assets with its affiliated incumbent LEC; and

(3) The affiliate shall acquire any services from its affiliated incumbent LEC for which the affiliated incumbent LEC is required to file a tariff at tariffed rates, terms, and conditions. Other transactions between the affiliate and the incumbent LEC for services that are not acquired pursuant to tariff must be reduced to writing and must be made on a compensatory, arm's length basis. All transactions between the incumbent LEC and the affiliate are subject to part 32 of this chapter, including the affiliate transaction rules. Nothing in this section shall prohibit the affiliate from acquiring any unbundled network elements or exchange services for the provision of a telecommunications service from its affiliated incumbent LEC, subject to the same terms and conditions as provided in an agreement approved under section 252 of the Communications Act of 1934, as amended.

(b) *Independence.* The affiliate required in paragraph (a) of this section shall be a separate legal entity from its affiliated incumbent LEC. The affiliate may be staffed by personnel of its affiliated incumbent LEC, housed in existing offices of its affiliated incumbent LEC, and use its affiliated incumbent LEC's marketing and other services, subject to paragraphs (a)(3) and (c) of this section.

(c) *Joint marketing.* Joint marketing of local exchange and exchange access service and CMRS services by an incumbent LEC shall be subject to part 32 of this chapter. In addition, such agreements between the affiliate and the incumbent LEC must be reduced to writing and made available for public inspection upon request at the principle place of business of the affiliate and the incumbent LEC. The documentation must include a certification statement identical to the certification statement currently required to be included with all Automated Reporting and Management Information Systems (ARMIS) reports. The affiliate must also provide a detailed written description of the terms and conditions of the transaction on the Internet within 10 days of the transaction through the affiliate's home page.

(d) Exceptions. (1) *Rural telephone companies.* Rural telephone companies are exempted from the requirements set forth in paragraphs (a), (b) and (c) of this section. A competing telecommunications carrier, interconnected with the rural telephone company, however, may petition the FCC to remove the exemption, or the FCC may do so on its own motion, where the rural telephone company has engaged in anticompetitive conduct.

(2) *Incumbent LECs with fewer than 2 percent of subscriber lines.* Incumbent LECs with fewer than 2 percent of the nation's subscriber lines installed in the aggregate nationwide may petition the FCC for suspension or modification of the requirements set forth in paragraphs (a), (b) and (c) of this section. The FCC will grant such a petition where the incumbent LEC demonstrates that suspension or modification of the separate affiliate requirement is

(i) Necessary to avoid a significant adverse economic impact on users of telecommunications services generally or to avoid a requirement that would be unduly economically burdensome, and

(ii) Consistent with the public interest, convenience, and necessity.

(e) *Definitions.* Terms used in this section have the following meanings:

Affiliate. ''Affiliate'' means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership with, another person. For purposes of this section, the term ''own'' means to own and equity interest (or the equivalent thereof) of more than 10 percent.

Broadband Commercial Mobile Radio Service (Broadband CMRS). For the purposes of this section, ''broadband CMRS'' means Domestic Public Cellular Radio Telecommunications Service (part 22, subpart H of this chapter), Specialized Mobile Radio (part 90, subpart S of this chapter), and broadband Personal Communications Services (part 24, subpart E of this chapter).

Incumbent Local Exchange Carrier (Incumbent LEC). ''Incumbent LEC'' has the same meaning as that term is defined in § 51.5 of this chapter.

In-region. For the purposes of this section, an incumbent LEC's broadband CMRS service is considered ''in-region'' when 10 percent or more of the population covered by the CMRS affiliate's authorized service area, as determined by the 1990 census figures, is within the affiliated incumbent LEC's wireline service area.

Rural Telephone Company. ''Rural Telephone Company'' has the same meaning as that term is defined in § 51.5 of this chapter.

(f) *Sunset.* This section will no longer be effective after January 1, 2002.

Title 47 of the Code of Federal Regulations part 22, subpart H is amended as follows:

Subpart H—Cellular Radiotelephone Service

3. The authority citation for part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 303, unless otherwise noted.

4. Section 22.903 is revised to read as follows:

§ 22.903 Conditions applicable to former Bell Operating Companies.

Ameritech Corporation, Bell Atlantic Corporation, BellSouth Corporation, NYNEX Corporation, Pacific Telesis Group, Southwestern Bell Corporation, U.S. West Inc., their successors in interest and affiliated entities (BOCs) may engage in the provision of cellular service only in accordance with the conditions in this section and § 20.20 of this chapter, unless otherwise authorized by the FCC. BOCs may, subject to other provisions of law, have a controlling or lessor interest in or be under common control with separate corporations that provide cellular service only under the following conditions:

(a) Through (e) [Reserved].

