

Dated: February 20, 1997.

Rolland A. Schmitten,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

**PART 648—FISHERIES OF THE
NORTHEASTERN UNITED STATES
[AMENDED]**

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.20, paragraphs (b) through (d) are revised to read as follows:

§ 648.20 Maximum optimum yield (OYs).

* * * * *

(b) *Loligo*—the catch associated with a fishing mortality rate of F_{max} .

(c) *Illex*—the catch associated with a fishing mortality rate of F_{20} .

(d) Butterfish—the catch associated with a fishing mortality rate of F_{MSY} .

3. In § 648.21, paragraph (c)(5) is revised to read as follows:

§ 648.21 Procedures for determining initial annual amounts.

* * * * *

(c) * * *

(5) Commercial seasonal quotas/ closures for *Loligo* and *Illex*.

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4. In § 648.22, paragraphs (a) and (c) are revised to read as follows:

§ 648.22 Closure of the fishery.

(a) *General.* The Assistant Administrator shall close the directed mackerel fishery in the EEZ when U.S. fishermen have harvested 80 percent of the DAH of that fishery if such closure is necessary to prevent the DAH from being exceeded. The closure shall remain 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 mackerel, the Assistant Administrator shall close the mackerel fishery in the EEZ, and the incidental catches specified for mackerel in paragraph (c) of this section will be prohibited. The Assistant Administrator shall close the directed fishery in the EEZ for *Loligo*, *Illex*, or butterfish when 95 percent of DAH has been harvested. The closure of the directed fishery shall be in effect for the remainder of the fishing year with incidental catches allowed as specified in paragraph (c) of this section.

* * * * *

(c) *Incidental catches.* During the closure of the directed fishery for

mackerel, the trip limit for mackerel is 10 percent by weight of the total amount of fish on board. During a period of closure of the directed fishery for *Loligo*, *Illex*, or butterfish, the trip limit for *Loligo* and butterfish is 2,500 lb (1.13 mt) each, and the trip limit for *Illex* is 5,000 lb (2.27 mt).

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with the framework procedures of 50 CFR 660.67(d), which specifically addresses the access limitation process. During the moratorium, the Council will develop a program for the Mau Zone that aims to reduce the potential increase in fishing pressure in the Mau Zone and increase the economic efficiency of the fishery.

Discussions among the members of the Council's Bottomfish Plan Team, Task Force, Advisory Panel, and Review Board have pointed out the necessity of three elements in any limited access plan: Simplicity, equity, and the importance of restricting the number of potential participants. Approximately 80 vessels have had permits for the Mau Zone at some time in the past; however, some owners of vessels have died, and some vessels have permanently left the fishery, leaving a core of perhaps 30 vessels, whose owners could renew their permits and participate in the fishery. Any plan that the Council adopts is likely to contain some kind of qualifying criteria. A permit obtained by a former permittee during the moratorium may not guarantee a permit under the permanent limited access system. The Council is considering using qualification criteria based on historical landings data and current landings data, coupled with non-transferable permits for reducing the number of bottomfish vessels in the fishery and maintaining an active fleet at an optimal level.

Upon the effective date of this rule, only those vessel owners who have held Mau Zone permits will be eligible to renew or obtain permits for the length of the moratorium.

Classification

The Administrator, Southwest Region, NMFS, determined that the regulatory amendment is necessary for the conservation and management of the bottomfish fishery and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law.

This final 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 certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The reasons were published on November 27, 1996 (61 FR 60255). No public comments were received on the certification. As a result, no final regulatory flexibility analysis has been prepared.

50 CFR Part 660

[Docket No. 961121322-7033-02; I.D. 110696B]

RIN 0648-AJ02

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Mau Zone Moratorium

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to impose a 2-year moratorium on issuing new permits for harvesting bottomfish in the Mau Zone of the Northwestern Hawaiian Islands so that effort in the fishery will be stabilized while the Western Pacific Fishery Management Council (Council) develops a limited access program for the area. This will stabilize effort in the fishery while the Council develops a management system for the Mau Zone that may limit access to the fishery.

EFFECTIVE DATE: March 27, 1997.

ADDRESSES: Send comments to Ms. Hilda Diaz-Soltero, Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802. Copies of the Environmental Assessment can be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Alvin Katekaru, NMFS, (808) 973-2985; Mr. Svein Fougnier, NMFS, (562) 980-4034; or Ms. Kitty Simonds, Council, (808) 522-8220.

SUPPLEMENTARY INFORMATION: Following extensive review by the Council's advisory bodies, the details of which were summarized in the proposed rule (61 FR 60255, November 27, 1996) and will not be repeated here, the Council, at its 90th meeting, August 7-9, 1996, recommended that a moratorium be implemented for 2 years to allow sufficient time to complete an access limitation program for the Mau Zone bottomfish fishery. The Council recommended this action in accordance

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 21, 1997.

Roland A. Schmitten,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

For the reason set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST AND WESTERN PACIFIC STATES

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.61, paragraph (a) is revised to read as follows:

§ 660.61 Permits.

(a) The owner of any vessel used to fish for bottomfish in the Mau Zone must have a permit issued under this section for that vessel. Permits for persons not previously permitted to fish in the Mau Zone will not be issued for a 2-year period beginning March 27, 1997.

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50 CFR Part 679

[Docket No. 960502124-6190-02; I.D. 022097B]

Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; District 16 of Registration Area D

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

ACTION: Closure.

SUMMARY: NMFS is closing the scallop fishery in District 16 of Scallop Registration Area D (Yakutat). This action is necessary to prevent exceeding the scallop 1997 total allowable catch (TAC) in this area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), February 23, 1997, until 2400 hrs, A.l.t., June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The scallop fishery in the exclusive economic zone off Alaska is managed by NMFS according to the Fishery Management Plan for the Scallop Fishery Off Alaska (FMP), which was prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery

Conservation and Management Act. Fishing for scallops is governed by regulations appearing at subpart F of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.62(b), the 1997 scallop TAC for District 16 of Scallop Registration Area D (Yakutat), was established by the Final 1996-97 Harvest Specifications of Scallops (61 FR 38099, July 23, 1996) as 35,000 lb (15,880 kg) shucked meat.

In accordance with 679.62(c), the Administrator, Alaska Region, NMFS, has determined that the scallop TAC for District 16 of Scallop Registration Area D (Yakutat), has been reached. Consequently, NMFS is prohibiting the taking and retention of scallops in District 16 of Scallop Registration Area D (Yakutat).

Classification

This action is required by § 679.62 and is exempt from review under E.O. 12866.

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

Dated: February 20, 1997.

Richard W. Surdi,

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

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