

each institution, and whether prior notice of intention to attend is required. If desired, a request may be included that questions be submitted in writing several days before the conference in order to prepare replies.

c. The name and address of the scientific or technical contact for questions or inquiries.

d. Any other preproposal data considered necessary.

2. Format of Proposals—This section should provide the investigator with the information necessary to enable an effective evaluation of the proposal. The information is as follows:

a. Proposal—The AO should indicate how the proposal should be submitted to facilitate evaluation. The proposal should be submitted in at least two sections: (1) Investigation and Technical Section; and (2) Management and Cost Section.

b. Signatory—The proposal must be signed by an institutional official authorized to ensure institutional support, sponsorship of the investigation, management, and financial aspects of the proposal.

c. Quantity—The number of copies of the proposal should be specified. One copy should be clear black and white, and on white paper of quality suitable for reproduction.

d. Submittal Address—Proposals from domestic sources should be mailed to arrive not later than the time indicated for receipt of proposals to:

National Aeronautics and Space Administration, Office of (Program)

Code _____ AO No. _____
Washington, DC 20546

e. Format—To aid in proposal evaluation, and to facilitate comparative analysis, a uniform proposal format will be required for each AO. The number of pages, page size, and restriction on photo reduction, etc., may be included. The format contained in Appendix C can be used as a guide. Proposers may be requested to respond to all of the items or the AO may indicate that only selected items need be addressed. Using the Appendix format as a guide, specific guidelines may be prepared for the AO or an appropriate form developed.

3. Additional Information—This section may be used to request or furnish data necessary to obtain clear proposals that should not require further discussions with the proposer by the evaluators. Other pertinent data could also be included, such as significant milestones.

4. Foreign Proposals—The procedures for submission of proposals from outside the U.S. are contained in Appendix B, "General Instructions and Provisions." This section will describe any additional requirements, for example, if information copies of proposals are required to be furnished by the proposer to other organizations at the same time the proposal is submitted.

5. Cost Proposals (U.S. Investigators Only)—This section defines any special requirements regarding cost proposals of domestic investigators. Reference then should be made to the cost proposal

certifications indicated in Appendix B, "General Instructions and Provisions".

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[FR Doc. 96-31985 Filed 12-17-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961210346-6346-01; I.D. 120596A]

RIN 0648-XX76

Fisheries of the Northeastern United States; Summer Flounder, Scup and Black Sea Bass Fisheries; Specifications for the 1997 Summer Flounder Fishery

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes specifications for the 1997 summer flounder fishery that include a coastwide harvest limit, an increase in minimum commercial fish size, and an increase in codend minimum mesh size. The implementing regulations for the fishery require NMFS to publish specifications for the upcoming fishing year and to provide an opportunity for public comment. The intent of these measures is to prevent overfishing of the summer flounder resource.

DATES: Public comments must be received on or before January 13, 1997.

ADDRESSES: Copies of supporting documents used by the Summer Flounder Monitoring Committee are available from: David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790. Comments on the proposed specifications should be sent to: Dr. Andrew A. Rosenberg, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope, "Comments—1997 Summer Flounder Specifications."

FOR FURTHER INFORMATION CONTACT: Dana Hartley, Fishery Management Specialist, 508-281-9226.

SUPPLEMENTARY INFORMATION:

Background

The regulations implementing the Fishery Management Plan for the Summer Flounder Fishery (FMP) describe the process for establishing annual management measures to achieve the targeted fishing mortality (F_{tgt}) rates stipulated in the FMP. The schedule established by the FMP is a fishing mortality rate of 0.41 in 1996, 0.30 in 1997, and 0.23 in 1998 and beyond. In addition, the FMP specifies that the coastwide harvest limit for 1996 and 1997 may not exceed 18.51 million lb (8.4 million kg), except if the specified fishing mortality rate (F) of 0.23 is met.

