who requires screening. The required forms may be obtained from Center Chief of Security. In the event that the NAC is not satisfactory, access shall not be granted. At the option of the Government, background screenings may not be required for employees with recent or current Federal Government investigative clearances.

(2) The Contractor shall have an employee checkout process that ensures—

(i) Return of badges, keys, electronic access devices and NASA equipment;

(ii) Notification to NASA within three working days for normal terminations and by the close of business for terminations for cause to disable any user accounts or network accesses that may have been granted to the employee; and

(iii) That the terminated employee has no continuing access to systems under the operation of the Contractor for NASA. Any access must be disabled the day the employee separates from the Contractor.

(3) Granting a non-permanent resident alien (foreign national) access to NASA IT resources requires special authorization. The Contractor shall obtain authorization from the Center Chief of Security prior to granting a non-permanent resident alien access to NASA IT systems and networks.

(d) The Contractor shall ensure that its employees with access to NASA information resources receive annual IT security awareness and training in NASA IT Security policies, procedures, computer ethics, and best practices.

(1) The Contractor shall employ an effective method for communicating to all its employees and assessing that they understand any ITS policies and guidance provided by the Center Information Technology Security Manager (CITSM) and/or Center CIO (CCIO) as part of the new employee briefing process. The Contractor shall ensure that all employees represent that they have read and understand any new ITS policy and guidance provided by the CITSM and CCIO over the duration of the contract.

(2) The Contractor shall ensure that its employees performing duties as system and network administrators in addition to performing routine maintenance possess specific IT security skills. These skills include the following:

(i) Utilizing software security tools.

(ii) Analyzing logging and audit data.

(iii) Responding and reporting to computer or network incidents.

(iv) Preserving electronic evidence.

(v) Recovering to a safe state of operation.

(3) The Contractor shall provide training to employees to whom they plan to assign system administrator roles. That training shall provide the employees with a full level of proficiency to meet all NASA system administrators' functional requirements. The contractor shall have methods or processes to document that employees have mastered the training material, or have the required knowledge and skills. This applies to all system administrator requirements.

(e) The Contractor shall promptly report to the Center IT Security Manager any suspected computer or network security incidents occurring on any system operated by the Contractor for NASA or connected to a NASA network. If it is validated that there is an incident, the Contractor shall provide access to the affected system(s) and system records to NASA and any NASA designated third party so that a detailed investigation can be conducted.

(f) The Contractor shall develop procedures and implementation plans that ensure that IT resources leaving the control of an assigned user (such as being reassigned, repaired, replaced, or excessed) has all NASA data and sensitive application software removed by a NASA-approved technique. NASA-owned applications acquired via a ''site license'' or ''server license'' shall be removed prior to the resources leaving NASA's use. Damaged IT storage media for which data recovery is not possible shall be degaussed or destroyed. If the assigned task is to be assumed by another duly authorized person, at the Government's option, the IT resources may remain intact for assignment and use of the new user.

(g) The Contractor shall afford NASA access to the Contractor's and subcontractor's facilities, installations, operations, documentation, databases and personnel to the extent required to carry out a program of IT inspection and audit to safeguard against threats and hazards to the integrity, availability and confidentiality of NASA data.

(h) The Contractor shall document all vulnerability testing and risk assessments conducted in accordance with NPG 2810.1 and any other current IT security requirements.

(1) The results of these tests shall be provided to the Center IT Security Manager. Any contractor system(s) connected to a NASA network or operated by the contractor for NASA may be subject to vulnerability assessment or penetration testing as part of the Center's IT security compliance assessment and the Contractor shall be required to assist in the completion of these activities.

(2) A decision to accept any residual risk shall be the responsibility of NASA. The Contractor shall notify the NASA system owner and the NASA data owner within 5 working days if new or unanticipated threats or hazards are discovered by the Contractor, made known to the Contractor, or if existing safeguards fail to function effectively. The Contractor shall make appropriate risk reduction recommendations to the NASA system owner and/or the NASA data owner and document the risk or modifications in the IT Security Plan.

(i) The Contractor shall develop a procedure to accomplish the recording and tracking of IT System Security Plans, IT system penetration and vulnerability tests for all NASA systems under its control or for systems outsourced to them to be managed on behalf of NASA. The Contractor must report the results of these actions directly to the Center IT Security Manager.