(f) *Proprietary information.* BOCs must not provide to any such separate corporation any customer proprietary information, unless such information is publicly available on the same terms and conditions.

(g) Reserved.

[FR Doc. 97–31713 Filed 12–2–97; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 970908229–7277–02; I.D. 082797A]

RIN 0648–AJ55

Fisheries of the Northeastern United States; Amendment 10 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement the approved measures contained in Amendment 10 to the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP). Approved measures of Amendment 10 include a continuation of the moratorium for commercial vessels; minimum mesh-size requirements throughout the body, extension, and codend of trawl nets for

the directed summer flounder fishery; removal of the requirement that a vessel land summer flounder during a 52-week period in order to retain a moratorium permit; and a prohibition of the transfer of summer flounder at sea. This action is intended to enhance the rebuilding of the summer flounder resource in accordance with the objectives of the FMP.

DATES: All measures are effective on January 1, 1998, except that the baseline date for measuring vessel upgrades in § 648.4(a)(3)(i)(C)(*1*) and (*2*) is effective January 2, 1998 and the gear restrictions in § 648.104(a)(1) are effective June 3, 1998.

ADDRESSES: Copies of Amendment 10, the environmental assessment, and the regulatory impact review are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson, Fishery Policy Analyst, 978–281–9279.

SUPPLEMENTARY INFORMATION:

Background

Amendment 10 was prepared by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission), in consultation with the New England and South Atlantic Fishery Management Councils. A notice of availability for the amendment was published in the **Federal Register** on September 3, 1997 (62 FR 46470), and the proposed rule to implement Amendment 10 was published in the **Federal Register** on September 19, 1997 (62 FR 49195). The notice of availability and the proposed rule solicited public comments through November 3, 1997. All comments received by the end of the comment period, whether specifically directed to Amendment 10 or to the proposed rule, were considered in the approval decision on Amendment 10.

Amendment 10 proposed a number of changes to the summer flounder regulations. Details concerning the development of Amendment 10 were provided in the notice of proposed rulemaking and are not repeated here.

NMFS, on behalf of the Secretary of Commerce, has approved the measures that (1) modify the commercial minimum mesh size, (2) continue the moratorium on entry of additional commercial vessels, (3) remove the landing requirements applicable to permit retention, (4) modify the vessel replacement criteria, (5) allow federally permitted charter and/or party vessels to possess fillets less than the minimum size if in possession of a permit to do so issued by their state, and (6) prohibit transfer of summer flounder at sea. Amendment 10 also contains measures adopted by the Commission as part of its interstate management process. Defined as a compliance criterion, this measure would require states to document all summer flounder commercial landings in their state that are not otherwise included in the Federal monitoring of permit holders. This management measure is not part of the Federal regulatory process and is, therefore, not detailed in this rule. Details of this measure are described in Amendment 10, which is available from the Council (see **ADDRESSES**).

In addition, the Council re-evaluated in Amendment 10 the commercial quota system implemented by Amendment 2. During the public hearings for Amendment 10, the Council and Commission proposed several alternative quota allocation systems, with the status quo being the preferred alternative. After receiving and considering public comments, the Council and Commission voted to maintain the existing state-by-state commercial quota allocation system. The Council and Commission felt that the current system allows states the most flexibility in managing their quotas by implementing state subquotas and trip limits.

Disapproved Measure

After a review of Amendment 10, NMFS found that the *de minimus* status provision was not consistent with national standard 7, raised questions of consistency with national standard 1, and appeared inconsistent with other applicable law. This measure would require an annual examination of state landings to determine whether landings in that state during the preceding year for which data are available were less than 0.1 percent of the overall annual quota. This determination was to be based on landings for the last preceding year for which data are available. If a state met the 0.1 percent criterion, it would be granted *de minimus* status. This provision is intended to provide a small bycatch fishery in a state where summer flounder would otherwise be discarded. A state's failure to close its fishery when its quota is harvested would prevent the attainment of the fishing mortality rate goals in the FMP, since vessels without Federal permits fishing exclusively in that state's waters could continue to land summer flounder. This would result in overfishing and would render the measure inconsistent with national standard 1.

