

Order 12866, the proposal would not establish a "rule," which is defined in the Executive Order as "an agency statement of general applicability and future effect." The proposed exemption is not generally applicable, since it would apply only to Lotus Cars Ltd., as discussed in this document. Under DOT regulatory policies and procedures, the proposed exemption would not be a "significant regulation." If the Executive Order and the Departmental policies and procedures were applicable, the agency would have determined that this proposed action is neither major nor significant. The principal impact of this proposal is that the exempted company would not be required to pay civil penalties if its maximum feasible average fuel economy were achieved, and purchasers of those vehicles would not have to bear the burden of those civil penalties in the form of higher prices. Since this proposal sets an alternative standard at the level determined to be the maximum feasible levels for Lotus for MYs 1994, 1995, 1997, and 1998, no fuel would be saved by establishing a higher alternative standard. NHTSA finds in the Section on "The Need of the United States to Conserve Energy" that because of the small size of the Lotus fleet, that incremental usage of gasoline by Lotus's customers would not affect the United States's need to conserve gasoline. There would not be any impacts for the public at large.

The agency has also considered the environmental implications of this proposed exemption in accordance with the Environmental Policy Act and determined that this proposed exemption if adopted, would not significantly affect the human environment. Regardless of the fuel economy of the exempted vehicles, they must pass the emissions standards which measure the amount of emissions per mile traveled. Thus, the quality of the air is not affected by the proposed exemptions and alternative standards. Further, since the exempted passenger automobiles cannot achieve better fuel economy than is proposed herein, granting these proposed exemptions would not affect the amount of fuel used.

Interested persons are invited to submit comments on the proposed decision. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage

commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential business information has been deleted, should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed under the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action.

Comments on the proposal will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR part 531 is proposed to be amended as follows:

PART 531—[AMENDED]

1. The authority citation for part 531 would be revised to read as follows:

Authority: 49 U.S.C. 32902; delegation of authority at 49 CFR 1.50.

2. In § 531.5, the introductory text of paragraph (b) is republished for the convenience of the reader and paragraph (b)(6) would be added to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(6) Lotus Cars Ltd.

Model year	Average fuel economy standard (miles per gallon)
1994	24.2
1995	23.3
1997	21.2
1998	21.2

* * * * *

Issued on: December 18, 1996.

L. Robert Shelton,
Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 951208293-6351-01; I.D. 110796F]

RIN 0648-AF01

Fisheries of the Northeastern United States; Amendment 5 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries; Resubmitted 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 implement three provisions of Amendment 5 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) that were initially disapproved but have been revised and resubmitted by the Mid-Atlantic Fishery Management Council (Council). These measures would: Revise the overfishing definition for Atlantic mackerel, establish criteria for a moratorium vessel permit for *Illex* squid, and establish a 5,000-lb (2.27-mt) incidental catch permit for *Illex* squid. The intent of these measures is to prevent

overfishing and to avoid overcapitalization of the domestic fleet in these fisheries.

DATES: Public comments must be received on or before February 3, 1997.

ADDRESSES: Comments on the proposed rule and its supporting documents should be sent to: Dr. Andrew A. Rosenberg, Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Mark the outside of the envelope, "Comments on Resubmitted Amendment 5 Atlantic Mackerel, Squid, and Butterfish."

Comments regarding burden-hour estimates for collection-of-information requirements contained in this proposed rule should be sent to Dr. Andrew A. Rosenberg at the address above, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 (Attention: NOAA Desk Officer).

Copies of the resubmitted portion of Amendment 5 and its supporting documents, including its environmental assessment and regulatory impact review (RIR) that contain an initial regulatory flexibility analysis are available upon request from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790.

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

SUPPLEMENTARY INFORMATION:

Background

Amendment 5 was developed in response to concerns regarding overcapitalization expressed by industry representatives at several meetings of the Council and its Squid, Mackerel, and Butterfish (SMB) Committee in the early 1990's. Details concerning the development of Amendment 5 are provided in the proposed rule which was published in the Federal Register on December 20, 1995 (60 FR 65618).

Amendment 5, as adopted by the Council, contained moratoria on entry into the *Illex* and the *Loligo* squid and butterfish fisheries based on specified criteria. It also proposed a minimum mesh size for the *Loligo* fishery with an exemption for the sea herring fishery and the summer *Illex* fishery beyond the 50-fathom curve, and a modification of the formula for arriving at the allowable biological catch (ABC) for Atlantic mackerel.

The proposed rule identified specific concerns about the following proposed measures: (1) The moratoria entry criteria, (2) the proposal to constrain the

ABC specified for Atlantic mackerel by the long-term potential catch (LTPC) estimate, and (3) the proposed exemptions from the *Loligo* minimum mesh requirement. The proposed rule requested the public to comment on all proposed measures but to focus on these in particular.

