

improve enforcement and to reduce underreporting and high levels of discards associated with the summer flounder fishery.

Response 13. At the September 1996 Council meeting, the Council discussed the need for improved enforcement and quota monitoring. At that meeting, the Council proposed to establish a committee of enforcement personnel and quota system administrators to evaluate the commercial reporting requirements of the Summer Flounder FMP. The goal of this committee was to develop by January 1, 1997, an investigation and enforcement strategy to ensure compliance with vessel owner and dealer permit and reporting requirements. The committee has met several times to discuss ways to improve compliance on the part of the states, federally permitted dealers, and fishermen. NMFS anticipates that the Commission will adopt compliance criteria in Amendment 10 to the FMP.

NMFS has limited authority under the current regulations to improve quota monitoring. NMFS has taken steps to secure direct landings reports from federally permitted dealers in states that have been late in reporting those landings. This will constitute a duplication of effort (double reporting), but NMFS believes this is the only effective alternative available at present.

NMFS law enforcement personnel review proposed regulations and work with the Council to facilitate plan development with enforceability as a central component. Additionally, law enforcement personnel work proactively with industry and the Coast Guard to promote training and education concerning fishery regulations. NMFS law enforcement personnel continue to conduct periodic random checks for compliance of federally permitted dealers and vessels. Further, NMFS maintains cooperative agreements with several states that provide for increased and improved enforcement coverage.

Comment 14. One commenter contended that the statement that net violations (tying off the codend) have occurred in the summer flounder fishery is largely unsubstantiated in NMFS law enforcement records.

Response 14. Although NMFS has relatively few records of this type of violation for the summer flounder fishery in 1996, harvesters and other industry members have given every indication that violations involving the use of liners or tying off the codend are a concern. In addition, the 22nd SAW reports that high discards probably contributed to the pattern of underestimating the fishing mortality in the present assessment and in past

assessments. These net infractions contribute directly and substantially to the discard rate.

Classification

This action is authorized by 50 CFR part 648 and complies with the National Environmental Policy Act.

These final specifications are exempt from review under 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 the management measures contained in this rule would not have a significant economic impact on a substantial number of small entities. The reasons for this determination were discussed in the proposed rule published in the Federal Register on December 18, 1996 (61 FR 66646). NMFS received four comments, addressed above, regarding this certification. These comments did not cause NMFS to change its determination regarding the certification. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Reporting and record keeping requirements.

Dated: March 3, 1997.

Roland A. Schmittin,

*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

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

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

2. Effective April 7, 1997 § 648.103, paragraph (a), is revised to read as follows:

§ 648.103 Minimum fish sizes.

(a) The minimum size for summer flounder is 14 inches (35.6 cm) TL for all vessels issued a moratorium permit under § 648.4 (a)(3), except on board party and charter boats carrying passengers for hire or carrying more than three crew members, if a charter boat, or more than five crew members, if a party boat;

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National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961126330-7039-02; I.D. 110796H]

RIN: 0648-XX72

Atlantic Mackerel, Squid, and Butterfish Fisheries; 1997 Specifications

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

ACTION: Final 1997 initial specifications.

SUMMARY: NMFS issues final initial specifications for the 1997 fishing year for Atlantic mackerel, squid, and butterfish (SMB). Regulations governing these fisheries require NMFS to publish specifications for each fishing year. This action is intended to promote the development of the U.S. SMB fisheries.

EFFECTIVE DATE: January 1, 1997, through December 31, 1997.

ADDRESSES: Copies of the Mid-Atlantic Fishery Management Council's quota paper and recommendations and the Environmental Assessment are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 508-281-9104.

SUPPLEMENTARY INFORMATION:

Regulations implementing the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) prepared by the Mid-Atlantic Fishery Management Council (Council) appear at 50 CFR part 648. These regulations stipulate that NMFS publish a document specifying the initial annual amounts of the initial optimum yield (IOY), as well as the amounts for allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable levels of foreign fishing (TALFF) for the species managed under the FMP. No reserves are permitted under the FMP for any of these species. Procedures for determining the initial annual amounts are found in § 648.21.