If *de minimus* status does not, at the very least, require a state to impose landing constraints, the provision would encourage owners of vessels that have not traditionally landed in that state to land amounts of summer flounder much greater than they could land in their home port states. This could result in the state's *de minimus* quota being rapidly exceeded and compound the overfishing situation if a *de minimus* state is not required to close its fishery when its *de minimus* quota is harvested.

Further, the standard established to determine *de minimus* status (examination of landings data for the last year for which data are available) would not allow for an accurate calculation of qualification. Landings in the intervening time period in the state under consideration for *de minimus* status could well exceed the threshold for such status. Thus, such a determination would not reflect accurately the true status of the state. The *de minimus* measure would impose an administrative burden or cost to make this annual determination, without conferring any demonstrable administrative or conservation benefit. This contravenes the requirements of national standard 7. It is unclear whether a *de minimus* state must close its state fishery when its quota is harvested.

For the reasons stated above, this measure would impose an administrative burden or cost to make this determination, without conferring any demonstrable administrative benefit. This contravenes the requirements of national standard 7. Further, the failure of a state to close its fishery when its quota is harvested would result in overfishing and would render the measure inconsistent with national standard 1. As a result of this review, NMFS has disapproved the *de minimus* measure.

Comments and Responses

Two comments on Amendment 10 were received. One comment was received from the North Carolina Division of Marine Fisheries (NCDMF) and another from a member of the fishing industry.

Comment 1: The NCDMF wrote to support all of the provisions in Amendment 10, including the state-by-state commercial quota allocation system, which, according to the comment, allows states to manage their fisheries in accordance with historical management practices such as trip limits, bycatch limits, and seasonal

closures. Although supportive of Amendment 10, NCDMF suggested that the revised minimum mesh-size requirement in the amendment should be implemented immediately upon approval because mesh of that size is available. NCDMF notes that a large portion of the annual summer flounder quota is taken during the first 6 months of the season, and delayed implementation of the measure will negate the desired conservation effect for the 1998 fishery.

Response: Amendment 10 specified that the Council would determine the date of effectiveness of the revised minimum mesh requirement based upon an assessment of the availability of net construction materials, which would help to alleviate any localized shortages of twine that might otherwise occur. The Council found that mesh is not available on a coastwide basis and recommended the 6-month delay. NMFS concurs.

Comment 2: A member of the fishing industry indicated dissatisfaction with the minimum mesh-size requirements of Amendment 10. The commenter wrote that the mesh-size requirements will inflict financial hardship on day boat trawlers of western Long Island, New York, and northern New Jersey because they will have to purchase new nets to fish for scup and black sea bass, rather than just changing codends to fish for these species as they currently do. The commenter disputed the justification given in Amendment 10 for requiring 5.5–inch (14.0–cm) mesh in the body, extension, and codend of summer flounder trawl nets by stating that the practice of constricting the codend of summer flounder nets to circumvent the minimum mesh-size regulations is not a problem. Also, the commenter expressed concern that if Amendment 10 is adopted, summer flounder will be the only species that requires regulated mesh in areas of the net other than the codend. Finally, the commenter was opposed to the fact that the minimum mesh-size regulations are not applicable to vessels in the summer flounder small-mesh exemption program.

Response: Current scup and black sea bass minimum mesh-size regulations apply only throughout the codend of the net. However, the black sea bass regulations allow the Council, in future years, to require minimum mesh size to be applied throughout the entire net. Also, it is not clear that the requirement will necessarily result in a need to purchase new nets to fish for scup and black sea bass. A fisher may still use the same net, albeit with a 5.5–inch (14.0–cm) mesh extension and body, to fish for these two species by changing only the codend to conform with the appropriate regulations. The reason for the change in the mesh regulations is that the Council is concerned about the ''choking off'' or the constriction of codends in trawl nets in the summer flounder fishery. The Council was concerned that continued poor compliance with mesh-size regulations would result in higher fishing mortality rates and in a decreased rate of stock recovery for summer flounder. Applying the minimum mesh-size throughout the codend, extension, and body of the net will eliminate this problem.

Summer flounder is not the only species where minimum mesh- size regulations apply to portions of the net other than the codend. There is ample precedence for this requirement. Most notably, the Northeast multispecies regulations require that vessels fishing under a multispecies day-at-sea use 6–inch (15.2– cm) square or diamond mesh throughout the entire net.

The minimum mesh-size requirements do not apply to vessels issued a summer flounder exemption permit, and fishing from November 1 to April 30 in the ''exemption area'' because the exemption is designed to allow vessels to retain a bycatch of summer flounder while operating in other small-mesh fisheries. The exemption allows for the prosecution of a traditional small- mesh fishery while minimizing discards of summer flounder. The existence of the exemption program is re-evaluated annually after a review of sea sampling data, and re-authorized if appropriate.

