

developed the FMP to address problems they anticipated could develop if the fishery expanded or the resource declined. Prior to the approval of the FMP there were few harvest regulations in any states, and comprehensive management was non-existent. After adoption of the FMP, all states implemented conservation measures. Annual management measures (e.g., possession limits) are recommended by the ASMFC for state waters and by the Council for the exclusive economic zone (EEZ). The EEZ measures include a permit requirement for individuals conducting a commercial fishery, a possession limit of 10 fish that could be adjusted from 0 to 15 fish in order to reflect stock conditions, a limit on commercial catch of 20 percent of the total overall catch, and a framework that allowed for the imposition of commercial fishery controls including state quotas when the commercial limit is exceeded.

As part of the President's plan for reform of the Federal regulatory system, NMFS proposes to remove the bluefish implementing regulations. Since the ASMFC already adopted an Interstate Fishery Management Plan for Atlantic Bluefish, the Magnuson Act regulations implementing the Federal Fishery Management Plan (FMP) for the Atlantic Bluefish Fishery are unnecessarily duplicative. Withdrawal of the FMP is consistent with National Standard 7, which requires that management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

Furthermore, because the fishery takes place primarily in state waters, the ASMFC is an appropriate authority for management. If future management measures in the EEZ are required, the Atlantic Coastal Act allows the states to request NMFS to implement complementary measures in the EEZ.

The Atlantic Coastal Act requires that an interstate fishery management plan contain a recommendation to the Secretary regarding measures to be implemented in the EEZ before he can undertake action. The Council and ASMFC have been working on a plan amendment, which could be modified by ASMFC to specify EEZ management measures that could be implemented under the Atlantic Coastal Act. NMFS does not intend to withdraw the FMP until NMFS issues regulations for the EEZ under the Atlantic Coastal Act.

#### Classification

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

NMFS prepared a draft EA for this action that discusses the impact on the environment as a result of this rule. A copy of the EA may be obtained from NMFS (see ADDRESSES).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, because the number affected is less than 20 percent of the number of small entities operating in the fishery.

#### List of Subjects for 50 CFR Part 628

Fishing, Reporting and recordkeeping requirements.

Dated: March 21, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service*

For the reasons set out in the preamble, under the authority of 16 U.S.C. 1801 *et seq.*, 50 CFR part 628 is proposed to be removed.

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#### 50 CFR Parts 656 and 697

[Docket No. 950915230-6080-02; I.D. 022796D]

RIN 0648-AH57

#### Atlantic Striped Bass Fishery; Atlantic Coastal Fisheries Cooperative Management; Consolidation and Revision of Regulations

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes consolidation of regulations pertaining to the Atlantic striped bass and weakfish fisheries, which are now contained in two CFR parts, into a single part. The consolidated regulations would be revised to be more concise, better organized, and easier for the public to use. In addition, certain prohibitions and definitions currently in parts 656 and 697 would be removed and replaced by references to general sections of the regulations to achieve conformity and to eliminate unnecessary regulatory text. This action is part of the President's Regulatory Reinvention Initiative.

**DATES:** Comments must be received by April 29, 1996.

**ADDRESSES:** Comments should be sent to Tom Meyer, Office of Fisheries Conservation and Management, F/CM1, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Tom Meyer, (301) 713-2337.

#### SUPPLEMENTARY INFORMATION:

NMFS proposes to remove 50 CFR part 656 and revise 50 CFR part 697 by consolidating into part 697 the regulations previously contained in parts 656 and 697. Duplicative regulatory text previously contained in parts 656 and 697 would be eliminated.

In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative. This initiative is part of the National Performance Review and calls for immediate, comprehensive regulatory reform. The President directed all agencies to undertake an exhaustive review of all their regulations, with an emphasis on eliminating or modifying those that are obsolete, duplicative, or otherwise in need of reform. This proposed rule is intended to carry out the President's directive with respect to the regulations implementing the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 *et seq.*) and the Atlantic Striped Bass Conservation Act Appropriations Authorization (16 U.S.C. 1851 note).

The consolidation and revisions proposed in this rule are not meant to change the substance of the existing regulations. They are intended to make the regulations easier for the public to use and to reduce the volume and publication costs of the regulations.

In addition, some of the prohibitions and definitions currently in parts 656 and 697 would be removed. Instead, the consolidated part 697 would reference definitions and general prohibitions to be contained in 50 CFR part 600 regulations; part 600 is also being proposed for consolidation and revision through another rulemaking. The reference to standard language, rather than the language now contained in parts 656 and 697, could result in some changes in how the Atlantic striped bass and weakfish regulations are enforced. The intent of the proposed changes is to achieve consistency of language, enhance understanding of the regulation's requirements, and to eliminate unnecessary regulatory text.

#### Classification

This proposed rule has been determined to be not significant for the 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. The proposed consolidation is not meant to change the substance of the existing regulations. Proposed revisions to definitions and prohibitions could result in minor changes in how the regulations are enforced, but are not expected to change fishing practices, costs, or revenues. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Parts 656 and 697

Fisheries, Fishing.

