

3. On page 63805, under the State of New Jersey, in the 29th line from the top, under the entry Cherry Hill/

Camden/Moorestown, column two is revised to add Burlington County.

The corrected text should read as follows:

APPENDIX—A TO CHAPTER 301—PRESCRIBED MAXIMUM PER DIEM RATES FOR CONUS

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate 4 (c)
Key city ¹	County and/or other defined location ^{2,3}					
CONNECTICUT						
	New London/Groton, New London					
	(June 1–October 31)	87		34		121
	(November 1–May 31)	67		34		101
MINNESOTA						
	Minneapolis/St. Paul, Anoka, Hennepin, Dakota, and Ramsey Counties; Fort Snelling Military Reservation and Navy Astronautics Group (Detachment BRAVO), Rosemount	91		38		129
NEW JERSEY						
	Cherry Hill/Camden/Moorestown, Camden/Burlington.	74		38		112

Dated: February 10, 1998.

William T. Rivers,

Acting Director, Travel and Transportation Management Policy Division.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 970930235-8028-02; I.D. 090397A]

RIN 0648-AJ12

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: In accordance with the framework procedure for adjusting management measures of the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP), NMFS increases the total allowable catch (TAC) for Atlantic group Spanish mackerel and Gulf group king mackerel, revises the commercial trip limits off the Florida east coast for the Gulf and Atlantic groups of king mackerel, and allows the operator and crew on for-hire vessels to take the bag limit of Gulf group king mackerel. The intended effects of this rule are to protect king and Spanish mackerel from overfishing and to maintain healthy stocks while still allowing catches by important commercial and recreational fisheries.

DATES: Effective February 19, 1998, except for the revision of

§ 622.44(a)(2)(i) which is effective February 24, 1998, and for the addition of introductory text at § 622.44(a)(1) and the revision of § 622.44(a)(1)(iii) which are effective March 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, 813-570-5305.

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagic resources are regulated under the FMP. The FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

In accordance with the framework procedures of the FMP, the Councils recommended, and NMFS published, a proposed rule (62 FR 53278, October 14, 1997) to: (1) For Atlantic migratory groups, increase the commercial quota and recreational allocation for Spanish mackerel and modify the commercial

trip limits off Florida for king mackerel; and (2) for Gulf migratory group king mackerel, increase the commercial quota and recreational allocation, revise the commercial trip limit off the Florida east coast, and restore the bag limit applicable to the operator (captain) and crew of for-hire vessels. That proposed rule described the FMP's framework procedures through which the Councils recommended the changes and explained the need and rationale for them. Those descriptions are not repeated here.

The changes in commercial quotas and recreational allocations are effective commencing with the 1997/98 fishing years, which began for Gulf migratory group king mackerel on July 1, 1997, and for all other groups of Spanish and king mackerel on April 1, 1997.

Comments and Responses

Comments were received during the public comment period from the Florida Marine Fisheries Commission (Commission), the South Atlantic Fishery Management Council (SA Council), and a Florida commercial fisherman. A summary of the comments and NMFS' responses follow.

Increases in TAC

Comment: The Commission supported the TAC increases for both Gulf group king mackerel and Atlantic group Spanish mackerel. The SA Council reiterated its support for increasing the TAC from 7.0 to 8.0 million lb (3.18 to 3.63 million kg) for Atlantic group Spanish mackerel. The SA Council believes that the increase is a prudent decision that will provide sufficient opportunity for recreational and commercial fishery sectors to maximize the socioeconomic benefits of the resource, despite the inability of the recreational sector to take its allocation in recent years. The SA Council also believes that the TAC increase will not jeopardize the continued progress of the stocks toward the Councils' optimum yield goal of a 40-percent spawning potential ratio.

Response: NMFS concurs. As stated in the preamble to the proposed rule, NMFS preliminarily found the Councils' proposed TACs to be consistent with the FMP and the Magnuson-Stevens Act. Final review of the proposed TACs and the comments received have not altered that determination.

Bag Limit for Operator and Crew on For-Hire Vessels

Comment: The Commission supported allowing the operator and crew on for-hire vessels to take the bag limit of Gulf group king mackerel. With

the increase in TAC, the Commission believes that a bag limit of zero for such captains and crews is no longer necessary.

Response: NMFS concurs.

Commercial King Mackerel Trip Limits

Comment: The SA Council supported all of its trip limit recommendations for commercial vessels harvesting Atlantic group king mackerel off Florida's east and south coasts. It also supported the changes in trip limits proposed for the Gulf group king mackerel in the Florida east coast subzone.