Changes From the Proposed Rule

NMFS notes that the Council recommended that May 13, 1997, be the baseline date for measuring vessel upgrades at the time of replacement. However, the baseline date was not specified when the Council held public hearings on Amendment 10, although it is a necessary adjunct required for administration of the replacement upgrade provision. Therefore, in order for all potentially affected fishery participants to have an equal notice of the baseline date, NMFS noted in the proposed rule its intent to link the baseline date to the rulemaking. However, the proposed rule was inconsistent in its description of the date proposed. In one section it proposed to use September 19, 1997—the date the proposed rule was published. In another, it proposed to use the date 30 days following publication of the final rule. NMFS received no comments on this matter. Therefore, this final rule establishes January 2, 1998 as the baseline, because, as a general matter, rules are to have prospective effect and some members of industry may have relied on that date rather than September 19, 1997.

In § 648.4, paragraph (a)(3)(i)(C)(*3*) is added, which indicates that a vessel's horsepower, length, gross registered tonnage (GRT), and net tonnage (NT) may be increased through replacement only once. If length, GRT, or NT is increased, an increase in the other two specifications must be performed at the same time, and this type of increase may be done separately from a horsepower increase. This provision is contained in Amendment 10, but was inadvertently omitted from the proposed rule. As such, a prior notice and opportunity for comment was provided through the notice of availability for Amendment 10. It has been added to this final rule to reflect the Council's intent.

Classification

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

The final rule implements Amendment 10 by revising a number of the regulations implementing the FMP and its amendments and by adding a number of new regulations. No public comments were received about the Council's economic analysis for Amendment 10 as it pertains to Regulatory Flexibility Act nor the certification made by the Assistant General Counsel for Legislation and Regulation of the Department of Commerce, that this rule would not have a significant economic impact on a substantial number of small entities, as mentioned in the proposed rule.

The final rule modifies the commercial minimum mesh size requirement, continues the moratorium on entry of additional commercial vessels, modifies the vessel replacement criteria, removes provisions that pertain to the expiration of the moratorium permit, and prohibits transfer of summer flounder at sea. Amendment 10 examined alternate state commercial quota allocation mechanisms. However, no change was made to the existing state-by-state system.

The requirement that minimum mesh size be applied throughout the net impacts an estimated 42 percent of the participants in the summer flounder fishery (443 of the 1,063 permit holders); the other 620 are already subject to requirements for minimum mesh throughout the net because they hold northeast multispecies vessel permits. Therefore, a substantial number of small entities (42 percent) are impacted by this rule. However, the compliance costs associated with the measure are not

significant under the Regulatory Flexibility Act. Costs were broken down into trip or variable costs (e.g., fuel, ice, food) and yearly or fixed costs (e.g., gear, insurance, engine and gear repair, electronic equipment expenses). Labor costs were not included in the analysis because labor is generally paid as a percentage of the total revenues after certain expenses are subtracted. Compliance costs are less than 1 percent of the total annual costs for offshore vessels and 1.45 percent for the smaller inshore vessels. Compliance costs reflect the cost of the gear conversion ranging from $775 for inshore vessels to $1,354 for offshore vessels versus annualized vessel costs ranging from $39,695 for vessels 5–50 in gross registered tonnage to $171,692 for vessels greater than 150 gross registered tons.

According to the Council, specific data are not available for quantitative analysis of other new measures (e.g., modification of vessel replacement criteria and prohibition of transfer of summer flounder at sea) in Amendment 10. A qualitative analysis conducted by the Council indicates that those measures would have no significant impact on a substantial number of small entities because of their implementation. The National Marine Fisheries Service (NMFS) reviewed this analysis, and since most measures proposed in Amendment 10 are administrative in nature, NMFS concurs that the new measures would result in no significant economic impacts on small entities. Additionally, the prohibition of transferring summer flounder at sea and the vessel replacement criteria, would make the FMP consistent with the Multispecies Fishery Management Plan, and therefore would create no additional impacts for industry participants who also participate in that fishery. Meanwhile, a qualitative examination of the effects of the extension, indefinitely, of the moratorium on new vessels and maintaining the state-by-state allocation system for the coastwide quota for the commercial fishery, indicates that these measures will not result in a significant economic impact on a substantial number of small entities. These measures should not cause more than 2 percent of the vessels or dealers to cease business operations, result in a loss of 5 percent or more of ex-vessel revenues for 20 percent or more of the participating vessels, nor change compliance costs. If the moratorium was allowed to expire then it's conceivable that enough new vessels would enter the fishery, so that a significant number of vessels already in the fishery would incur a loss of 5 percent or more in ex-vessel revenues. Similarly, if the state-by-state allocation of the commercial quota was not continued, then the states might lose enough flexibility so that some vessels would gain in ex-vessel revenues, but a substantial number of small entities might experience a significant loss in ex-vessel revenues.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: November 26, 1997.