NMFS, on behalf of the Secretary of Commerce, reviewed Amendment 5 in light of the administrative record and the public comments received relative to the amendment and the proposed rule. Based upon this review, several provisions of Amendment 5 were found to be inconsistent with the national standards of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Therefore, the following measures were disapproved: (1) The *Illex* moratorium permit, (2) the use of LTPC to cap ABC for Atlantic mackerel, and (3) the exemption from the minimum mesh requirement for the *Loligo* fishery for a vessel fishing for sea herring whose catch is comprised of 75 percent or more of sea herring. Details concerning the disapprovals were provided in the final rule implementing Amendment 5, which was published on April 2, 1996 (61 FR 14465), and are not repeated here.

At its June 1996 meeting, the Council revised several of the disapproved measures for resubmission. Management measures for an *Illex* moratorium and a cap on the ABC for Atlantic mackerel were resubmitted. The Council did not resubmit a measure to exempt sea herring vessels from the minimum mesh size for *Loligo* squid.

Proposed Revised Management Measures

A revised moratorium vessel permit for *Illex* squid is proposed in the resubmitted portion of Amendment 5. A vessel would qualify for the permit if it landed five trips of at least 5,000 lb (2.27 mt) between August 13, 1981, and August 13, 1993. Additionally, a vessel that was under construction for, or was being rerigged for, use in the directed fishery for *Illex* on August 13, 1993, would qualify for the moratorium permit provided it landed five trips of at least 5,000 lb (2.27 mt) prior to December 31, 1994. A vessel would also be issued a moratorium permit if it is replacing a vessel of substantially similar harvesting capacity that involuntarily left the *Illex* fishery during the moratorium, and both the entering and replaced vessels are owned by the same person. If the *Illex* moratorium permit is approved, it would terminate at the end of the fifth year following

implementation, unless extended by an amendment to the FMP.

An open-access incidental catch permit for *Illex* squid is proposed that would allow the harvest of up to 5,000 lb (2.27 mt) of *Illex* per trip. This represents an increase of 2,500 lb (1.13 mt) more than the 2,500 lb (1.13 mt) incidental catch limit that was originally proposed in Amendment 5. The incidental allowance for butterfish and *Loligo* squid would not be affected and remains at 2,500 lb (1.13 mt) per trip.

The Council also submitted a revised definition of overfishing for Atlantic mackerel. Overfishing would be defined to occur when the annual catch of Atlantic mackerel exceeds the ABC for that species. In addition, for overfishing to be avoided, the fishing mortality rate associated with the expected total catch of Atlantic mackerel (defined as the ABC in U.S. waters plus the expected catch in Canadian waters for the fishing year), could not exceed $F_{0.1}$, as determined by the most recent stock assessment conducted by the NMFS Northeast Fisheries Science Center. The catch or extraction rate associated with a fishing mortality rate of $F_{0.1}$ is a fishing mortality rate determined annually in the specification process; the use of $F_{0.1}$ as a measure of overfishing would allow the ABC to vary annually, depending on variations in stock size. $F_{0.1}$ is generally considered a conservative, or biologically safe level of exploitation and has been used as a biological reference point in fisheries throughout the world. A spawning stock of no less than 900,000 mt of Atlantic mackerel would be required to be maintained at the end of each fishing year.

Classification

NMFS has determined that this proposed rule which would implement the resubmitted portion of Amendment 5 is consistent with the resubmitted portion. However, at this time NMFS has not determined whether the resubmitted portion of Amendment 5 is consistent with the national standards, other provisions of the Magnuson-Stevens Act, and other applicable law. NMFS, in making that determination, will take into account the information, views, and comments received during the comment period.

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

The Council prepared an IRFA as part of the RIR, which describes the impact this proposed rule, if adopted, would have on small entities. The Council's analysis indicates that this proposed

rule, if implemented, could have a significant economic impact on a substantial number of small entities. This analysis examined the impact of the proposed moratorium for *Illex* squid on revenues earned by a "reference fleet." This term is defined as 26 vessels that landed *Illex* in 1993 in excess of the proposed 5,000-lb (2.27 mt) incidental catch allowance. The Council identified a total of 52 vessels that would qualify for the moratorium permit and then performed a sensitivity analysis to examine the impact on the revenues of the reference fleet if various levels of catch were achieved by the additional 26 vessels. This analysis concluded that, depending on the catch levels assigned to the new participating vessels, reference fleet revenues could increase by as much as 5.3 percent or decrease by as much as 10.4 percent. A copy of the RIR is available from the Council (see ADDRESSES).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

This proposed rule contains a collection-of-information requirement subject to the Paperwork Reduction Act. This requirement has been approved by the OMB under Control Number 0648-0202. Public reporting burden for the collection of information is estimated to average 30 minutes for an initial vessel permit application and 15 minutes for a vessel permit renewal request. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information to NMFS or OMB (see ADDRESSES).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 16, 1996.