The FMP established a Summer Flounder Monitoring Committee (Monitoring Committee) consisting of representatives from the Atlantic States Marine Fisheries Commission (ASMFC), the New England, Mid-Atlantic and South Atlantic Fishery Management Councils, and NMFS. The Monitoring Committee makes recommendations to the Mid-Atlantic Fishery Management Council's (Council) Demersal Species Committee and the ASMFC after reviewing the following information: (1) Commercial and recreational catch data; (2) estimates of fishing mortality; (3) stock status; (4) current estimates of recruitment; (5) virtual population analysis (VPA) results; (6) levels of regulatory noncompliance by fishermen or individual states; (7) impact of fish size and net mesh regulations; (8) sea sampling and Northeast Fisheries Science Center winter trawl survey data; (9) impact of gear other than otter trawls on the mortality of summer flounder; and (10) other relevant information.

The Monitoring Committee recommends annual measures designed to achieve F_{tgt} to the Council's Demersal Species Committee and the ASMFC. These measures may include: (1) A coastwide harvest limit, (2) changes in commercial minimum fish size and mesh size, and (3) restrictions to gears other than otter trawls. The Council and the ASMFC then consider the Monitoring Committee's recommendations and any public comments and make their recommendations.

1997 Recommendations

The summer flounder stock assessment conducted within the 22nd Northeast Regional Stock Assessment Workshop (SAW-22), held in the spring of 1996, identified key issues that were addressed by the Monitoring Committee and discussed by the Council. As in all the years since FMP implementation,

the target fishing mortality rate for 1995 was exceeded. In addition, the spawning stock is not rebuilding as much as was projected in previous assessments. Also, a retrospective pattern has been identified, in which stock assessments have consistently underestimated fishing mortality and overestimated stock size in the terminal year of the assessment. Retrospective analysis applies the most recent assessment information to fine-tune and determine the accuracy and pattern of predictions made in the past (before the current information was known). SAW-22 cautioned that the retrospective pattern is probably due to underreporting of landings and high levels of discard. SAW-22 provided projections for the 1997 coastwide harvest limit levels, some of which took into account the retrospective pattern. SAW-22 advised that the projections that account for the underestimation of fishing mortality and overestimation of stock size (i.e., that incorporate the retrospective pattern) are more likely to result in management measures that achieve the target fishing mortality rates, though SAW-22 also acknowledged that there is uncertainty in these projections.

Although SAW-22 indicated some improvement in the summer flounder stock, the age structure of the stock remains truncated, which means that the population is comprised mainly of young fish. Only 12 percent of the total spawning stock biomass (SSB) is estimated to be age-2 and older. Older, larger fish contribute more to the fishery by means of increased egg production and higher yield. If the stock were fished at F_{max} (an exploitation removal amount that maximizes yield-per-recruit) and allowed to rebuild, approximately 88 percent of the spawning stock would be age-2 and older.

Based on SAW-22 projections, the Monitoring Committee recommended a coastwide harvest limit of 14 million lb (6.3 million kg), with 8.4 million lb (3.8 million kg) allocated to the commercial fishery and 5.6 million lb (2.5 million kg) to the recreational fishery. Further, the Monitoring Committee recommended an increase in minimum fish size from 13 (33.0 cm) to 14 inches (35.6 cm) total length (TL) and an increase in minimum codend mesh size to 6 inches (15.2 cm) diamond or square from the current 5½-inch (14.0-cm) diamond or 6-inch (15.2-cm) square.

After considering the Monitoring Committee's harvest limit and minimum fish and minimum mesh size recommendations, the Council proposed less restrictive measures that would

maintain the 1996 coastwide harvest limit for 1997. The Council made the following specific recommendations for 1997: (1) A coastwide harvest limit of 18.51 million lb (8.4 million kg); (2) a coastwide commercial quota of 11.11 million lb (5.04 million kg); (3) a coastwide recreational harvest limit of 7.4 million lb (3.36 million kg); (4) no change in the present minimum mesh requirement of 5½ inches (14.0 cm) diamond or 6 inches (15.2 cm) square; and (5) no change in the present minimum commercial fish size of 13 inches (33.0 cm).