Rolland Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is 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, paragraph (a)(3)(i)(B)(*2*) is removed and reserved, and paragraphs (a)(3)(i)(C), (a)(5)(i)(A)(*2*), (a)(5)(i)(C), (a)(5)(ii)(A)(*2*), (a)(5)(ii)(C), (a)(6)(i)(A)(*2*), (a)(6)(i)(C) are revised to read as follows:

§ 648.4 Vessel and individual commercial permits.

(a) * * *

(3) * * *

(i) * * *

(C) *Replacement vessels.* To be eligible for a moratorium permit, the replacement vessel must meet the following criteria:

(*1*) The replacement vessel's horsepower may not exceed by more than 20 percent the horsepower of the vessel that was initially issued a moratorium permit as of January 2, 1998.

(*2*) The replacement vessel's length, GRT, and NT may not exceed by more than 10 percent the length, GRT, and NT of the vessel that was initially issued a moratorium permit as of January 2, 1998.

(*3*) A vessel's horsepower may be increased through replacement only once. A vessel's length, GRT, and NT may be increased through replacement only once. If any of these specifications is increased, any increase in the other two must be performed at the same time. This type of increase may be done separately from a horsepower increase.

* * * * *

(5) * * *

(i) * * *

(A) * * *

(*2*) The vessel is replacing such a vessel and the replacement vessel meets the requirements of paragraph (a)(5)(i)(C) of this section.

* * * * *

(C) *Replacement vessels.* To be eligible for a moratorium permit, the replacement vessel must be replacing a vessel of substantially similar harvesting capacity that is judged unseaworthy by the USCG, for reasons other than lack of maintenance, or that involuntarily left the fishery during the moratorium. Both the entering and replaced vessels must be owned by the same person. Vessel permits issued to vessels that involuntarily leave the fishery may not be combined to create larger replacement vessels.

* * * * *

(ii) * * *

(A) * * *

(*2*) The vessel is replacing such a vessel and meets the requirements of paragraph (a)(5)(i)(C) of this section.

* * * * *

(C) *Replacement vessels.* See paragraph (a)(5)(i)(C) of this section.

* * * * *

(6) * * *

(i) * * *

(A) * * *

(*2*) The vessel is replacing such a vessel and meets the requirements of paragraph (a)(5)(i)(C) of this section.

* * * * *

(C) *Replacement vessels.* See paragraph (a)(5)(i)(C) of this section.

* * * * *

3. In § 648.13, paragraph (d) is added to read as follows:

§ 648.13 Transfers at sea.

* * * * *

(d) All persons are prohibited from transferring or attempting to transfer at sea summer flounder from one vessel to another vessel.

4. In § 648.14, paragraph (j)(9) is added to read as follows:

§ 648.14 Prohibitions.

* * * * *

(j) * * *

(9) Offload, remove, or otherwise transfer, or attempt to offload, remove or otherwise transfer summer flounder from one vessel to another, unless that vessel has not been issued a summer flounder permit and fishes exclusively in state waters.

* * * * *

5. In § 648.103, paragraph (c) is revised to read as follows:

§ 648.103 Minimum fish sizes.

* * * * *

(c) The minimum sizes in this section apply to whole fish or to any part of a fish found in possession, e.g., fillets, except that party and charter vessels possessing valid state permits authorizing filleting at sea may possess fillets smaller that the size specified if all state requirements are met.

6. In § 648.104, paragraph (a)(1) is revised, and paragraph (f) is added to read as follows:

§ 648.104 Gear restrictions.

(a) * * * (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 5.5–inch (14.0–cm) diamond or 6.0–inch (15.2–cm) square mesh applied throughout the body, extension(s), and codend portion of the net.

* * * * *

(f) The minimum net mesh requirement may apply to any portion of the net. The minimum mesh size and the portion of the net regulated by the minimum mesh size may be adjusted pursuant to the procedures in § 648.100.