Nancy Foster,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648, Subpart B, 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 § 648.4, paragraphs (a)(5)(ii) through (a)(5)(iv) are redesignated as (a)(5)(iii) through (a)(5)(iv), a new paragraph (a)(5)(ii) is added, introductory text for paragraphs (a)(5) and (a)(5)(i)(A), and newly redesignated paragraphs (a)(5)(iii) and (a)(5)(iv) are revised to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(5) *Mackerel, squid, and butterfish vessels.* Beginning on January 1, 1997, any vessel of the United States, including party or charter vessels, that fishes for, possesses, or lands Atlantic mackerel, squid, or butterfish in or from the exclusive economic zone (EEZ), must have been issued and carry on board a valid *Loligo* squid and butterfish moratorium permit, *Illex* squid and Atlantic mackerel permit, or a valid party or charterboat permit issued under this section. This requirement does not apply to recreational fishing vessels. Until January 1, 1997, vessels that have been issued 1996 Federal squid, mackerel, and butterfish permits and are not otherwise subject to permit sanctions due to enforcement proceedings, may fish for, possess, or land, Atlantic mackerel, squid, or butterfish in or from the EEZ. As of June 1, 1997, a vessel that fishes for, possesses, or lands *Illex* squid in or from the EEZ must have on board a valid *Illex* moratorium permit or squid/butterfish incidental catch permit, and a vessel that fishes for, possesses, or lands Atlantic mackerel in or from the EEZ must have on board a valid Atlantic mackerel permit.

(i) *Loligo squid and butterfish moratorium permit*—(A) *Eligibility.* A vessel is eligible for a moratorium permit to fish for and retain *Loligo* squid or butterfish in excess of the incidental catch allowance specified in paragraph (a)(5)(iii) of this section, if it meets any of the following criteria:

* * * * *

(ii) *Illex squid moratorium permit (Applicable for 5 years from the effective date of the moratorium)*—(A) *Eligibility.* A vessel is eligible for a moratorium permit to fish for and retain *Illex* squid in excess of the incidental catch allowance specified in paragraph (a)(5)(iii) of this section, if it meets any of the following criteria:

(1) The vessel landed and sold at least 5,000 lb (2.27 mt) of *Illex* squid on five separate trips between August 13, 1981, and August 13, 1993;

(2) The vessel is replacing such a vessel and meets the requirements of paragraph (a)(3)(i)(C) of this section; or

(3) The vessel was under construction for, or was being rigged for, use in the directed fishery for *Illex* squid on August 13, 1993 and the vessel landed and sold at least 5,000 lb (2.27 mt) of *Illex* squid on five separate trips prior to December 31, 1994.

(B) *Application/renewal restrictions.* No one may apply for an initial *Illex* squid moratorium permit for a vessel after:

(1) One year following the effective date of the final rule implementing the moratorium permit; or

(2) The owner retires the vessel from the fishery.

(C) *Replacement vessels.* See paragraph (a)(3)(i)(C) of this section.

(D) *Appeal of denial of permit.* See paragraph (a)(3)(i)(D) of this section.

(iii) *Squid/butterfish incidental catch permit.* Any vessel of the United States may obtain a permit to fish for or retain up to 2,500 lb (1.13 mt) of *Loligo* squid or butterfish, or up to 5,000 lb (2.26 mt) of *Illex* squid as an incidental catch in another directed fishery. The incidental catch allowance may be revised by the Regional Director based upon a recommendation by the Council following the procedure set forth in § 648.21.

(iv) *Atlantic mackerel permit.* Any vessel of the United States may obtain a permit to fish for or retain Atlantic mackerel in or from the EEZ.

* * * * *

3. In § 648.13, paragraph (a) is revised to read as follows:

§ 648.13 Transfers at sea.

(a) Only vessels issued a *Loligo* and butterfish moratorium or *Illex* moratorium permit under § 648.4(a)(5) and vessels issued an Atlantic mackerel or squid/butterfish incidental catch permit and authorized in writing by the Regional Director to do so, may transfer or attempt to transfer *Loligo*, *Illex*, or butterfish from one vessel to another vessel.

* * * * *

4. In § 648.14, paragraphs (p)(2) through (p)(8) are redesignated as (p)(3) through (p)(9), a new paragraph (p)(2) is added, and paragraphs (a)(75) and newly redesignated paragraph (p)(6) are revised to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(75) Transfer *Loligo*, *Illex*, or butterfish within the EEZ, unless the vessels participating in the transfer have been issued a valid *Loligo* and butterfish or *Illex* moratorium permit and are transferring the species for which the vessels are permitted or have a valid squid/butterfish incidental catch permit

and a letter of authorization from the Regional Director.

