

DATES: Comments must be received in writing by October 29, 1997.

ADDRESSES: Written comments on this action should be addressed to David L. Arnold, Chief, Ozone/CO and Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: Kimberly Peck, (215) 566-2165, at the EPA Region III office.

SUPPLEMENTARY INFORMATION: Refer to the information pertaining to this action, VOC RACT determinations for individual sources located in Virginia, provided in the Direct Final action of the same title located in the Rules and Regulations Section of this **Federal Register**.

Authority: 42 U.S.C. 7401-7671q.

Dated: September 27, 1997.

William T. Wisniewski,

Acting Regional Administrator, Region III.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 970930235-7235-01; I.D. 090397A]

RIN 0648-AJ12

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications

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

ACTION: Proposed rule, request for comments.

SUMMARY: In accordance with the framework procedure for adjusting management measures of the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP),

NMFS proposes to increase the total allowable catch (TAC) for Atlantic group Spanish mackerel and for Gulf group king mackerel, revise the commercial trip limits off the Florida east and south coasts for the Gulf and Atlantic groups of king mackerel, and allow the operator and crew on for-hire vessels to take the bag limit of Gulf group king mackerel. The intended effects of this proposed rule would be to protect king and Spanish mackerel from overfishing and maintain healthy stocks while still allowing catches by important commercial and recreational fisheries.

DATES: Written comments must be received on or before October 29, 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 the environmental assessment and regulatory impact review supporting aspects of this action relating to Atlantic migratory groups of king and Spanish mackerel should be sent to the South Atlantic Fishery Management Council, Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, Phone: 803-571-4366, Fax: 803-769-4520.

Requests for copies of the environmental assessment, regulatory impact review, and initial regulatory flexibility analysis supporting aspects of this action relating to Gulf group king and Spanish mackerel should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway North, Suite 1000, Tampa, FL, 33619, Phone: 813-228-2815, Fax: 813-225-7015.

Requests for copies of NMFS' supplementary analysis of economic impacts on small entities for purposes of the Regulatory Flexibility Act (RFA) should be sent to Mark Godcharles, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, 813-570-5305.

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagic resources are regulated under the FMP. The FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 622.

In accordance with the framework procedures of the FMP, the Councils made recommendations to the Regional Administrator, Southeast Region, NMFS (RA), for changes in TACs, trip limits, and bag limits in separate regulatory

amendments. For Atlantic migratory groups, the Councils recommended increasing the commercial quota and recreational allocation for Spanish mackerel and modifying the commercial trip limits off Florida for king mackerel. For Gulf migratory group king mackerel, the Councils recommended increasing the commercial quota and recreational allocation, revising the commercial trip limit off the Florida east coast, and restoring the bag limit applicable to operator and crew of for-hire vessels. The recommended changes are within the scope of the management measures that may be adjusted under the framework procedure, as specified in 50 CFR 622.48.

TACs, Allocations, and Quotas

The South Atlantic Fishery Management Council (SA Council) recommended increasing the annual TAC for the Atlantic migratory group of Spanish mackerel from 7.0 million lb (3.18 million kg) to 8.0 million lb (3.63 million kg), to be effective commencing with the fishing year that began April 1, 1997. The Gulf of Mexico Fishery Management Council (Gulf Council) recommended increasing the annual TAC for the Gulf migratory group of king mackerel from 7.8 million lb (3.54 million kg) to 10.6 million lb (4.81 million kg), to be effective commencing with the fishing year that began July 1, 1997.

Consistent with the FMP's framework procedure, the recommended TACs are within the range of the acceptable biological catch (ABC) established by the Councils and calculated by the Mackerel Stock Assessment Panel (MSAP). The TACs represent a biologically conservative approach supported by the Councils' Scientific and Statistical Committees and Mackerel Advisory Panels. The respective commercial quotas and recreational allocations would be increased under these proposed increased TACs. Because the increased quotas and allocations would be higher than recent harvest levels, no early or unexpected fishery closures or quota/allocation overruns are likely.

The Councils' recommended TACs are within ABCs that were calculated to increase or maintain stocks at a 30-percent spawning potential ratio (SPR) level. That SPR level represents the threshold under which stocks are considered overfished by terms of the FMP, the level selected by the MSAP at which stocks produce maximum sustainable yield, and the optimum yield (OY) target level approved for Gulf mackerel groups under Amendment 8. A 40-percent OY target level was

approved for the Atlantic mackerel groups.

Currently, the Gulf group king mackerel is the only mackerel group considered overfished (SPR level estimated at 22 percent). The proposed TAC for this group is within an ABC range that would rebuild the stock in about 10 years to the 30-percent SPR level given the uncertainties of long-term stock-recruitment relationships and fishing mortality. Later this year, NMFS expects to advise the Councils, as required by section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), of fisheries that are overfished. The Councils then must reevaluate and, as necessary, revise or develop rebuilding programs to ensure consistency with the requirements of section 304(e) of the Magnuson-Stevens Act.

