

agreement on basic telecommunications services in the World Trade Organization (WTO) on proposals made in the *DISCO II* proceeding.

**DATES:** The roundtable discussion will be held on April 18, 1997, at 1:30–3:30 p.m.

**ADDRESSES:** The roundtable discussion will be held in the Commission Meeting Room, Room 856, 1919 M Street, N.W., Washington, DC 20054.

**FOR FURTHER INFORMATION CONTACT:** Suzanne Hutchings, Attorney, (tel: 202–418–0762, fax: 202–418–0765), and James Taylor, Attorney, (tel: 202–418–2113, fax: 202–418–7270), Satellite and Radiocommunication Division, International Bureau, Suite 500, 2000 M Street N.W., Washington, D.C. 20554.

**SUPPLEMENTARY INFORMATION:** The International Bureau, Satellite and Radiocommunication Division, will host a roundtable discussion on April 18, 1997, at 1:30–3:30 p.m. in the Commission Meeting Room, Room 856, 1919 M Street, N.W., Washington, D.C. 20054, to solicit views on rules and policies for entry of foreign-licensed satellites in the U.S. market, as proposed by the Commission in the *DISCO II* (61 FR 32399, June 24, 1996). Comments offered in the roundtable discussion will assist the Commission in assessing the impact of the recent agreement on basic telecommunications services in the World Trade Organization (WTO) on proposals made in the *DISCO II* proceeding.

One of the principal aims of the *DISCO II* proceeding was to encourage foreign governments to open their communications markets. As a result of the recent WTO Agreement, nearly 80% of countries making offers on basic telecommunications have committed to a complete opening of their satellite markets effective January 1998 or on a phased-in basis. Additional participants have committed to at least partial opening of their satellite markets, and the United States Trade Representative continues to urge countries to improve on their offers on basic telecommunications.

We seek to assess the impact, if any, of these developments on the Commission's stated goals in *DISCO II*, and on whether proposed *DISCO II* rules and policies should be revised to reflect these developments. Specifically, we ask the industry and the general public their views on whether and how the ECO-Sat and public interest criteria for evaluating applications to access non-U.S.-licensed satellites should change in light of the WTO Agreement.

- Should our consideration of additional public interest factors, including the

promotion of competition in the United States, be modified or expanded?

- How should the proposed ECO-Sat test be modified with respect to satellites licensed by WTO members, including systems that have investment by non-WTO members?

- Should the proposed ECO-Sat test and public interest factors be modified with respect to satellites licensed by non-WTO members? If so, what specific criteria should be applied?

- Should the proposed ECO-Sat test and public interest factors be modified with respect to satellite services not covered by the U.S. WTO offer on basic telecommunications, *i.e.* DTH, DBS, and DARS? If so, what specific criteria should be applied?

Members of industry and the public who wish to comment in writing should submit their views sufficiently in advance of the roundtable meeting so as to enable all participants to review them. A public file has been set up in the International Bureau's Reference Room on the First Floor of 2000 M Street, N.W. for the written submissions provided during this inquiry. The address for all correspondence: Office of the International Bureau Chief, Satellite Policy Branch, Suite 800, 2000 M Street, N.W., Stop Code 0800, Washington, D.C. 20554.

Persons with other business currently before the Commission are asked to ensure that comments offered do not violate any restrictions on *ex parte* presentations.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 960520141–7077–05; I.D. 021897B]

**RIN 0648–AH05**

#### Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 1997 Scup Recreational Fishery Measures

**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 retain, for 1997, the 1996

recreational management measures for the scup fishery implemented under the regulations implementing Amendment 8 to the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP). This rule proposes no change to the measures implemented under Amendment 8, that is, a 7–inch (17.78–cm) minimum fish size, no possession limit and no season for the recreational scup fishery. The intent of this document is to comply with implementing regulations for the scup fishery that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of the resource.

**DATES:** Public comments must be received on or before May 15, 1997.

**ADDRESSES:** Copies of the Environmental Assessment prepared for the 1997 scup specifications and supporting documents used by the Monitoring Committee are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901–6790. Comments should be sent to: Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930. Please mark the outside of the envelope “Comments on the Recreational Fishing Measures for Scup.”

**FOR FURTHER INFORMATION CONTACT:** Regina L. Spallone, Fishery Policy Analyst, (508) 281–9221.

**SUPPLEMENTARY INFORMATION:** The FMP was developed jointly by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) in consultation with the New England and South Atlantic Fishery Management Councils. Implementing regulations for the fishery are found at 50 CFR part 648.