The Commission supported all of the changes in trip limits except the one proposed for Atlantic group king mackerel off Monroe County, FL (including the Florida Keys). The Commission did not support changing the trip limit in that area from 1,250 lb (567 kg) to 125 fish per day. The Commission preferred the status quo (retention of the 1,250-lb (567 kg) trip limit) to simplify the regulations and facilitate law enforcement in that area. The status quo would maintain a year-round 1,250-lb (567 kg) king mackerel trip limit in both state and Federal waters off Monroe County. A 1,250-lb (567 kg) trip limit was established there earlier this year for the hook-and-line fishery for Gulf group king mackerel in the Florida west coast subzone that includes Monroe County from November through March.

Response: NMFS concurs with the Commission. Accordingly, NMFS approves the Councils' trip limit recommendations except the change from pounds to number of fish proposed for Atlantic group king mackerel off Monroe County. The status quo provides a year-round 1,250-lb (567 kg) king mackerel trip limit in both state and Federal waters in that area. This is consistent with the other trip limit approvals in this action and with the trip limits implemented by Florida on January 1, 1998, that provide a year-round 50-fish king mackerel trip limit off southeast Florida for the Atlantic and Gulf groups in both state and Federal waters. The approved trip limits in concert will simplify the regulations in those areas, thus facilitating compliance and enforceability.

Comment: A Florida commercial fisherman expressed his overall disappointment with the current trip limit regime for the hook-and-line fishery for Gulf group king mackerel in the Florida west coast subzone. He also expressed concern that trip limits will continue as a permanent fixture in the FMP.

His comments focused on the efficacy of the trip limit. He believes that the

present trip limits fail to meet their stated goals of forestalling early closures and protecting traditional fishermen. Alternatively, he suggested that lengthening the fishing season would be more effectively achieved by addressing the problems of an over-capitalized fleet having to share a restricted quota. Also, he believes that the trip limits unfairly and disproportionately impact the highest producers who are historically the most dependent on the resource.

In addition, he believes that the trip limits are determined in a too arbitrary manner. He preferred that the Councils better define the goals and parameters for setting trip limits to determine more accurately the economic impacts on fishing vessels and businesses.

Finally, he commented that the trip limits compromise the safety of his vessel because they provide insufficient revenue to offset the costs of hiring a crew member. He believes that operating alone is less safe than operating with two persons on board, particularly for vessels that fish far from home port and make return trips under extremely fatiguing conditions to offload daily landings.

Response: These comments all address issues beyond the scope of this action. Trip limits for commercial vessels harvesting Gulf group king mackerel off Florida have been a component of the FMP for almost five years. The Councils proposed, and NMFS approved, the trip limits currently in place for Florida's hook-and-line and run-around gillnet fisheries. Some trip limits were initially implemented under emergency actions (58 FR 10990, February 23, 1993, and 60 FR 7134, February 7, 1995) and others under the annual framework regulatory actions changing catch specifications (58 FR 58509, November 2, 1993; 59 FR 53120, October 21, 1994; and 60 FR 57686, November 17, 1995). The rationale for implementing the trip limits is contained in those actions.

Changes From the Proposed Rule

As discussed above, conversion of the daily commercial trip limit for Atlantic group king mackerel off Monroe County (including the Florida Keys) from 1,250 lb (567 kg) to 125 fish was disapproved. Accordingly, the change in the proposed rule to § 622.44(a)(1)(iv) is not included in this final rule.

Language is added at § 622.44(a)(1) to clarify that the trip limits for king mackerel from the Atlantic group apply to vessels for which commercial permits have been issued.

Classification

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

The SA Council determined that the regulatory changes affecting Atlantic groups of king and Spanish mackerel in the framework regulatory action would not have a significant impact on a substantial number of small entities, but the Gulf of Mexico Fishery Management Council (Gulf Council) determined that regulatory changes affecting the Gulf group of king mackerel in that action would have a significant impact on a substantial number of small entities. Accordingly, the SA Council did not prepare an initial regulatory flexibility analysis (IRFA), but the Gulf Council did. NMFS considered all the changes in aggregate and concluded that they would have a positive, significant impact on a substantial number of the small entities in the Atlantic and Gulf areas affected by the changes. Public comments were invited on the framework regulatory action, the proposed rule, the IRFA, and other supporting documents through October 29, 1997. NMFS partially approved the framework action and developed a final regulatory flexibility analysis (FRFA). None of the changes to the proposed rule in this final rule were the result of comments on the IRFA. A summary of the FRFA follows.