Dated: March 21, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR chapter VI is proposed to be amended as follows:

#### **PART 656—[REMOVED]**

1. Under the authority of 16 U.S.C. 1851 note, part 656 is removed.

2. Part 697 is revised to read as follows:

#### **PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT**

Sec.

697.1 Purpose and scope.

697.2 Definitions.

697.3 Relation to the Magnuson Act.

697.4 Civil procedures.

697.5 Specifically authorized activities.

697.6 Prohibitions.

Authority: 16 U.S.C. 1851 note, 5101 *et seq.*

##### **§ 697.1 Purpose and scope.**

The regulations in this part implement section 804(b) of the Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. 5101 *et seq.*, and section 6 of the Atlantic Striped Bass Conservation Act Appropriations Authorization, 16 U.S.C. 1851 note, and govern fishing in the EEZ on the Atlantic Coast for species covered by those acts.

##### **§ 697.2 Definitions.**

In addition to the definitions in § 600.10 of this chapter, the terms in this part have the following meanings:

*Atlantic striped bass* means members of stocks or populations of the species *Morone saxatilis* found in the waters of the Atlantic Ocean north of Key West, FL.

*Block Island Southeast Light* means the aid to navigation light located at Southeast Point, Block Island, RI, and defined as follows: Located at 40°09.2'N. lat., 71°33.1'W. long.; is 201 ft (61.3 m) above the water; and is shown from a brick octagonal tower 67 ft (20.4 m) high attached to a dwelling on the southeast point of Block Island, RI.

*Continuous transit* means that a vessel remains continuously underway while in the EEZ.

*Fish*, when used as a verb, for the purposes of this part, means any activity that involves:

(1) The catching, taking, or harvesting of fish;

(2) The attempted catching, taking, or harvesting of fish;

(3) Any other activity that can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(4) Any operations at sea in support or, or in preparation for, any activity described in paragraph (1), (2), or (3) of this definition.

*Land* means to begin offloading fish, to offload fish, or to enter port with fish.

*Montauk Light* means the aid to navigation light located at Montauk Point, NY, and defined as follows: Located at 41°04.3'N. lat., 71°51.5'W. long.; is shown from an octagonal, pyramidal tower, 108 ft (32.9 m) high; and has a covered way to a dwelling.

*Point Judith Light* means the aid to navigation light located at Point Judith, RI, and defined as follows: Located at 41°21.7'N. lat., 71°28.9'W. long.; is 65 ft (19.8 m) above the water; and is shown from an octagonal tower 51 ft (15.5 m) high.

*Retain* means to fail to return Atlantic striped bass or weakfish to the sea immediately after the hook has been removed or the fish has otherwise been released from the capture gear.

*Weakfish* means members of the stock or population of the species *Cynoscion regalis*, found along the Atlantic coast from southern Florida to Massachusetts Bay.

##### **§ 697.3 Relation to the Magnuson Act.**

The provisions of sections 307 through 311 of the Magnuson Act, as

amended, regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement apply with respect to the regulations in this part, as if the regulations in this part were issued under the Magnuson Act.

##### **§ 697.4 Civil procedures.**

The civil procedure regulations at 15 CFR part 904 apply to civil penalties, permit sanctions, seizures, and forfeitures under the Atlantic Striped Bass Act and the Atlantic Coastal Act, and the regulations in this part.

##### **§ 697.5 Specifically authorized activities.**

NMFS may authorize, for the acquisition of information and data, activities that are otherwise prohibited by the regulations in this part.

##### **§ 697.6 Prohibitions.**

(a) *Atlantic Coast weakfish fishery.* In addition to the prohibitions set forth in § 600.725, the following prohibitions apply. It is unlawful for any person to do any of the following:

(1) Fish for weakfish in the EEZ.

(2) Harvest any weakfish from the EEZ.

(3) Possess any weakfish in or from the EEZ.

(4) Fail to return to the water immediately, with the least possible injury, any weakfish taken within the EEZ.

(b) *Atlantic striped bass fishery.* It is unlawful for any person to do any of the following:

(1) Fish for Atlantic striped bass in the EEZ.

(2) Harvest any Atlantic striped bass from the EEZ.

(3) Possess any Atlantic striped bass in or from the EEZ, except for the following area: The EEZ within Block Island Sound, north of a line connecting Montauk Light, Montauk Point, NY, and Block Island Southeast Light, Block Island, RI; and west of a line connecting Point Judith Light, Point Judith, RI, and Block Island Southeast Light, Block Island, RI. Within this area, possession of Atlantic striped bass is permitted, provided no fishing takes place from the vessel while in the EEZ and the vessel is in continuous transit.

(4) Fail to return to the water immediately, with the least possible injury, any Atlantic striped bass taken within the EEZ.

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