* * * * *

(p) * * *

(2) Possess more than the incidental catch allowance of *Illex* squid unless issued an *Illex* squid moratorium permit.

* * * * *

(6) Transfer squid or butterfish at sea to another vessel unless that other vessel has been issued a valid *Loligo* and butterfish or *Illex* moratorium permit or a valid squid/butterfish incidental catch permit and a letter of authorization by the Regional Director for the species being transferred.

* * * * *

[FR Doc. 96-32389 Filed 12-20-96; 8:45 am]

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50 CFR Part 679

[Docket No. 961119321-6321-01; I.D. 110796G]

RIN 0648-A168

Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing revisions to several sections of regulations that pertain to permits, recordkeeping, and reporting for fisheries of the Exclusive Economic Zone (EEZ) off Alaska. The proposed changes are necessary to clarify existing text, facilitate management of the fisheries, promote compliance with regulations, and facilitate enforcement efforts. This action is intended to further the goals and objectives of the fishery management plans (FMPs) for the fisheries of the EEZ off Alaska.

DATES: Comments must be received by January 22, 1997.

ADDRESSES: Send comments to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or deliver to Federal Building, Fourth Floor, 709 West 9th Street, Juneau, AK. Comments on the collection-of-information requirements may be sent to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), Washington, DC 20503 (Attn: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages the groundfish fisheries in the EEZ off Alaska under authority of the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. These FMPs are implemented by regulations at 50 CFR part 679. General regulations that also pertain to these fisheries appear in subpart H of 50 CFR part 600. The FMPs were prepared by the North Pacific Fishery Management Council under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

NMFS is proposing revisions to regulations implementing permit and recordkeeping and reporting requirements for the Alaska groundfish fisheries. The proposed changes are expected to clarify existing regulatory text, facilitate management of the groundfish fisheries, promote compliance with regulations, and facilitate enforcement efforts.

The following is a brief description of the regulatory provisions proposed:

Permits

- **Renewal period extended.** NMFS proposes to issue the Federal fisheries permits and Federal processor permits on a 3-year cycle instead of an annual cycle. This proposed change is in response to a Presidential Directive in 1995 that Federal agencies decrease the paperwork burden hours required of the public.

- **Federal processor permit.** When the North Pacific Research Plan was in place (59 FR 46126, September 6, 1994), all processors were required to obtain a Federal processor permit for purposes of fee assessment. With the removal of the Research Plan (61 FR 56425, November 1, 1996), the fee assessment requirements were removed. However, the Federal processor permit serves to identify the vessels that operate solely as a mothership in Alaska State waters and shoreside processors that participate in groundfish fisheries in the same way that the Federal fisheries permit identifies the vessel participants. Therefore, NMFS proposes that regulatory text be modified to require a Federal processor permit only for shoreside processors and vessels operating solely as a mothership in Alaska State waters.

Additions

- **Sablefish/Pacific halibut Individual Fishing Quota (IFQ) information.** NMFS proposes that certain IFQ information currently authorized under OMB clearance No. 0648-0272 be recorded on the catcher vessel DFL or the catcher/processor DCPL. During the comment period on the 1996 recordkeeping and reporting proposed rule, the U.S. Coast Guard (USCG) requested that the DFL and catcher/processor DCPL be modified to include information that identifies all IFQ permit numbers and persons with IFQ on board a vessel and the date of IFQ landing, the IFQ registered buyer, and unloading port of the IFQ landing. This recordkeeping requirement has been requested by the USCG to facilitate the monitoring and enforcement of the IFQ program.

- **DFL** NMFS proposes that the Federal fisheries permit number be recorded on each DFL page, to be consistent with other reporting requirements and to assist NMFS Enforcement and USCG during audits of logbook data once logbook sheets have been submitted to NMFS.

- **DFL and catcher/processor DCPL.** NMFS proposes to add a requirement to record the fishing trip number on each page of the DFL and catcher/processor DCPL to assist the observer with recordkeeping and to assist NMFS Enforcement and USCG during audits on board vessels.

- **Text.** Introductory paragraphs are added and text is added to clarify requirements at paragraphs 679.5(c)(3), (d)(2)(i), (e)(2)(i), and (f)(2).

- **Definition of fishing trip.** A subparagraph is added to specify the appropriate definition of fishing trip with respect to recordkeeping and reporting.

Revisions

- **Metric tons to the nearest 0.001 mt.** NMFS is concerned about the status of several groundfish species, particularly rockfish. Even small amounts of these species must be accounted for. NMFS proposes that, when recording or reporting landings or products in metric tons, the requirement be changed from 0.01 metric ton to require quantities be recorded to at least the nearest 0.001 metric ton.

- **Definition of fish product weight.** The definition for fish product weight is revised to accommodate the new wording for recording and reporting of products to the nearest 0.001 metric ton and also to clarify this term relative to fresh fish.