth flounder as a basis species for the retention of bycatch amounts of pollock and Pacific cod when either of these two species is closed to directed fishing. This action is necessary to slow the harvest rate of GOA sablefish and to provide for fuller utilization of pollock and Pacific cod incidentally taken in the arrowtooth flounder fishery. This action is intended to further the objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

DATES: Comments must be received at the following address by February 5, 1997.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the environmental assessment/regulatory impact review prepared for this action may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, 907–586–7228.

SUPPLEMENTARY INFORMATION: Fishing for groundfish by U.S. vessels in the exclusive economic zone of the GOA is managed by NMFS according to the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

Regulations at § 679.20(e) establish maximum retainable bycatch (MRB) percentages for groundfish species or species groups. These MRB percentages establish the amount of a species that is