(j) When directed by the contracting officer, the contractor shall submit for NASA approval a post-award security implementation plan outlining how the contractor intends to meet the requirements of NPG 2810. The plan shall subsequently be incorporated into the contract as a compliance document after Government approval. The plan shall demonstrate thorough understanding of NPG 2810 and shall include as a minimum, the security measures and program safeguards to ensure that IT resources acquired and used by contractor and subcontractor personnel—

(1) Are protected from unauthorized access, alteration, disclosure, or misuse of information processed, stored, or transmitted;

(2) Can maintain the continuity of automated information support for NASA missions, programs, and functions;

(3) Incorporate management, general, and application controls sufficient to provide cost-effective assurance of the systems' integrity and accuracy;

(4) Have appropriate technical, personnel, administrative, environmental, and access safeguards; and

(5) Document and follow a virus protection program for all IT resources under its control.

(k) The Contractor shall incorporate this clause in all subcontracts where the requirements identified in this clause are applicable to the performance of the subcontract.

(End of clause)

[FR Doc. 00–181 Filed 1–4–00; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 991228354–9354–01; I.D. No. 111299C]

RIN 0648–AM49

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2000 Specifications

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

ACTION: Proposed 2000 initial specifications; request for comments.

SUMMARY: NMFS proposes initial specifications for the 2000 fishing year for the Atlantic mackerel, squid, and butterfish (MSB) fisheries. This action also announces a proposed inseason adjustment to the 2000 mackerel joint venture processing (JVP) annual specifications, a proposal to allocate the domestic annual harvest (DAH) for *Loligo* squid into three 4-month periods, and a proposal to prohibit the use of any combination of mesh or liners that effectively decreases the mesh size below the minimum mesh size of 1⅞ in (48 mm). Regulations governing these fisheries require NMFS to publish specifications for the 2000 fishing year and management measures to assure

that the specifications are not exceeded and to provide an opportunity for public comment. The intent of this action is to fulfill these requirements and to promote the development and conservation of the MSB resources.

DATES: Comments must be received at the appropriate address or fax number (See ADDRESSES), no later than 5:00 p.m., eastern standard time, on February 4, 2000.

ADDRESSES: Comments on the proposed specifications should be sent to: Patricia A. Kurkul, Regional Administrator, Northeast Region Office, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298. Please mark the envelope, ''Comments-2000 MSB Specifications.'' Comments also may be sent via facsimile (fax) to 978–281–9135. Comments will not be accepted if submitted via e-mail or Internet. Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Environmental Assessment and Regulatory Impact Review/Initial Regulatory Flexibility Analysis (IRFA), are available from: Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904–6790.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst (978) 281–9273, fax 978–281–9135, e-mail *paul.h.jones@noaa.gov.*

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) prepared by the Mid-Atlantic Fishery Management Council (Council) appear at 50 CFR part 648. These regulations require that NMFS, based on the maximum optimum yield (Max OY) of each fishery as established by the regulations, publish a proposed rule specifying the initial annual amounts of the initial optimum yield (IOY) as well as the amounts for allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable levels of foreign fishing (TALFF) for the affected species managed under the FMP. The regulations also specify that there will be no JVP or TALFF specified for *Loligo, Illex,* or butterfish, except that a butterfish bycatch TALFF will be specified if TALFF is specified for Atlantic mackerel. Procedures for determining the initial annual amounts are found in § 648.21.

Table 1 contains the proposed initial specifications for the 2000 Atlantic mackerel, *Loligo* and *IlleX* squids, and butterfish fisheries.

TABLE 1. PROPOSED INITIAL ANNUAL SPECIFICATIONS, IN METRIC TONS (MT), FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR JANUARY 1, THROUGH DECEMBER 31, 2000

Specifications	Squid		Atlantic Mackerel	Butterfish
	Loligo	Illex		
Max OY	26,000	24,000	[1] N/A	16,000
ABC	13,000	24,000	347,000	7,200
IOY	13,000	24,000	[2] 75,000	5,900
DAH	13,000	24,000	[3] 75,000	5,900
DAP	13,000	24,000	50,000	0
JVP	0	0	[4] 10,000	0
TALFF	0	0	.....	0

[1] Not applicable.
[2] OY may be increased during the year, but the total ABC will not exceed 347,000 mt
[3] Includes 15,000 mt of Atlantic mackerel recreational allocation.
[4] JVP may be increased up to 15,000 mt at discretion of RA.