The ASMFC approved management measures that agreed with those proposed by the Council, with the exception of the recommendation by the Council not to increase the minimum commercial fish size. The ASMFC voted to increase the present minimum commercial fish size to 14 inches (35.6 cm). The more restrictive minimum fish size would be implemented by the states on or about March 1, 1997, and would apply to federally permitted vessels due to a condition of the vessel permit that requires the operator to abide by the stricter of the state or Federal measures.

In making its 1997 recommendations, the Council stated that it believes that the circumstances leading to the retrospective pattern in the stock assessment will not occur in 1996, and therefore, it did not utilize the SAW-22 projection that incorporates the retrospective pattern. The SAW-22 projection that does not incorporate the retrospective pattern indicated that there is a 64-percent probability that an F_{tgt} of 0.30 will be attained in 1997 if the Council recommendation is implemented (it indicated a 50-percent probability that the F would be 0.27). The SAW-22 projection that incorporates the retrospective pattern estimates only a 13-percent likelihood that the Council's recommended coastwide harvest limit will achieve the FMP target. However, SAW-22 noted considerable uncertainty in that estimate.

The Council cited the following factors that could alleviate the retrospective pattern for 1996 and that may strengthen the likelihood of attaining F_{tgt} in 1997: (1) Recruitment in 1995 was strong, and there are indications of strong recruitment in 1996, as well; (2) the Council's intention to propose an amendment to the FMP, which would require a 5.5-inch (14.0-cm) minimum mesh size throughout the net (the Council assumes that approval of the measure would result in reductions in F in the latter part of 1997); (3) the ASMFC increase in minimum commercial fish size in

March 1997 would reduce mortality of small fish; and (4) NMFS and state efforts to improve quota monitoring are expected to reduce underreporting of landings in 1997.

This proposed rule would implement the Council's coastwide harvest limit recommendation, and would increase the likelihood of achieving the F_{tgt} by modifying the minimum mesh requirement and the minimum commercial fish size. For the sake of consistency with the ASMFC measure, the rule would increase the minimum commercial fish size to 14 inches (35.6 cm). In addition, the rule would increase the minimum codend mesh size to 6 inches (15.2 cm) diamond or square. Both measures should reduce bycatch and conserve age-zero and age-1 fish, thus improving recruitment and reducing F .

In addition, although some of the measures cited by the Council may not be implemented soon enough to have a significant effect in 1997, several, particularly improvements in quota monitoring, would contribute toward achievement of the FMP objectives. Taken as a whole, and in light of the uncertainty associated with the SAW-22 projections that incorporate the retrospective pattern, NMFS believes this suite of measures has a reasonable likelihood of achieving the required 1997 target fishing mortality rate specified in the FMP.

Accordingly, NMFS is seeking public comments on the following proposed specifications: (1) A coastwide harvest limit of 18.51 million lb (8.40 million kg); (2) a coastwide commercial quota of 11.11 million lb (5.04 million kg); (3) a coastwide recreational harvest limit of 7.4 million lb (3.36 million kg); (4) an increase from the present minimum commercial fish size of 13 inches (33.0 cm) to 14 inches (35.6 cm); and (5) an increase in the present minimum mesh restriction of 5½ inches diamond (14.0 cm) or 6 inches square (15.2 cm) to 6 inches (15.2 cm) diamond or square.

If these proposed specifications are adopted, the commercial quota allocated to each state, according to percentage shares specified in § 648.100(d)(1), would be the amounts depicted in Table 1 below. These state allocations do not reflect the adjustments that will be required under § 648.100(d)(2) for states in which 1996 landings exceeded the state's 1996 quota allocation. The 1996 landings data available at the time of publication of the final specifications will be used to make an initial 1997 quota adjustment for all states with overages as of that date. If additional 1996 landings data are collected following that date, an additional

notification of allocation adjustment will be published in the Federal Register at a later date. Table 2 presents

preliminary 1996 landings data and quota overages. These data are subject to change based on new information

becoming available or received during the comment period and/or new analyses of existing data.