[FR Doc. 97–31708 Filed 11–28–97; 2:01 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970429101–7101–01; I.D. 111097A]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments and Closures from the U.S.-Canadian Border to the U.S.-Mexican Border

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

ACTION: Inseason adjustments and closures; request for comments.

SUMMARY: NMFS announces the following inseason adjustments and closures in the recreational salmon fisheries. The regulation regarding compliance with minimum size or other special restrictions for the recreational salmon fishery off Washington, Oregon, and California, was modified from the annual management measures, beginning July 1, 1997. This action was necessary to allow recreational anglers to fish in accordance with management intent. For the recreational salmon fishery in the area from the Queets River to Leadbetter Point, WA, the bag limit was modified to two fish per day, and the area closure was rescinded so that the fishery was open 0 to 200 miles off shore, effective August 13, 1997, through September 4, 1997. This action was intended to liberalize measures for dampening chinook harvest associated with the small coho subarea quota due to sufficient numbers of fish remaining in the overall chinook quota north of Cape Falcon, OR. The recreational salmon fisheries were closed in the following areas: From the U.S.-Canadian border to Cape Alava, WA, at 2400 hours local time (l.t.), July 23, 1997; from Cape Alava to the Queets River, WA, at 2400 hours l.t., August 3, 1997; from the Queets River to Leadbetter Point, WA, at 2400 hours l.t., September 4, 1997; and from Leadbetter Point, WA, to Cape Falcon, OR, at 2400 hours l.t., August 7, 1997. These actions were necessary to conform to the 1997 management measures and was intended to ensure conservation of chinook and coho salmon.

DATES: Inseason adjustment from the U.S.-Canadian border to the U.S.-Mexican border effective 0001 hours l.t. July 1, 1997, through 2400 hours l.t., November 16, 1997. Inseason adjustment from the Queets River to Leadbetter Point, WA, effective 0001 hours l.t., August 13, 1997, through 2400 hours l.t., September 4, 1997. Closure from the U.S.-Canadian border to Cape Alava, WA, was effective at 2400 hours l.t., July 23, 1997, through 2400 hours l.t., September 25, 1997, at which time the season remains closed under the terms of the preseason announcement of the 1997 management measures. Closure from Cape Alava to the Queets River, WA, 2400 hours l.t., August 3, 1997, through 2400 hours l.t., September 25, 1997, at which time the season remains closed under the terms of the preseason announcement of the 1997 management measures. Closure from the Queets River to Leadbetter Point, WA, 2400 hours l.t., September 4, 1997, through 2400 hours l.t., September 25, 1997, at which time the season remains closed under the terms of the preseason announcement of the 1997 management measures. Closure from Leadbetter Point, WA, to Cape Falcon, OR, 2400 hours l.t., August 7, 1997, through 2400 hours l.t., September 25, 1997, at which time the season remains closed under the terms of the preseason announcement of the 1997 management measures. Comments will be accepted through December 17, 1997.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator (Regional Administrator), Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070. Information relevant to this action is available for public review during business hours at the office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: William Robinson, 206–526–6140.

SUPPLEMENTARY INFORMATION:

Inseason Adjustment From the U.S.-Canadian Border to the U.S.-Mexican Border

In the annual management measures for ocean salmon recreational fisheries (62 FR 24355, May 5, 1997), NMFS announced in Table 2 note C.4. that ''All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.''

This regulation was problematic for recreational anglers. The area between Point Reyes and Pigeon Point, CA, from July 1 through September 1, was subject to a daily bag limit of the first two fish, and no size limits applied. Adjacent areas to the north (Point Arena to Point Reyes, CA) and to the south (Pigeon Point to the U.S.-Mexican border) were open during this period and were subject to a daily bag limit of two fish and a minimum size limit for chinook salmon. Given the proximity of fishing ports to the management boundaries separating these areas with different minimum size restrictions, recreational anglers leaving port in one management area who chose to fish in the adjacent area could have been in violation when landing their catch in their home port. It was not the intent to prohibit such activities by recreational anglers. The modification maintains the requirement that fish must meet the minimum size or other special requirements for the area being fished, but rescinds the requirement that they must also meet the minimum size or other special requirements for the area in which they are landed. Therefore, Table 2 note C.4. was modified to read ''All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.''

Modification of limited retention regulations is authorized by 50 CFR 660.409(b)(1)(ii). The Regional Administrator consulted with representatives of the Pacific Fishery Management Council (Council), the Washington Department of Fish and Wildlife (WDFW), the Oregon