Under the provisions of the FMP, the recreational and commercial fisheries are allocated a fixed percentage of TAC. Under the established percentages, the proposed revised TACs of 8.0 million lb (3.63 million kg) for Atlantic group Spanish mackerel and 10.6 million lb (4.81 million kg) for Gulf group king mackerel would be allocated as follows:

Migratory group/species	m. lb	m. kg
Atlantic Group Spanish Mackerel—TAC	8.0	3.63
Recreational allocation (50%)	4.0	1.81
Commercial quota (50%)	4.0	1.81
Gulf Group King Mackerel—TAC	10.6	4.81
Recreational allocation (68%)	7.21	3.27
Commercial quota (32%)	3.39	1.54

These allocations and quotas would be effective for Atlantic group Spanish mackerel commencing with the fishing year that began April 1, 1997, and for Gulf group king mackerel commencing with the fishing year that began July 1, 1997. Also for Gulf group king mackerel, the increased commercial quota would result in concomitant increases in that group's zone and subzone commercial quotas.

Atlantic Group Spanish Mackerel: Commercial Vessel Trip Limits

The commercial sector of the Atlantic group Spanish mackerel fishery is managed under trip limits. In the southern zone (i.e., south of a line extending directly east from the Georgia/Florida boundary), the trip limits vary depending on the percentage of the adjusted quota landed. The adjusted quota is the commercial quota reduced by an amount calculated to

allow continued harvest of Atlantic group Spanish mackerel at the rate of 500 lb (227 kg) per vessel per day for the remainder of the fishing year after the adjusted quota is reached. Along with the increased commercial quota, the SA Council recommended that the adjusted quota be increased from 3.25 million lb (1.47 million kg) to 3.75 million lb (1.70 million kg).

Gulf Group King Mackerel: Commercial Vessel Trip Limits and Recreational Bag Limits

The Gulf Council recommended revising the vessel trip limits for the commercial sector of the Gulf group king mackerel fishery in the Florida east coast subzone. The Council recommended establishing a 50-fish daily trip limit to ensure full utilization of the quota while preventing early season closure. There would be no step-down in the trip limit when 75 percent of the quota is taken, as is currently the case. For the 1996/97 season, the quota was taken under a 50-fish daily trip limit that was reduced to 25 fish per day on March 1, 1997, when 75 percent of the quota was taken. However, for the 1997/98 season, newly effective regulations (62 FR 23671; May 1, 1997) specify a daily trip limit of 750 lb (340 kg) reducing to 500 lb (227 kg) if 75 percent of the quota is taken by February 15. The Councils have now concluded that a trip limit of 750 lb (340 kg) is too high and would lead to an early closure of the fishery. Lower daily landings under the proposed 50-fish trip limit would help prevent the quota from being reached before the season ends March 31 and should contribute to more stable markets. The Councils also recommended changing the trip limit from pounds of fish to number of fish to facilitate at-sea enforcement.

The Gulf Council also recommended that the operator and crew on for-hire vessels (i.e., charter vessels and headboats) be allowed to take the bag limit of Gulf group king mackerel. The Gulf Council determined that the zero bag limit for operators and crews, implemented on June 2, 1997, was no longer appropriate considering that, with the proposed increases, the recreational allocation and TAC would not likely be exceeded.

Atlantic Group King Mackerel: Commercial Vessel Trip Limits

The SA Council recommended revising the vessel trip limits for the commercial sector of the Atlantic group king mackerel fishery off the southeast coast of Florida and off Monroe County (including the Florida Keys). The Council recommended changing the trip

limits from pounds to number of fish to facilitate at-sea enforcement and to provide a year-round 50-fish daily trip limit for king mackerel, both Atlantic and Gulf groups, off the east coast of Florida.

For the exclusive economic zone (EEZ) off southeast Florida between the Volusia/Brevard and Dade/Monroe County boundaries, the Council recommended changing the king mackerel trip limit from 500 lb (227 kg) to 50 fish from April 1 through October 31. Off Monroe County, the Council recommended changing the daily vessel trip limit from 1,250 lb (567 kg) to 125 fish per day from April 1 through October 31.

The RA initially concurs that implementation of the Councils' recommendations is necessary to protect the king and Spanish mackerel stocks and prevent overfishing and are consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. Accordingly, the Councils' recommended changes are published for comment.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The initial regulatory flexibility analysis for the rule consists of the following three parts: An initial regulatory flexibility analysis prepared by the Gulf Council (Gulf Council's IRFA) for Gulf groups of king and Spanish mackerel; a regulatory impact review (RIR) prepared by the SA Council for Atlantic groups of king and Spanish mackerel; and NMFS' Supplementary Analysis under RFA.