2000 Proposed Specifications

Atlantic Mackerel

Overfishing for Atlantic mackerel is defined by the FMP to occur when the catch associated with a threshold fishing mortality rate (F) of F_{MSY} (where MSY is maximum sustainable yield) is exceeded. When spawning stock biomass (SSB) is greater than 890,000 metric tons (mt), the overfishing limit is F_{MSY}, F=0.45, and the target F is (F=0.25). To avoid low levels of recruitment, the FMP adopted a control rule whereby the threshold F decreases linearly from 0.45 at 890,000 mt SSB to zero at 225,000 mt SSB (¼ B_{MSY}), and the target F decreases linearly from 0.25 at 890,000 mt SSB to zero at 450,000 mt SSB (½ B_{MSY}). Annual quotas are specified that correspond to a target F according to this control law.

Since SSB is currently above 890,000 mt, the target F is $F_{0.25}$. The yield associated with that target F is 369,000 mt. The ABC recommendation of 347,000 mt represents the F=0.25 yield estimate of 369,000 mt, minus the estimated Canadian catch of 22,000 mt. The proposed IOY for the 2000 Atlantic mackerel fishery is set equal to 75,000 mt, which is also equal to the proposed DAH plus TALFF. The specification for DAH is computed by adding the estimated recreational catch, the proposed DAP and JVP. The recreational component of DAH is estimated to be 15,000 mt. DAP and JVP components of DAH have historically been estimated using the Council's annual processor survey. However, for the years 1994 through 2000, response to this voluntary survey was low and did not contain projections from some large, known processors. In addition, inquiries regarding the utilization of displaced New England groundfish trawlers for possible entry into the Atlantic mackerel fishery have led the Council to recommend no change to the DAP for the 2000 fishery. While it is generally agreed that joint ventures (JV) have had a positive impact on the development of the U.S. Atlantic mackerel fishery, testimony from the processing sector of the fishery indicate that market opportunities for U.S. Atlantic mackerel are increasing. This assertion led to the Council recommendation that JVP be set at 10,000 mt in 2000 (the same JVP as 1999, but reduced from 15,000 mt in 1998 and 25,000 in 1997). The Council position is that even though JV-caught mackerel could negatively effect U.S. processing and exports, some specification of JVP is necessary to support U.S. harvesters who are currently constrained by the limited capacity of the U.S. processing sector. The Council concluded that even though JVs are necessary in the short term, the long-term policy should be to eliminate JVP to promote the development of the U.S. processing and export industry for Atlantic mackerel,

which is one of the primary objectives of the current FMP.

The Council has recommended, and NMFS proposes, a specification of 10,000 mt of JVP for the 2000 fishery with a possible increase to 15,000 mt later in the year. If additional applications for JVP are received, NMFS could increase this allocation to 15,000 mt by publishing a notification in the **Federal Register**. The Council also recommended and NMFS proposes a DAP of 50,000 mt yielding a DAH of 75,000 mt, which includes the 15,000 mt recreational component.

Zero TALFF is recommended by the Council for the 2000 Atlantic mackerel fishery, and that recommendation is proposed by NMFS. The Fisheries Act of 1995, Pub. L. 104–43, prohibits a specification of TALFF unless recommended by the Council and proposed by NMFS. In 1992, the Council based on testimony from both the domestic fishing and processing industries and analysis of nine economic factors found at § 655.21(b)(2)(ii) determined that mackerel produced from directed foreign fishing would directly compete with U.S. processed products, thus limiting markets available to U.S. processors. The industry was nearly unanimous in its assessment that a specification of TALFF would impede the growth of the U.S. fishery. The Council sees no evidence that would change this determination. Further, the Council believes that an expanding mackerel market and uncertainty regarding world supply, due to the economic and political restructuring in Eastern Europe and recent declines in the North Sea mackerel stock, has resulted in increased opportunities for U.S. producers to increase sales to new markets abroad. The U.S. industry has been successful in capturing an increased market share for mackerel in the Caribbean, North Africa, and Japan over the past decade, and a number of factors indicate that market expansion for U.S. Atlantic mackerel is likely to continue. U.S. Atlantic mackerel stock abundance remains high. Also, the low abundance of several important groundfish stocks in the Gulf of Maine, southern New England, and on Georges Bank are causing continued restrictions in fishing effort for those species. These factors increase the need for many fishermen to redirect their efforts to underutilized species. Atlantic mackerel is considered a prime candidate for innovation in harvesting, processing, and marketing.

