rule making proceeding does not impose any new or additional recordkeeping, reporting or compliance requirement on amateur service licensees.

V. Significant Alternatives To Proposed Rule Which Minimize Significant Economic Impact on Small Entities and Accomplish Stated Objectives: None. This proceeding will affect only amateur stations that choose to transmit a spread spectrum emission using a spreading technique that is not permitted under the currently effective rules. Small businesses are not eligible to be licensees in the amateur service, and amateur radio operators are prohibited from transmitting communications for compensation, for their pecuniary benefit, and on behalf of their employers. See 47 CFR 97.113.

VI. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule: None.

II. Initial Paperwork Reduction Act of 1995 Analysis

This NPRM does not contain either a proposed or modified information collection. As part of its continuing effort to reduce paperwork burdens, the Commission invites the general public and the OMB to take this opportunity to comment on this conclusion, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this NPRM, OMB comments are due 60 days after the date of publication of this summary in the Federal Register.

List of Subjects in 47 CFR Part 97

Emission types, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Part 97 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 97—AMATEUR RADIO SERVICES

1. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

2. In § 97.3, paragraph (c)(8) is revised to read as follows:

§ 97.3 Definitions.

* * * * *

(c) * * *

(8) *SS*. Spread-spectrum emissions using bandwidth-expansion modulation emissions having designators with A, C, D, F, G, H, J or R as the first symbol; X as the second symbol; X as the third symbol.

* * * *

3. Section 97.305(b) is revised to read as follows:

§ 97.305 Authorized emission types.

* * * * *

(b) A station may transmit a test emission on any frequency authorized to the control operator for brief periods for experimental purposes, except that no pulse or SS modulation emission may be transmitted on any frequency where pulse or SS emissions are not specifically authorized.

* * * * *

4. Section 97.311 is amended by revising paragraphs (a), (b), and (g), and removing and reserving paragraphs (c) and (d) to read as follows:

§ 97.311 SS emission types.

(a) SS emission transmissions by an amateur station are authorized only for communications between points within areas where the amateur service is regulated by the FCC and between an area where the amateur service is regulated by the FCC and an amateur station in another country that permits such communications. SS emission transmissions must not be used for the purpose of obscuring the meaning of any communication.

(b) A station transmitting SS emissions must not cause harmful interference to stations employing other authorized emissions, and must accept all interference caused by stations employing other authorized emissions.

* * * * *

(g) The transmitter power must not exceed 100 W under any circumstances. If more than 1 W is used, automatic transmitter control shall limit output power to that which is required for the communication. This shall be determined by the use of the ratio, measured at the receiver, of the received energy per user data bit (Eb) to the sum of the received power spectral densities of noise (N_0) and co-channel interference (I_0). Average transmitter power over 1 W shall be automatically adjusted to maintain an Eb/ (N_0+I_0) ratio of no more than 23 dB at the intended receiver.

[FR Doc. 97–6897 Filed 3–18–97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 030797C]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Scoping Process for Hake

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

ACTION: Notice of intent to prepare a supplemental environmental impact statement (SEIS) and notice of scoping process; request for comments.

SUMMARY: The New England Fishery Management Council (Council) announces its intent to prepare an amendment to the Northeast Multispecies Fishery Management Plan (FMP) to conserve silver hake (whiting, *Merluccius bilinearis*) and offshore hake (*Merluccius albidus*) stocks, and to prepare a supplemental environmental impact statement (SEIS) to analyze the impacts of any proposed management measures. The Council also formally announces a public process to determine the scope of issues to be addressed in the environmental impact analysis. The purpose of this document is to alert the interested public of the commencement of the scoping process and to provide for public participation in compliance with environmental documentation requirements.

DATES: Written comments on the scope of the SEIS may be submitted until April 7, 1997.

ADDRESSES: Written comments and requests for copies of the SEIS should be sent to Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, (617) 231–0422.

SUPPLEMENTARY INFORMATION:

Background

Whiting became a component of the multispecies fishery management unit in Amendment 4 to the FMP (56 FR 24724, May 31, 1991). At that time, a proposed 2.5–inch (6.35–cm) minimum mesh size was disapproved because NMFS determined that it would do little to prevent overfishing. Also, the economic analysis failed to demonstrate a net benefit over a 10-year period, and fishermen in the Mid-Atlantic area commented that the mesh size increase

would result in a disproportionate economic cost to them. Consequently, besides the measures adopted for the Cultivator Shoal whiting fishery, no regulations controlled whiting fishing following its incorporation into the management unit.

Whiting fishing is currently allowed without restriction in times and areas where the regulated species bycatch has been determined to be below 5 percent. This exemption applies year-round in Southern New England, and in two seasonal areas in the Gulf of Maine. Experimental fisheries have been undertaken to demonstrate the efficacy of gear modifications, such as a separator grate or a raised-footrope trawl, in reducing regulated species bycatch to below the maximum acceptable level.

In 1993, whiting fishermen brought concerns to the Council about the emergence of an export market for juvenile whiting. The Council's Groundfish Committee (Committee) formed a whiting subcommittee and industry advisory panel that outlined some measures and objectives for a management plan. The Committee held several scoping meetings, including two scoping hearings in the Mid-Atlantic area in early 1994 (March 7 in Wall, NJ, and March 8 in Montauk, NY). The staff prepared a draft public hearing document, but the Council suspended plan-development efforts while it worked on Amendment 7 to the FMP.