The Gulf Council's IRFA describes the significant, positive, economic impacts this proposed rule, if adopted, would have on small entities affected by the proposed management changes for the Gulf groups of king and Spanish mackerel. The SA Council prepared a RIR evaluating the economic impacts on small entities affected by the proposed management changes for Atlantic groups of king and Spanish mackerel. Based on the Gulf Council's IRFA, the SA Council's RIR, and its own Supplementary Analysis, NMFS has determined that this regulatory action, if approved and implemented through final regulations, would have significant economic impacts on a substantial number of small entities for purposes of the RFA. A summary of the Gulf Council's IRFA, the SA Council's RIR, and NMFS' supplementary analysis follows.

All commercial fishing and charter/headboat businesses are considered

small entities and both the SA and Gulf Councils concluded that a substantial number of small entities (greater than 20 percent) operating in commercial and for-hire recreational fisheries for Atlantic and Gulf groups of king and Spanish mackerel would be affected by the proposed changes. Specifically, the proposed increases in Atlantic group Spanish mackerel and Gulf group king mackerel commercial quotas and recreational allocations, and the proposed changes in trip limits for Gulf and Atlantic groups of king mackerel would affect most of the small businesses engaged in the fisheries. Although the exact numbers of small businesses operating in these fisheries is unknown, as of October 18, 1996, Federal permits allow a total of 3,819 vessels from Atlantic (1,722 vessels) and Gulf states (2,097 vessels) to operate in mackerel fisheries in the EEZ. For Atlantic states, 1,093 vessels possess commercial permits, 393 possess charter/headboat permits, and 236 vessels possess both permits. For Gulf states, 1,266 vessels possess commercial permits, 613 possess charter/headboat permits, and 218 vessels possess both permits.

The SA Council concluded, based upon the RIR, that the proposed revisions would not have a significant economic impact on a substantial number of small entities participating in fisheries for the Atlantic groups of king and Spanish mackerel. The RIR analysis included examination of the proposals to: (1) Increase TAC for Atlantic group Spanish mackerel, and (2) change Atlantic group king mackerel trip limits for the Florida east coast and Monroe County from pounds to number of fish. Increases in the commercial quota and recreational allocation for Spanish mackerel are not expected to increase the revenues of commercial harvesters or charter vessel operators because the current quota and allocation, which are lower than the proposed quota and allocation, are not being caught. The change in the trip limit for king mackerel may reduce the overall catch of the fishermen in the Florida area because the change to trip limits based on 50 fish instead of 500 lb (227 kg) of fish is actually a reduction in pounds landed per trip since the average weight of a king mackerel in that area is less than 10 lb (5 kg). Nonetheless, the resulting decrease in revenues for those fishermen is expected to be well below 5 percent of total revenues. Therefore, the SA Council determined that: (1) Any impacted businesses would be small entities; (2) any change in annual gross revenues likely would be much less

than 5 percent; (3) any increase in compliance costs would be much less than a 5-percent increase in total costs of production; (4) capital costs of compliance would represent a very small portion of capital; and (5) no entity would be expected to cease business operations. For these reasons, the SA Council's RIR analysis concluded that these proposed measures were not significant under the RFA and an IRFA was not prepared for the South Atlantic mackerels.

The Gulf Council examined the potential impacts of the recommendations for Gulf group king mackerel and found that the increase in the TAC of 36 percent would result in a comparable increase in commercial revenues. Further, the restoration of the bag limit to captain and crew on for-hire vessels would be expected to increase revenues to charter vessel operators and/or crews, and that compliance and other costs of the proposed TAC increase are not significant. Accordingly, the Gulf Council determined that: (1) The proposed changes would increase revenues of a large portion of the small businesses by more than 5 percent; (2) the proposed actions would not be expected to result in major increases in compliance costs to the industry; (3) there would be no differential impact between large and small entities because all firms expected to be impacted by the proposals are small entities; (4) the industry would not be expected to incur additional capital costs as a result of the proposed actions; and (5) the proposed actions would not be expected to force any entities out of business. Since it was determined that the proposed rule would have a significant impact on a substantial number of small business entities, the Gulf Council prepared an IRFA.

Considering all the management measures proposed by both Councils in aggregate, NMFS anticipates that the TAC increase for Gulf group king mackerel will more than offset the revenue decline expected for South Atlantic group king mackerel and will result in a significant and positive economic impact on a substantial number of small entities participating in the commercial and for-hire recreational fisheries for Atlantic group Spanish mackerel and Gulf group king mackerel. Specifically, more than 20 percent of the 3,819 permitted small entities affected will experience an increase in gross revenues of more than 5 percent because of the large increase in revenues expected to result from the proposal to increase the TAC for Gulf Group king

mackerel by 36 percent. Copies of these analyses are available (see ADDRESSES).