As a supplement to the quota paper for the 1993 and 1994 fisheries, benefit-cost and sensitivity analyses were prepared by the Council and NMFS. Results of the analyses indicated that in the long term a specification of zero TALFF will yield positive benefits to the fishery and to the Nation. In its 1998, 1999 and 2000 quota papers, the Council provided additional analyses of the costs and benefits of directed foreign fishing that indicated the conclusions reached in prior analyses of zero TALFF have not changed.

The Council also recommended, and NMFS proposes, that four special conditions imposed in previous years shall continue to be imposed on the 2000 Atlantic mackerel fishery as follows: (1) JVs are allowed south of 37°30′ N. latitude, but river herring bycatch may not exceed 0.25 percent of the over-the-side transfers of Atlantic mackerel; (2) the Regional Administrator should ensure that impacts on marine mammals are reduced in the prosecution of the Atlantic mackerel fishery; (3) the mackerel OY may be increased during the year, but the total should not exceed 347,000 mt; and (4) applications from a particular nation for a JV for 2000 will not be decided on until the Regional Administrator determines, based on an evaluation of performances, that the Nation's purchase obligations for previous years have been fulfilled.

Atlantic Squids

Loligo

The FMP defines overfishing for *Loligo* as occurring when the catch associated with a threshold of F_{MAX} is exceeded (F_{MAX} is a proxy for F_{MSY}). When an estimate of F_{MSY} becomes available, it will replace the current overfishing proxy of F_{MAX}. Max OY is specified as the catch associated with a F_{MAX}. In addition, the biomass target is specified to equal B_{MSY}.

The most recent stock assessment for *Loligo* (the 29th Northeast Regional Stock Assessment Workshop, August 1999 (SAW–29)) concluded that the stock is approaching an overfished condition and that overfishing is occurring. More recently, NMFS' Report to Congress: Status of Fisheries of the United States (October 1999) determined that the *Loligo* stock is overfished. A production model indicated that current biomass is less than B_{MSY}, and near the biomass threshold of 50 percent B_{MSY}. There is a high probability that F exceeded F_{MSY} in 1998. The average F from the winter fishery (October to March) over the last 5 years averaged 180 percent of F_{MSY}, and F from the summer fishery equaled F_{MSY}. In addition, recent indices of recruitment are well below average.

The Magnuson-Stevens Fishery Conservation and Management Act requires the Council to take remedial action to rebuild the stock to a level that will produce MSY (B_{MSY}) given the status determination that *Loligo* is overfished. The control rule in the FMP specifies that the target F must be reduced to zero if biomass falls below 50 percent of B_{MSY}. The target F increases linearly to 75 percent of F_{MSY} as biomass increases to B_{MSY}. However, projections made in SAW–29 indicate that the *Loligo* control rule appears to be overly conservative. The projections presented demonstrate that the stock could be rebuilt in a relatively short period of time, even at F values approaching F_{MSY}. Projections indicate that the *Loligo* biomass can be rebuilt to levels approximating B_{MSY} in 3 to 5 years if F is reduced to 90 percent of F_{MSY}. The yield associated with this F (90 percent of F_{MSY}) in 2000, assuming status quo F in 1999, was estimated to be 13,000 mt based on projections from SAW–29. The establishment of 4-month periods spreads F out over the year and is expected to protect spawners. The current regulations still specify Max OY as the yield associated with F_{MAX}, or 26,000 mt.

In determining the specification of ABC for the year 2000, the Council considered the SAW–29 projections. Based on these analyses, the Council chose to specify ABC as the yield associated with 90 percent of F_{MSY}, or 13,000 mt.