Proposed 1997 initial specifications, requesting public comment were published on December 11, 1996 (61 FR 65192). No public comments were received. Therefore, the final 1997 initial specifications are unchanged from those that were proposed. An

analysis of these specifications and a discussion of current Council actions that may affect the 1997 specifications of maximum optimum yield for *Loligo*

and *Illex* squid and ABC for Atlantic mackerel are contained in the proposed rule and are not repeated here.

The following table contains the final initial specifications for the 1997 Atlantic mackerel, *Loligo* and *Illex* squids, and butterfish fisheries.

**FINAL INITIAL ANNUAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR
JANUARY 1 THROUGH DECEMBER 31, 1997**

[mt]

Specifications	Squid		Atlantic mackerel	Butterfish
	<i>Loligo</i>	<i>Illex</i>		
Max OY ¹	236,000	330,000	N/A	16,000
ABC ⁴	21,000	19,000	5 1,178,000	7,200
IOY	21,000	19,000	90,000	5,900
DAH	21,000	19,000	6 90,000	5,900
DAP	21,000	19,000	50,000	5,900
JVP	25,000
TALFF

¹ Maximum optimum yield (Max OY) equals Maximum Sustainable Yield.

² 26,000 mt if overfishing threshold in Amendment 6 is approved.

³ 24,000 mt if overfishing threshold in Amendment 6 is approved.

⁴ IOY can increase to this amount.

⁵ 383,000 if overfishing definition in Council's resubmission of measures disapproved in Amendment 5 is approved.

⁶ Contains 15,000 estimated recreational catch.

NMFS also announces that four special conditions imposed in previous years continue to be imposed on the 1997 Atlantic mackerel fishery as follows: (1) Joint ventures would be allowed south of 37°30' N. latitude, but river herring bycatch may not exceed 0.25 percent of the over-the-side transfers of Atlantic mackerel; (2) the Administrator, Northeast Region, NMFS (Regional Administrator) should ensure that impacts on marine mammals are reduced in the prosecution of the Atlantic mackerel fishery; (3) the mackerel OY may be increased during the year, but the total should not exceed ABC; and (4) applications from a particular nation for a joint venture for 1997 will not be decided on until the Regional Administrator determines, based on an evaluation of performances, that the nation's purchase obligations for previous years have been fulfilled.

Classification

The Regional Administrator has determined that this final rule is necessary for the conservation and management of the Atlantic mackerel, squid, and butterfish fisheries and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law.

This action is authorized by 50 CFR part 648, and these final initial specifications are exempt from review under 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 discussed in the proposed rule published December 11, 1996 (61 FR 65192). No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

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

Dated: March 3, 1997.

Nancy Foster,
*Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.*
[FR Doc. 97-5694 Filed 3-6-97; 8:45 am]
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National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961107312-7012-02; I.D.
022897D]

Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/“Other Flatfish” Fishery Category by Vessels Using Trawl Gear in Bycatch Limitation Zone 1

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for species in the rock sole/flathead sole/“other flatfish” fishery in

category by vessels using trawl gear in Bycatch Limitation Zone 1 (Zone 1) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1997 bycatch allowance of *C. bairdi* Tanner crab apportioned to the trawl rock sole/flathead sole/“other flatfish” fishery category in Zone 1.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), March 4, 1997, until 2400 hrs, A.l.t., December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management 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.

The bycatch allowance of red king crab for the BSAI trawl rock sole/flathead sole/“other flatfish” fishery category, which is defined at § 679.21(e)(3)(iv)(B)(2), was established by the Final 1997 Harvest Specifications of Groundfish (62 FR 7168, February 18, 1997) as 394,736 animals.

In accordance with § 679.21(e)(7)(ii), the Administrator, Alaska Region, NMFS, has determined that the 1997 bycatch allowance of *C. bairdi* Tanner crab apportioned to the trawl rock sole/flathead sole/“other flatfish” fishery in