

designation, submit their records to Commission audits to verify accuracy of primary line counts, and publish a consumer disclosure statement in their monthly bills.

34. *Steps Taken to Minimize Significant Economic Impact on Small Entities and Alternatives Considered.* Throughout this NPRM, we seek comment on alternatives that will reduce the impact on all entities affected by these proposals, including small ILECs. We tentatively adopt a definition of single-line business lines that, we believe, will result in a smaller administrative burden for ILECs as they identify primary and secondary lines in order to charge the correct SLC or PICC. In addition, we ask commenters to identify the relative costs and benefits, including administrative costs, of adopting a particular definition of primary residential line. We ask parties to identify a definition of primary residential line that will be easy for carriers and customers to apply. We tentatively adopt customer self-certification as a means to identify primary lines because this method of identification is less administratively burdensome for ILECs than a method that does not include customer input. We seek comment on whether, and if so, the amount of time, ILECs must keep records of customer self-certification. We particularly encourage parties to submit proposals that will reduce the administrative burden on carriers and customers. We seek comment on whether we should include a standardized customer disclosure statement, and if so, whether that disclosure should be made in writing or may be made orally.

35. At this time, we tentatively conclude to eliminate several options because they would be too administratively burdensome. The proposals we tentatively reject include: creating and maintaining a national database of primary line designations; using local property records to identify and track primary lines; and using social security numbers to track primary lines.

36. *Federal rules which overlap, duplicate or conflict with this rule.* None.

#### Ordering Clauses

37. *It is ordered*, pursuant to Sections 1, 4 (i) and (j), 201–209, 218–222, 251, 254, and 403 of the Communications Act as amended, 47 U.S.C. 151, 154(i), 154(j), 201–209, 218–222, 251, 254, and 403 that this Notice of Proposed Rulemaking is hereby adopted and comments are requested as described above.

38. *It is further ordered* that the Commission shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

#### List of Subjects

##### 47 CFR Part 54

Communications common carriers, Health facilities, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

##### 47 CFR Part 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97–24211 Filed 9–11–97; 8:45 am]

BILLING CODE 6712–01–U

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[Docket No. 970828210–7210–01; I.D. 080697H]

RIN 0648–AK37

##### Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Control Date for Atlantic Mackerel

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

**ACTION:** Advance notice of proposed rulemaking; notice of control date for the Atlantic mackerel fishery.

**SUMMARY:** NMFS announces that anyone entering the commercial Atlantic mackerel fishery after September 12, 1997 (control date) will not be assured of future access to the Atlantic mackerel resource in Federal waters if a management regime is developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) that limits the number of participants in the fishery. This announcement is intended to promote awareness of potential eligibility criteria for future access to the commercial Atlantic mackerel fishery and to discourage new entries into this fishery

based on economic speculation, while the Mid-Atlantic Fishery Management Council (Council) contemplates whether and how access to that portion of the Atlantic mackerel fishery in Federal waters should be controlled. The potential eligibility criteria may be based on historical participation, defined as any number of trips having any documented amount of Atlantic mackerel landings. If such a regime is implemented, fishery participants may need to preserve records that substantiate and verify their participation in the Atlantic mackerel fishery in Federal waters.

**DATES:** Comments must be submitted by October 14, 1997.

**ADDRESSES:** Comments should be directed to David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, 300 South New Street, Dover, DE 19904.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

Atlantic mackerel (*Scomber scombrus*) is a migratory species that supports important recreational and commercial fisheries along the Atlantic coast of the United States and Canada. The Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish (FMP) was developed by the Council to provide for the development of the U.S. Atlantic mackerel, squid, and butterfish fisheries. An initial notice establishing a control date of August 13, 1992, was issued for the Atlantic mackerel, squid, and butterfish fisheries (57 FR 36384, August 13, 1992), which stated that as of that date no vessel would be guaranteed entry into a limited access fishery, if the Council chose to implement one. This control date was rescinded for Atlantic mackerel on September 27, 1994 (59 FR 49235), because the Council and NMFS believed that information regarding biomass levels, fishing levels, fishing effort, and catch indicated that the mackerel fishery would not require limited-entry management in the foreseeable future. Removal of the control date also removed a barrier to access to this underutilized resource to vessel owners who were facing severe restrictions in other Northeast fisheries. In Amendment 5 to the FMP, the Council included a provision that would require the Secretary of Commerce to publish a control date for the Atlantic mackerel fishery when commercial landings reached 50 percent of allowable biological catch (ABC). NMFS did not

include this provision in the proposed rule because, as explained in the preamble to that rule (60 FR 65618, December 20, 1995), it was not considered to be a management measure to be implemented by regulation. Rather, it was viewed as a statement of Council intent. NMFS further noted that the Council could recommend the publication of a notice of control date when it deemed the action necessary. At its May 1997 meeting, the Council requested that NMFS issue an advance notice of proposed rulemaking reestablishing a control date for Atlantic mackerel. The Council stated that such action by NMFS would discourage new entries into the fishery based on economic speculation while the Council considers a limited access system for the fishery. The Council intends to consider, in the near future, a management program that would control the rate of capitalization in the fishery and promote the diversification of existing fishermen in the Atlantic mackerel industry.

Discussion of reinstatement of a control date was prompted by news that a large factory trawler was undergoing conversion to enter this fishery. Council members noted that, although the fishery is currently underexploited, a substantial increase in exploitation could be effected in a short period of time by the introduction of a factory trawler fleet. To prevent overcapitalization, Council members expressed the need to implement a

management program for this fishery that allowed for controlled expansion. Amendment 5 to the FMP estimated that the hold capacity for vessels issued Atlantic mackerel, squid, and butterfish permits approached 50,000 mt if each vessel made just one trip at full capacity. Although all of these vessels do not have an interest or ability to expand into the mackerel fishery, there is a high level of existing capital in the region. The Council members noted that this capital, along with the possible addition of factory trawlers, raised concerns because the current estimate of long-term potential yield for this fishery is 150,000 mt. Further, both NMFS and the Council have indicated that first preference for entry into this fishery should be afforded to Northeast region vessels as an alternative to traditional fisheries that have been severely overfished. For these reasons, the Council voted to request publication of a control date for Atlantic mackerel.

At the May 1997 meeting, the Council committed to begin work shortly on Amendment 7 to the FMP. Amendment 7 would address whether and how to limit entry of commercial vessels into this fishery. Publication of a control date is intended to discourage speculative entry into the Atlantic mackerel fishery while potential management regimes to control access into the fishery are discussed and possibly developed by the Council. Establishment of a control date will help to distinguish established participants

from speculative entrants to the fishery. Although participants are notified that entering the fishery after the control date will not assure them of future access to the Atlantic mackerel resource on the grounds of previous participation, additional and/or other qualifying criteria also may be applied. The Council may choose different and variably weighted methods to qualify fishermen, based on the type and length of participation in the fishery or on the quantity of landings.

This notice hereby establishes September 12, 1997 for potential use in determining historical or traditional participation in the Atlantic mackerel fishery. This action does not commit the Council to develop any particular management regime or to use any specific criteria for determining entry to the fishery. The Council may choose a different control date, or may choose a management program that does not make use of such a date. The Council may choose also to take no further action to control entry or access to the fishery. Any action by the Council will be taken pursuant to the requirement for FMP development established under the Magnuson-Stevens Act.

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

Dated: September 5, 1997.

**David L. Evans,**

*Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service*

[FR Doc. 97-24202 Filed 9-12-97; 8:45 am]

BILLING CODE 3510-22-F