List of Subjects in 50 CFR Part 622

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

Dated: October 6, 1997.

Rolland A. Schmittin,

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 § 622.39, paragraph (c)(1)(ii) is revised to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(c) * * *

(1) * * *

(ii) Gulf migratory group king mackerel—2.

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3. In § 622.42, paragraphs (c)(1)(i) and (c)(2)(ii) are revised to read as follows:

§ 622.42 Quotas.

* * * * *

(c) * * *

(1) * * *

(i) *Gulf migratory group.* The quota for the Gulf migratory group of king mackerel is 3.39 million lb (1.54 million kg). The Gulf migratory group is divided into eastern and western zones separated by 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary. Quotas for the eastern and western zones are as follows:

(A) *Eastern zone*—2.34 million lb (1.06 million kg), which is further divided into quotas as follows:

(1) *Florida east coast subzone*—1.17 million lb (0.53 million kg).

(2) *Florida west coast subzone*—1.17 million lb (0.53 million kg), which is further divided into quotas by gear types as follows:

(i) 585,000 lb (265,352 kg) for vessels fishing with hook-and-line gear.

(ii) 585,000 lb (265,352 kg) for vessels fishing with run-around gillnets.

(3) The Florida east coast subzone is that part of the eastern zone north of 25°20.4' N. lat., which is a line directly east from the Dade/Monroe County, FL, boundary, and the Florida west coast subzone is that part of the eastern zone south and west of 25°20.4' N. lat.

(B) *Western zone*—1.05 million lb (0.48 million kg).

* * * * *

(2) * * *

(ii) *Atlantic migratory group*. The quota for the Atlantic migratory group of Spanish mackerel is 4.00 million lb (1.81 million kg).

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4. In § 622.44, paragraphs (a)(1) (iii) and (iv), paragraph (a)(2)(i), and the first sentence of paragraph (b)(2) are revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(a) * * *

(1) * * *

(iii) In the area between 28°47.8' N. lat. and 25°20.4' N. lat., which is a line directly east from the Dade/Monroe County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 50 fish from April 1 through October 31.

(iv) In the area between 25°20.4' N. lat. and 25°48' N. lat., which is a line directly west from the Monroe/Collier County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 125 fish from April 1 through October 31.

(2) * * *

(i) *Florida east coast subzone*. In the Florida east coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit for king and Spanish mackerel has been issued, as required under § 622.4(a)(2)(iv), from November 1 each fishing year until the subzone's fishing year quota of king mackerel has been harvested or until March 31, whichever occurs first, in amounts not exceeding 50 fish per day.

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(b) * * *

(2) For the purpose of paragraph (b)(1)(ii) of this section, the adjusted quota is 3.75 million lb (1.70 million kg). * * *

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[I.D. 100197B]

Caribbean Fishery Management Council; Public Hearing

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

ACTION: Public hearing; request for comments.

SUMMARY: The Caribbean Fishery Management Council (Caribbean Council) will convene public hearings on Amendment 1 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the United States Virgin Islands (Coral FMP).

DATES: Written comments will be accepted until November 25, 1997. The public hearings will be on October 21, 22, and 23, 1997, from 7:00 p.m. to 10:00 p.m.

ADDRESSES: Written comments should be sent to Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 268 Muñoz Rivera Ave., Suite 1108, San Juan, Puerto Rico 00918. Copies of Amendment 1 to the Coral FMP are available at the Caribbean Fishery Management Council, 268 Muñoz

Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918.

The hearings will be held as follows:

October 21, 1997, at the Boulon Center, 16-21 Inighed, Cruz Bay, St. John, U.S.V.I.

October 22, 1997, at the Legislature Chambers, 1 Baracc Yard, Veterans Drive, Charlotte Emily, St. Thomas, U.S.V.I.

October 23, 1997, at the Caravelle Hotel, 44A Queens Cross, Christiansted, St. Croix, U.S.V.I.

FOR FURTHER INFORMATION CONTACT: Miguel A. Rolón, (787) 766-5926; fax (787) 766-6239.

SUPPLEMENTARY INFORMATION: The Caribbean Fishery Management Council will be holding public hearings on the draft Amendment Number 1 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the United States Virgin Islands for Establishing a Marine Conservation District. The Council will be considering the establishment of a proposed "no-take" marine conservation district (MCD) in the EEZ due south of St. John, U.S.V.I. Fishing and the anchoring of fishing vessels would be prohibited in the MCD. The proposed MCD would cover approximately 20 square nautical miles and would be delineated by connecting the following coordinate points in the order listed:

Point	Latitude	Longitude
A	18°15.3' N	64°46.9' W
B	18°15.0' N	64°42.2' W
C	18°12.1' N	64°42.2' W
D	18°11.0' N	64°46.9' W

Dated: October 7, 1997.

Bruce C. Morehead,

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

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