TABLE 1.—1997 STATE COMMERCIAL QUOTAS (PROPOSED)

State	Share (%)	1997 quota (lb)	1997 quota (kg)
ME	0.04756	5,284	2,397
NH	0.00046	51	23
MA	6.82046	757,841	343,751
RI	15.68298	1,742,583	790,422
CT	2.25708	250,791	113,757
NY	7.64699	849,680	385,408
NJ	16.72499	1,858,363	842,939
DE	0.01779	1,977	897
MD	2.03910	226,570	102,770
VA	21.31676	2,368,569	1,074,365
NC	27.44584	3,049,589	1,383,270
Totals .....	.....	11,111,298	5,039,999

TABLE 2.—1996 ADJUSTED QUOTAS FOR THE SUMMER FLOUNDER FISHERY AND ACTUAL LANDINGS AND OVERAGES
[As of November 29, 1996]

State	1996 adjusted quota		1996 landings		1996 overage	
	lb	(kg)	lb	(kg)	lb	(kg)
ME	5,284	(2,397)	8,226	(3,731)	2,942	(1,334)
NH	51	(23)	.....	.....	.....	.....
MA	752,092	(341,143)	777,728	(352,771)	25,636	(11,628)
RI	1,620,342	(734,975)	1,620,056	(734,845)	.....	.....
CT	250,791	(113,751)	266,022	(120,666)	15,231	(6,909)
NY	844,976	(383,275)	915,414	(415,225)	69,595	(31,568)
NJ	1,858,363	(842,939)	2,323,225	(1,053,797)	464,862	(210,858)
DE	1,519	(689)	3,159	(1,433)	1,640	(744)
MD	226,570	(102,770)	216,316	(98,119)	.....	.....
VA	2,200,681	(998,212)	2,117,809	(960,622)	.....	.....
NC	2,451,068	(1,111,786)	3,688,217	(1,672,947)	1,237,149	(561,161)
Totals	10,211,737	(4,631,966)	11,936,172	(5,414,157)	1,818,184	(824,184)

Classification

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

This proposed 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 proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, as follows:

The rule proposes annual specifications for the summer flounder fishery as follows: (1) A coastwide harvest limit of 18.51 million lb (8.4 million kg); (2) a coastwide commercial quota of 11.11 million lb (5.04 million kg); (3) a coastwide recreational harvest limit of 7.4 million lb (3.36 million kg); (4) an increase from the present minimum commercial fish size of 13 inches (33 cm) to 14 inches (35.6 cm); and (5) an increase in the present minimum mesh restriction of 5½

inches diamond (14.0 cm) or 6 inches square (15.2 cm) to 6 inches (15.2 cm) diamond or square.

The proposed measures would not have a significant economic impact on a substantial number of small entities. The recommended 1997 quota is no different from the 1996 coastwide harvest limit of 18.51 million lb. These measures may impact the fishing industry negatively for the short term, but will prove beneficial in the future. Increasing the minimum codend mesh size would affect approximately 17 percent of the vessels that have a Federal permit to harvest summer flounder; since 6-inch (15.2 cm) mesh codends are already required in other fisheries, many industry members already own them. The minimum fish size requirement may impact industry members, especially those who fish for summer flounder in the southern portion of its range. Small summer flounder tend to have a more southerly distribution and an increase in the minimum fish size would prevent landings of these smaller fish, but higher market value for larger fish may mitigate anticipated losses in landings due to the proposed increase in minimum fish size.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 12, 1996.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be 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. In § 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.

* * * * *

3. In § 648.104, paragraph (a)(1) is revised to read as follows:

§ 648.104 Gear restrictions.

(a) *General.* (1) Otter trawlers whose owners are issued a summer flounder permit and that land or possess 100 or more lb (45.4 or more kg) of summer flounder from May 1 through October 31, or 200 lb or more (90.8 kg or more) of summer flounder from November 1 through April 30, per trip, must fish with nets that have a minimum mesh size of 6.0-inch (15.2 cm) diamond or square mesh applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, or, for codends with less than 75 meshes, the minimum-mesh-size codend must be a minimum of one-third of the net, measured from the terminus of the codend to the head rope, excluding any turtle excluder device extension.

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