Actions proposed in the framework adjustment are designed to stabilize yield at the maximum sustainable yield, maintain adequate recruitment, provide flexible management, and optimize social and economic benefits. During the public comment period, one commercial fisherman commented that trip limits of any sort for Gulf group king mackerel create economic inefficiencies and incentives for fishing during unsafe weather conditions. This comment addresses issues beyond the scope of this year's framework changes. NMFS disapproved the proposed trip limit change for Atlantic group king mackerel off Monroe County (including the Florida Keys) but that disapproval was not the result of comment on the IRFA.

The framework adjustments will affect most of the 3,819 vessels that have permits to harvest king and Spanish mackerel. No recent data are available that describe the precise average or range of vessel-operating costs or annual gross revenues. The framework changes do not alter the compliance costs related to reporting or recordkeeping.

Significant alternatives were identified for the five proposed changes

to the framework measures. The alternative to maintain the Gulf group king mackerel TAC at 7.8 million lb (3.54 million kg) was rejected because it would not provide the level of benefits associated with increasing the TAC to 10.6 million lb (4.81 million kg). The Gulf Council also rejected the status quo alternative to maintain the daily trip limit for Gulf group king mackerel in the Florida east coast subzone at the current level, i.e., 750 lb (340 kg) reducing to 500 lb (227 kg) when 75 percent of the quota is taken. The RIR/IRFA indicated that the status quo would provide for an increase in economic benefits relative to the proposed alternative of reducing the trip limit to 50 fish. Nevertheless, the status quo was rejected because the preferred alternative might forestall an early closure of the commercial fishery in the Florida east coast subzone, even though this outcome was unlikely. Also, the preferred alternative would be consistent with the 50-fish trip limit that the SA Council proposed for Atlantic group king mackerel for that same area for the April through October period. Another alternative similar to the preferred alternative was rejected because it would provide slightly less benefits than the preferred alternative.

The Gulf Council rejected the status quo alternative that would have continued the bag limit of zero for Gulf group king mackerel for captains and crews of for-hire vessels. The Gulf Council determined that continuation of the status quo was unnecessary to protect the stocks because the increased TAC was sufficient to allow reinstatement of the 2-fish bag limit to captains and crews without incurring an overrun of the recreational allocation. Also, the Gulf Council preferred the proposed alternative because it provided a greater level of economic benefit than the status quo.

Before making the decision to increase the TAC for Atlantic group Spanish mackerel from 7.0 to 8.0 million lb (3.18 to 3.63 million kg), the SA Council considered and rejected several alternatives. Alternatives for lower TACs were rejected on the basis that they would have provided less economic benefits, whereas alternatives for higher TACs were rejected on the basis that those higher levels would not be reached and, thus, were unrealistic.

The SA Council also proposed changing the trip limits from pounds to number of fish for Atlantic group king mackerel off southeast (Brevard/Volusia to Dade/Monroe Counties) and south (Monroe County) Florida to induce a lower level of catch and to facilitate at-sea enforcement. The SA Council also

expected Florida to change its regulations similarly to provide compatible regulations in state waters, thereby enhancing compliance and enforceability. NMFS did not approve the trip limit change for off Monroe County because the proposed trip limit of 125 fish would be inconsistent with the 1,250-lb (567-kg) Gulf group king mackerel trip limit for that area for November through March. For the same reason, Florida decided to reject that change for state waters off Monroe County. Given the small portion of Atlantic group king mackerel taken off Monroe County, NMFS considered that the other socioeconomic benefits offered by the SA Council in support of the proposal would be nominal.

The revisions in this final rule to the bag and possession limits for Gulf migratory group king mackerel at § 622.39(c)(1)(ii) and to the quotas for king and Spanish mackerel at § 622.42(c) relieve restrictions and, pursuant to 5 U.S.C. 553(d)(1), are not subject to a 30-day delay in effective date. Accordingly, these measures are effective February 19, 1998.

The reduction of the commercial trip limit for Gulf migratory group king mackerel in the Florida east coast subzone to 50 fish per day is designed to prevent an early closure of the fishery. The current trip limit, 750 lb (340 kg) per day, allows a higher rate of harvest that could result in the quota being taken and in that sector of the fishery being closed before the Lenten season that is often the most profitable part of the fishing season. Delay in such closure is also expected to contribute to more stable markets by providing fresh fish over a longer period. To obtain the intended benefit of this change during the current fishing year, the reduction should be effective as soon as possible. Accordingly, under 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA, finds for good cause that it is contrary to the public interest to delay for the full 30 days the effective date of the reduction of the commercial trip limit for Gulf migratory group king mackerel in the Florida east coast subzone. However, to allow time for this change to be communicated to fishermen, the effective date of this change is delayed to February 24, 1998.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: February 12, 1998.