The whiting subcommittee reconvened in June 1996. In the period between 1993 and 1996, according to advisors, the juvenile whiting fishery expanded significantly, raising concerns for the health of the resource. On the recommendation of the advisors and the Committee, the Council established a control date for whiting on September 9, 1996 (61 FR 47473), and announced that it is considering limiting future access to anyone not in possession of a multispecies limited access permit as of that date.

The advisors raised the issue of offshore hake, which they reported was often mixed with silver hake, but that has not been separated in landings statistics. They also asked about the impact of proposed management measures for silver hake on offshore hake fishing. In response, the Council obtained a scientific report from the Northeast Fisheries Science Center in October 1996. The report summarized available information and noted that very little is known about the species of offshore hake.

In December 1996, the whiting subcommittee and advisors outlined a plan for whiting management. The subcommittee agreed that, for management purposes, the whiting resource should be divided into two stocks, a northern stock in the Georges Bank/Gulf of Maine Regulated Mesh Area, and a southern stock in the Southern New England and Mid-Atlantic Regulated Mesh Areas. The subcommittee recommended that, for management purposes, offshore hake be treated as a component of the southern stock of silver hake and also that the Cultivator Shoal whiting fishery be managed separately.

Status of the Stocks

The last stock assessment for whiting was presented to the Council in February 1994. This assessment was hampered by several problems, particularly by uncertainty about stock boundary definitions and discarding of juveniles, and by insufficient biological sampling to determine the length and age composition of the catch. More recently, recognition that a separate species (offshore hake) has been mixed with catches of silver hake compounds the difficulty of establishing an age-based assessment.

Based on analysis of landings and trawl survey data, the assessment concluded that the Gulf of Maine/Northern Georges Bank stock was fully-exploited and at a low level of abundance, although abundance appeared to be increasing. The assessment also concluded that the Southern Georges Bank/Middle Atlantic stock is over-exploited and at a low level of abundance and that abundance continues to decline.

The impact of the juvenile (silver hake) fishery over the past 5 years on stock status has not yet been measured. Given the truncated age-structure of the population of both stocks, this fishery may be detrimental to the resource. On the other hand, discards of juvenile fish have historically been substantial, and increased landings of juvenile whiting do not necessarily represent an increase in exploitation rates.

Purpose

The purpose of the proposed amendment is to provide basic protection for whiting, pending the development of scientific information pertaining to potential overfishing and biological characteristics, and to allow for a balanced, sustainable fishery maximizing economic benefit.

Management Options

A. Moratorium on Permits—Limited Access

The Committee recommends that, to land whiting, a vessel without a current limited-access multispecies permit meet the following qualification criteria: (1) That it held an open-access, non-regulated multispecies permit as of the control date (September 9, 1996), and (2) that it had landed at least one pound of whiting prior to the control date. All vessels with a current limited-access multispecies permit would retain access to the whiting fishery.

B. Southern Stock

Management of the southern stock is complicated by the diversity of fisheries where whiting is caught; specifically, the squid/whiting fishery uses a 1.75–inch (4.44–cm) mesh, and other mixed-trawl fisheries use meshes of 2–2.5 inches (5–6.35 cm). The Council is considering requiring a vessel retaining whiting to use a codend of 2.5 inches (6.35 cm) or larger, and to prohibit the retention of whiting on vessels using smaller mesh. During the spawning season from May through August, vessels would be limited to 500 lb (0.227 mt) of whiting per registered length overall per trip. For example, a 50–ft vessel could retain 25,000 lb (11.340 mt) of whiting.

C. Northern Stock

Scientific information indicates that the northern stock may be able to sustain a fishery utilizing both small and large whiting, provided the catch is limited or controlled. The Committee intends to consider results from experimental fisheries that have evaluated grate/mesh size management strategy. The Committee recommends requiring a vessel retaining whiting to use a codend of 2.5 inches (6.35 cm) or larger if the vessel is not in an approved fishery requiring a separator grate. As in the southern stock area during the spawning season from May through August, vessels would be limited to 500 lb (0.227 mt) of whiting per foot of registered length overall per trip.

D. Other Measures Under Consideration

The Council is also considering, and will take comments on other management options, including: (1) A minimum fish size of 11 inches (29.74 cm) with a 20–percent tolerance for undersized fish, with or without a minimum mesh size; (2) minimum mesh sizes up to 3 inches (7.62 cm), with or without a minimum fish size; (3) a square-mesh panel in the net and other gear modifications; and (4) a raised-footrope trawl design.

Other Issues to be Addressed

The Council seeks comments on two other issues identified by the Committee: (1) Whiting permits for non-

federally permitted shrimp boats, and (2) the impact of eliminating the possession-limit-only permit (established by Amendment 7 to the FMP) on vessels in the Southern New England and Mid-Atlantic area.

Scoping Process

The Council discussed and took scoping comments at its meeting on March 12–13, 1997. Additional scoping meetings may be scheduled later as needed. All persons affected by or otherwise interested in whiting fisheries management are invited to participate in determining the scope and significance of issues to be analyzed by submitting written comments (see **ADDRESSES**). Scope consists of the range of actions, alternatives and impacts to be considered. Alternatives include not developing a management plan, developing amendments to existing plans or other reasonable courses of action. Impacts may be direct, indirect, individual or cumulative. The scoping process also will identify and eliminate from detailed study issues that are not significant. Once a draft FMP amendment and an Environmental Impact Statement or Environmental Assessment is developed, the Council will hold public hearings to receive comments.

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

Dated: March 13, 1997.

Gary C. Matlock,

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

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