Thus, the proposed Max OY for *Loligo* is 26,000 mt and the recommended ABC for the 2000 fishery is 13,000 mt, representing a decrease of 8,000 mt from the 1999 ABC of 21,000 mt. This new level of ABC is based on the recommendation of SAW–29 and is determined to be a level that would allow the *Loligo* stock to rebuild to levels at or near B_{MSY} within 3 to 5 years.

Distribution of Annual Loligo Quota by Three 4-Month Periods

The Council recommended and NMFS proposes an IOY of 13,000 mt, which is equal to ABC. Management advice from SAW–29 also made special note of the fact that yield from this fishery should be distributed throughout the fishing year. Given that the current permitted fleet historically has demonstrated the ability to land *Loligo* in excess of the quota specified for 2000, the Council recommends, and NMFS proposes, that the annual quota be sub-divided into three different 4-month quota periods. The quota would be allocated to each period based on the proportion of landings occurring in each

4-month period from 1994–1998. The directed fishery during the first two 4-month periods would be closed when 90 percent of the amount allocated to the period was landed, and a trip limit of 2,500 lb (1,134 kg) would remain in effect until that quota period ends. Any underages from 4-month period I or II will be applied to the subsequent 4-month period and overages will be deducted from 4-month period III. Similarly, the directed fishery would be closed in 4-month period III when 95 percent of the annual quota has been taken. The intent of the Council is for the fishery to operate at the 2,500 lb (1,134 kg) trip limit level for the remainder of the quota period III. The quota, allocated by 4-month periods, is shown in Table 2.

TABLE 2.—LOLIGO 4-MONTH PERIOD ALLOCATIONS

4-Month Period	Percent	Metric tons
I (Jan–Apr)	42	5,460
II (May–Aug)	18	2,340
III (Sep–Dec)	40	5,200
Total	100	13,000

In Amendment 5 to the FMP, the Council concluded that U.S. vessels have the capacity to, and will harvest the OY on an annual basis, so DAH equals OY. The Council also concluded that U.S. fish processors, on an annual basis, can process that portion of the OY that will be harvested by U.S. commercial fishing vessels, so DAP equals DAH and JVP equals zero. Since U.S. fishing vessels have the capacity to harvest and will attempt to harvest the entire OY, there is no portion of the OY that can be made available for foreign fishing, so TALFF equals zero. These determinations were made in Amendment 5 to the FMP. The proposed values of IOY, DAH, and DAP equal 13,000 mt for the 2000 *Loligo* fishery, and represent a reduction of 8,000 mt from the final 1999 *Loligo* IOY/DAH/DAP specifications.

Loligo Gear Requirements

In addition to the quota specifications summarized here, the Council also recommended, and NMFS proposes, that additional language be added to the regulations pertaining to gear requirements in the *Loligo* fishery. Industry members testified before the Council that some fishermen may be rigging the inner portion of the codends used in the *Loligo* fishery in a manner that alters the intended selective properties of the regulated mesh size (1⅞ in (48 mm)) by using an inner codend of substantially greater circumference than the outer portion of the codend (*i.e.*, the strengthener). The Council recommended, and NMFS proposes, to remedy this situation by adding the following language to the mesh restriction section of the regulations governing the *Loligo* fishery: ''The inside webbing of the codend shall be the same circumference or less than the outside webbing (strengthener). In addition, the inside webbing shall not be more than 2 ft (61 cm) longer than the outside webbing.'' The addition of this language should greatly improve enforcement of the mesh requirements in the *Loligo* fishery.

Illex

The Max OY for *Illex* squid is 24,000 mt. The Council recommended, and NMFS proposes, an ABC of 24,000 mt, which is equal to the quota associated with F_{MSY}. Amendment 8 also changed the definitions of overfishing for *Illex* squid. The approved overfishing definition for *Illex* is, ''Overfishing for *Illex* will be defined to occur when the catch associated with a threshold fishing mortality rate of F_{MSY} is exceeded * * *. Maximum OY will be specified as the catch associated with a fishing mortality rate of F_{MSY}. In addition, the biomass target is specified to equal B_{MSY}. The minimum biomass threshold is specified as ½ B_{MSY}.''