Rolland A. Schmiten,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. Effective February 19, 1998, in § 622.39, paragraph (c)(1)(ii) is revised to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(c) * * *

(1) * * *

(ii) Gulf migratory group king mackerel—2.

* * * * *

3. Effective February 19, 1998, in § 622.42, paragraphs (c)(1)(i) and (c)(2)(ii) are revised to read as follows:

§ 622.42 Quotas.

* * * * *

(c) * * *

(1) * * *

(i) *Gulf migratory group.* The quota for the Gulf migratory group of king mackerel is 3.39 million lb (1.54 million kg). The Gulf migratory group is divided into eastern and western zones separated by 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary. Quotas for the eastern and western zones are as follows:

(A) *Eastern zone*—2.34 million lb (1.06 million kg), which is further divided into quotas as follows:

(1) *Florida east coast subzone*—1.17 million lb (0.53 million kg).

(2) *Florida west coast subzone*—1.17 million lb (0.53 million kg), which is further divided into quotas by gear types as follows:

(i) 585,000 lb (265,352 kg) for vessels fishing with hook-and-line gear.

(ii) 585,000 lb (265,352 kg) for vessels fishing with run-around gillnets.

(3) The Florida east coast subzone is that part of the eastern zone north of 25°20.4' N. lat., which is a line directly east from the Dade/Monroe County, FL, boundary, and the Florida west coast subzone is that part of the eastern zone south and west of 25°20.4' N. lat.

(B) *Western zone*—1.05 million lb (0.48 million kg).

* * * * *

(2) * * *

(ii) *Atlantic migratory group.* The quota for the Atlantic migratory group of Spanish mackerel is 4.00 million lb (1.81 million kg).

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4. Effective March 23, 1998, in § 622.44, paragraph (a)(1) introductory text is added and paragraph (a)(1)(iii) is revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(a) * * *

(1) *Atlantic group.* The following trip limits apply to vessels for which commercial permits for king mackerel have been issued, as required under § 622.4(a)(2)(iii):

* * * * *

(iii) In the area between 28°47.8' N. lat. and 25°20.4' N. lat., which is a line directly east from the Dade/Monroe County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 50 fish from April 1 through October 31.

* * * * *

5. Effective February 24, 1998, in § 622.44, paragraph (a)(2)(i) is revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(a) * * *

(2) * * *

(i) *Florida east coast subzone.* In the Florida east coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit for king mackerel has been issued, as required under § 622.4(a)(2)(iii), from November 1 each fishing year until the subzone's fishing year quota of king mackerel has been harvested or until March 31, whichever occurs first, in amounts not exceeding 50 fish per day.

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6. Effective February 24, 1998, in § 622.44, the first sentence of paragraph (b)(2) is revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(b) * * *

(2) For the purpose of paragraph (b)(1)(ii) of this section, the adjusted quota is 3.75 million lb (1.70 million kg). * * *

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 970703166-8021-02; I.D. 060997A]

RIN 0648-AH65

Fisheries of the Exclusive Economic Zone Off Alaska; Multispecies Community Development Quota Program; Eastern Gulf of Alaska No Trawl Zone

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement part of Amendment 5 to the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands (BS/AI), part of Amendment 39 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI), and part of Amendment 41 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA). In implementing part of Amendment 5, this rule establishes a BS/AI crab Community Development Quota (CDQ) program. In implementing part of Amendment 39 this rule establishes CDQ reserves for the Multispecies CDQ (MS CDQ) program. In implementing part of this rule, Amendment 41 establishes a no-trawl zone in the eastern GOA. These measures are necessary to implement the amendments submitted by the North Pacific Fishery Management Council (Council) and approved by NMFS. They are intended to accomplish the objectives of these Fishery Management Plans (FMPs) with respect to the management of the BSAI and GOA groundfish fisheries and the BS/AI crab fisheries.

DATES: Sections 679.20(b)(1)(iii)(A), (B), and (C), 679.20(c)(1)(iii) and (c)(3)(iii), 679.21(e)(3) and (e)(7)(i), and 679.31(c) are effective February 13, 1998; all other sections of this final rule will be effective March 23, 1998.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for the amendments may be obtained from the North Pacific Fishery Management Council, Suite 306, 605 West 4th Avenue, Anchorage, AK 99501-2252; telephone: 907-271-2809.

FOR FURTHER INFORMATION CONTACT: David C. Ham, 907-586-7228.