Section 648.120 outlines the process for determining annual commercial and recreational catch quotas and other restrictions for the scup fishery. The Scup Monitoring Committee (Committee), made up of representatives from the Council, the Commission, the New England Fishery Management Council, and NMFS, is required to review, on an annual basis, scientific and other relevant information and to recommend a quota and other restrictions necessary to achieve an annual exploitation rate of 47 percent in 1997 through 1999, 33 percent in 2000 and 2001, and the exploitation rate associated with  $F_{max}$  (currently 19 percent) in 2002. This schedule is mandated by the FMP to prevent overfishing and to rebuild the scup resource. The Committee reviews the

following information annually: (1) Commercial and recreational catch data; (2) current estimates of stock mortality; (3) stock status; (4) recent estimates of recruitment; (5) virtual population analysis (a method for analyzing fish stock abundance); (6) levels of regulatory noncompliance by fishermen or individual states; (7) impact of fish size and net mesh regulations; (8) impact of gear, other than otter trawls, on the mortality of scup; and (9) other relevant information. Pursuant to § 648.120, after this review, the Committee recommends to the Council and Commission management measures to ensure achievement of the appropriate exploitation rate. The Council and Commission, in turn, make a recommendation to the Regional Administrator.

Final specifications for the 1997 scup fishery were published on March 14, 1997 (62 FR 12105), including a coastwide recreational harvest limit of 1.947 million lb (0.88 million kg). The recreational season, possession limit, and minimum size were not established as part of those specifications because recreational catch data for 1996 were not available for the Committee's use to evaluate the effectiveness of the 1996 measures. Shortly after preliminary 1996 data became available, the Committee met again to review the data and to recommend measures for the 1997 recreational fishery intended to achieve the recreational harvest limit. The Committee, noting uncertainties in the stock assessment and stock size projections for 1997, and the landings projections for 1996, recommended to the Council and Commission that the management measures implemented in 1996 for the recreational fishery, specifically a minimum fish size of 7 inches (17.78 cm), be continued for 1997. The Committee did not recommend a season or possession limit for 1997. The Council and Commission adopted the recommendation on December 17, 1996, and this recommendation is proposed in this action.

The Council and Commission recommended the continuation of the

1996 limits after reviewing data that indicated that, while projected 1996 landings would be 2.3 million lb (1.04 million kg), or 16 percent greater than the harvest limit proposed for 1997, 1995 recreational landings were only 1.3 million lb (0.6 million kg), or 32 percent less than the harvest limit proposed for 1997. Given this variability in landings around the harvest level proposed in 1997, when little or no restrictions were in place, the Council and Commission were reluctant to implement further restrictions at this time. In addition, the Council and Commission noted uncertainties in the analyses and projections cited by the Committee and concluded that the availability of larger scup (i.e., scup larger than 7 inches (17.78 cm)) was not expected to increase. The Council and Commission determined that the 7-inch (17.78-cm) minimum size regulation would constrain anglers to the 1997 coastwide recreational harvest limit of 1.947 million lb (0.88 million kg). To adopt an increase in size or possession limit at this time could preclude the harvest limit from being taken.

#### Classification

This action is authorized by 50 CFR Part 648, and has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act will not have a significant economic impact on a substantial number of small entities as follows:

This action would retain for 1997, the same management measures for the recreational scup fishery implemented in 1996. Specifically, this action would continue the minimum fish size of 7 inches (17.8 cm) and no possession limit in order to allow the recreational sector of the scup fishery to harvest the coastwide harvest limit of 1.947 million lb (0.88 million kg). The Council and Commission recommended the continuation of the 1996 measures after reviewing data

that indicated that, while projected 1996 landings could be 2.3 million lb (1.04 million kg), or approximately 17 percent greater than the 1997 harvest limit, recreational landings for 1995 were only 1.3 million lb (0.6 million kg), or 32 percent less than the 1997 harvest limit. The 1997 harvest level represents an 8.2 percent increase relative to the mean of those two landings levels.

Currently, there are 290 vessels issued charter/party permits for the scup fishery. It is probable that all of these vessels would qualify as small entities (that is, having annual receipts of less than 2 million dollars). Based on 1995 angler intercept data, scup were the primary species sought in an estimated 2.3 percent of the reported trips in the North Atlantic region. Scup was not among the top ten species sought in either the Mid-Atlantic or the South Atlantic (including North Carolina) regions. Those data include trips by all modes, including party/charter and private/rental vessels, as well as fishing from shore and man made structures (e.g., piers). These data, however, cannot predict the extent to which participation would be effected by the proposed measures. Achievement of the target harvest limit is dependent upon the assumption that participation (effort) as well as scup availability, will not change in 1997. Since the result of this action is no change in the recreational fishing measures for 1997, compliance costs are not expected to increase, and no vessels are expected to cease operations. Likewise, since fewer than 3 percent of the reported trips indicate scup as the primary species sought, ex-vessel revenues are not expected to increase or decrease by 5 percent or more for 20 percent or more of these participants in the recreational fishery. This presumption is supported by the fact that the identical measures implemented under Amendment 8 to the Fishery Management Plan for the Summer Flounder and Scup Fisheries were determined to not have a significant economic impact on a substantial number of small entities. It is, therefore, likely that this rule would similarly not have a significant impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis was not prepared.

Dated: April 9, 1996.

**Rolland A. Schmitten,**

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

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