The most recent assessment of the *Illex* stock (SAW–29) concluded that the stock is not in an overfished condition and that overfishing is not occurring. The previous assessment, the 21st Northeast Regional Stock Assessment (1996), had concluded that the U.S. *Illex* stock is fully-exploited. Due to a lack of adequate data, the estimate of yield at F_{MSY} was not updated in SAW–29. However, an upper bound on annual F was computed for the U.S. exclusive economic zone (EEZ) portion of the stock based on a model that incorporated weekly landings and relative fishing effort and mean squid weights during 1994–1998. These estimates of F were well below the biological reference points. Current absolute stock size is unknown and no stock projections were done in SAW–29.

Since data limitations did not allow an update of yield estimates at the threshold and target F values, the Council recommended, and NMFS proposes, that the specification of MAX OY and ABC be specified at 24,000 mt (yield associated with F_{MSY}). Under this option, the directed fishery for *Illex* would remain open until 95 percent of ABC is taken (22,800 mt). When 95 percent of ABC is taken, the directed fishery would be closed and a 5,000-lb (2,268-kg) trip limit would remain in effect for the remainder of the fishing year. As in the case of *Loligo*, Amendment 5 eliminated the possibility of JVP and TALFF for the *Illex* fishery.

Butterfish

The FMP sets OY for butterfish at 16,000 mt. Based on the most current stock assessment, the Council recommends, and NMFS proposes, an ABC of 7,200 mt for the 2000 fishery, representing no change in the specifications since 1996. Commercial landings of butterfish have been low at 3,489 mt, 2,798 mt, and 1,964 mt for the 1996 through 1998 fisheries, respectively. Lack of market demand and the difficulty in locating schools of market size fish have caused severe reductions in the supply of butterfish. Discard data from the offshore fishery are lacking and high discard rates could be reducing potential yield.

The Council recommended and NMFS proposes an IOY and DAH for butterfish of 5,900 mt. Amendment 5 eliminated the possibility of JVP or TALFF specifications for butterfish except for a bycatch TALFF specification if TALFF is specified for Atlantic mackerel. However, since the Council recommended, and NMFS proposes, no TALFF for Atlantic mackerel, no bycatch TALFF is necessary for butterfish.

Classification

This action is authorized by 50 CFR part 648 and complies with the National Environmental Policy Act.

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

The Council prepared an IRFA in section 5.0 of the RIR that describes the economic impacts this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section of the preamble and in the **SUMMARY** section of the preamble. A summary of the analysis follows:

The IRFA examines the proposed specifications and several alternatives. The Council has identified the number of potential fishing vessels in the 2000 fisheries as 443 vessels fishing for *Loligo*, 77 vessels fishing for *Illex*, 443 vessels fishing for butterfish, and 1980 vessels fishing for Atlantic mackerel. Many vessels participate in more than one of these fisheries; therefore, the numbers are not additive. For Atlantic mackerel, the proposed ABC specifications of 347,000 mt and DAH of 75,000 mt, and the proposed *Illex* squid

DAH specifications of 24,000 mt, and the proposed butterfish DAH specifications of 5,900 mt, represent no constraint on vessels in these fisheries. There exists a surplus between the proposed specifications and the actual landings for these species in recent years. Absent a constraint on the fisheries, no impacts on revenues are expected. The proposed reduction in the *Loligo* quota in 2000 from 21,000 mt to 13,000 mt would represent an 18-percent reduction in landings compared to the average last three (1996–1998) landings. This reduction may result in a 5–10 percent revenue reduction (all species combined) for 121 of 443 vessels that reported landing *Loligo* in 1997. The remaining vessels (322) are expected to experience a reduction of less than 5 percent.

The alternative action for Atlantic mackerel would be to set the 2000 specifications at the same level as 1999 (ABC=382,000 mt). Although it was rejected as inconsistent with the FMP, this alternative would also place no constraints, and consequently no revenue impacts, on the fishery. The second alternative for mackerel was to set ABC at the long-term potential catch, or 134,000 mt. This alternative was found inconsistent with the FMP and would not impact the IOY specifications. The last alternative considered for mackerel included the elimination of JVP, which would lower the specification of IOY to 65,000 mt, also far in excess of recent landings. Both of these alternatives would not constrain the fishery and were determined to have no impact on revenues of participants in this fishery.

For *Loligo*, an alternative ABC, DAH, DAP, and IOY of 11,700 mt would represent a 26 percent reduction in 1996–1998 average landings. Under this scenario 161 of the 443 impacted vessels would experience revenue reductions of greater than 5 percent. The remaining 282 vessels would experience less than 5 percent reduction in revenue.

For *IlleX*, an alternative Max OY, ABC, IOY, DAH, and DAP of 30,000 mt far exceed recent landings in this fishery. Therefore, there would be no constraints, and thus no revenue reductions, associated with these specifications. For butterfish, the Council considered a DAH, OY, and Max OY of 16,000 mt and a DAH and OY of 10,000 mt. Since both such specifications would be hazardous to the health of the stock, the Council rejected these alternatives that would also not constrain or impact the industry.

This rule also proposes to prohibit the use of any combination of mesh or liners in the *Loligo* fishery that effectively decreases the mesh size below the minimum mesh size of 1⅞ in (48 mm). The addition of language to the mesh restriction section of the regulations governing the *Loligo* fishery will remedy the present situation of rigging the inner portion of the codends in a manner that alters the intended selective properties of the regulated mesh size by using an inner codend of substantially greater circumference than the outer portion of the codend. This prohibition should greatly improve enforcement of the mesh requirements in the *Loligo* fishery compared with the status quo alternative and will not adversely impact any small entity that is not circumventing the mesh size regulations by using a larger codend.

This proposed rule does not duplicate, overlap, or conflict with other Federal rules. There are no recordkeeping or reporting requirements associated with this rule.

The RIR/IRFA is available from the Council (see **ADDRESSES**).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 29, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 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 § 648.21, paragraph (e) is added to read as follows:

§ 648.21 Procedures for determining initial annual amounts.

* * * * *

(e) *Distribution of Annual Commercial Quota.* (1) Beginning January 1, 2000, a commercial quota will be allocated annually into three periods, based on the following percentages:

Period	Percent
I—January-April	42
II—May-August	18
III—September-December	40

(2) Beginning January 1, 2000, any underages of commercial period quota landed from Periods I and II will be applied to Period III and any overages of commercial quota landed from Periods I and II will be subtracted from Period III.

3. In § 648.22, paragraph (a) is revised as follows:

§ 648.22 Closure of the fishery.

(a) *General.* The Assistant Administrator shall close the directed mackerel fishery in the EEZ when U.S. fishermen have harvested 80 percent of the DAH of that fishery if such closure is necessary to prevent the DAH from being exceeded. The closure shall remain in effect for the remainder of the fishing year, with incidental catches allowed as specified in paragraph (c) of this section, until the entire DAH is attained. When the Regional Administrator projects that DAH will be attained for mackerel, the Assistant Administrator shall close the mackerel fishery in the EEZ, and the incidental catches specified for mackerel in paragraph (c) of this section will be prohibited. The Assistant Administrator shall close the directed fishery in the EEZ for *Loligo* when 90 percent is harvested in Periods I and II, and when 95 percent of DAH has been harvested in Period III. The Assistant Administrator shall close the directed fishery in the EEZ for *IlleX* or butterfish when 95 percent of DAH has been harvested. The closure of the directed fishery shall be in effect for the remainder of the fishing year with incidental catches allowed as specified in paragraph (c) of this section.

* * * * *

4. In § 648.23, paragraph (c) is revised to read as follows:

§ 648.23 Gear restrictions.

* * * * *

(c) *Mesh obstruction or constriction.* The owner or operator of a fishing vessel shall not use any combination of mesh or liners that effectively decreases the mesh size below the minimum mesh size, except that a liner may be used to close the opening created by the rings in the rearmost portion of the net, provided the liner extends no more than 10 meshes forward of the rearmost portion of the net. The inside webbing of the codend shall be the same circumference or less than the outside webbing (strengthener). In addition, the inside webbing shall not be more than 2 ft (61 cm) longer than the outside webbing.

* * * * *

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