SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternate approach involving the least net cost to society.

List of Subjects

41 CFR Part 101–25

Energy conservation, Government property management, Reporting and record keeping requirements.

41 CFR Part 101–26

Government property management.

Title 41 Parts 101–25 and 101–26 of the code of Federal Regulations are amended as follows:

PART 101–25—GENERAL

1. The authority citation for 41 CFR Part 101–25 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

2. The table of contents for Part 101–25 is amended by removing the following entries:

Subpart 101–25.3—Use Standards

Sec.
101–25.303 [Removed]
101–25.304 [Removed]
101–25.304–1 [Removed]
101–25.304–2 [Removed]

§§101–25.303, 101–25.304, 101–25.304–1, 101–25.304–2 [Removed]

3. Sections 101–25.303, 101–25.304, 101–25.304–1, and 101–25.304–2 are removed.

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

4. The authority citation for 41 CFR Part 101–26 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

5. The table of contents for Part 101–26 is amended by removing the following entries:

Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

Sec.
101–26.406 [Removed]
101–26.406–1 [Removed]
101–26.406–2—101–26.406–4 [Removed]
101–26.406–5 [Removed]
101–26.406–6 [Removed]

101–26.406, 101–26.406–1, 101–26.406–2—101–26.406–4, 101–40–5, 101–26–406–6 [Removed]

6. Sections 101–26.406, 101–26.406–1, 101–26.406–2—101–26.406–4, 101–26.406–5, and 101–26.406–6 are removed.

Dated: February 26, 1986.

T.C. Golden,

Administrator of General Services.

[FR Doc. 86–6051 Filed 3–19–86; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2720

[Circular No. 2578]

Conveyance of Federally-Owned Mineral Interests; Amendment to the Conveyance Procedure

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking amends the existing regulations on conveyance of federally-owned mineral interests by simplifying the processing of applications to acquire the federally-owned mineral interests. These changes, for the most part, are derived from experience gained in implementing the existing regulations.

EFFECTIVE DATE: April 21, 1986.

ADDRESS: Suggestions or inquiries should be sent to: Director (320), Bureau of Land Management, Main Interior Bldg., Room 3643, 1800 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: David Hemstreet (202) 343–8693.

SUPPLEMENTARY INFORMATION: Proposed rulemaking amending the existing regulations on conveyance of federally-owned mineral interests was published in the **Federal Register** on February 7, 1985 (50 FR 5269), with a 60-day comment period. During the comment period, comments were received from 12 sources, 4 from business interests, 6 from Federal agencies and 2 from private nonprofit organizations.

General Comments

The comments generally were favorable to the changes made by the proposed rulemaking, with several of the comments recommending changes to sections of the existing regulations that were not included in the proposed rulemaking. The recommended changes to sections of the existing regulations not considered by the proposed rulemaking cannot be made part of the final rulemaking because the public has not had an opportunity to review and comment on the changes, but those changes will be considered during any future amendment of part 2720.

One general comment asked what effect this rulemaking would have on pending applications. The changes made by the proposed rulemaking and adopted by this final rulemaking will be applicable to all pending applications, except those that have essentially been completed, and the issuance of a patent is all that remains to vest title to the federally-owned mineral interests in the surface owner. Except for the provision for the segregation of lands covered by an application, the amendments covered by this rulemaking are clarifications of the existing regulations and make only minor changes in the processing procedure for an application. Therefore, the final rulemaking would have little impact on the processing of pending applications.

Four comments suggested that the definition of the term "known mineral values" found in § 2720.0–5(b) of the existing regulations is too ambiguous and should be amended. The suggestions for amendment ranged from changing two words in the existing text to a total revision of the definition. Since this defintion was not included in the proposed rulemaking, no change has been made in it in the final definition. In response to the comments, the definition of this term will be reviewed and, if appropriate, a change will be made the next time Part 2720 is amended.

As a streamlining measure, one comment recommended that the final rulemaking provide that a $500 deposit be required with each application which would eliminate the need for the authorized officer to request a deposit after the application is filed. This requirement would be a substantive change in the existing regulations, a change that would require public comment before its adoption. Since the provision was not included in the proposed rulemaking for public review and comment, it cannot be included in the final rulemaking.

Another comment suggested that the final rulemaking include a definition of the term "nominal value". In classifying lands as prospectively valuable for a mineral, it is recognized that the degree of value may range from zero to a near certainty, depending on such factors as the nature of the rocks on the lands, extent of dissection by erosion and proximity to production or previously drilled exploratory holes. The term "nominal" as used by the Department of the Interior in relation to mineral value, since at least 1967, denotes a degree of value near the zero end of the scale. Since the determination of nominal value is a matter of judgment, it is appropriate that the standard used in reaching that judgment be included in the Bureau of Land Management Manual, rather than including it in the regulations. The final rulemaking has not adopted this suggestion.

Two comments suggested that the regulations should contain separate guidelines for use in connection with locatable, salable and leasable minerals. Those offering the comments expressed the view that the term "prospectively valuable" was being misused: (1) When assessing locatable minerals; (2) in situations where there is no market for salable minerals; and (3) the presumption of value of leasable minerals derived from generalized maps of sedimentary basins without regard to more specific factual information. This suggestion is being considered for inclusion in the Bureau of Land Management manuals, where it is more appropriate. The final rulemaking has not adopted the suggestion.

Specific Comments

One comment suggested a change in the definition of the term "proof of ownership" contained in the proposed rulemaking. The comment made the point that the only information needed is the identity of the surface owner of record which could be met by a certified copy of a document from the county tax assessor showing the current surface owner of record. The key element in the definition of the term "proof of ownership" is the phrase ". . . evidence of title acceptable in local realty practice by attorneys and title examiners. . . ." The remainder of the definition is only one form of evidence that is universally acceptable. The definition does not attempt to include all such acceptable documents. If a certification by the county tax assessor showing the current surface owner of record is acceptable to attorneys and title examiners in local realty practice, it will meet the requirements of the definition. The final rulemaking has not adopted the suggested change.

All of the comments pointed out that the Federal Land Policy and Management Act provides for the conveyance of federally reserved mineral interests that do not contain known mineral values without a determination of interference or beneficial use. This point is well taken and the final rulemaking has been corrected to properly reflect the law. One of the comments suggested that the final rulemaking should contain more discussion of and a definition of what constitutes interference or preclusion. The comment questioned whether nonmineral development included the use of lands for plant sites, waste dumps, tailing sites, etc. The comment went on to ask how much discretion does the authorized officer have in making the determination of interference or preclusion? Each case will be unique, with a different set of facts, making it impractical to attempt to define what constitutes interference or preclusion so that it covers every case. The facts presented with an application dictate the action to be taken by the authorized officer, with his decision of whether interference or preclusion exists being dependent upon those facts. Mineral extraction plant sites, waste dumps, tailing sites and other such mining related activities would not be considered nonmineral development. Sale of federally reserved mineral interests of known value would be inappropriate for these purposes. Such development should be placed on lands having no known mineral value. If a surface owner insists upon placing such facilities on lands with known mineral values that have been reserved by the United States, it will be at that surface owner's risk.

A comment suggested that the word "hypothecation" that appears in § 2720.6 of the proposed rulemaking be changed to the word "hypothesis" in the final rulemaking. The comment pointed out that the word "hypothecation" means to pledge without delivery of title and is not appropriate. The suggestion is well taken and the final rulemaking contains the word "hypothesis".

A final comment on the policy section of the proposed rulemaking asked whether the proposed rulemaking dealt only with sale of federally reserved mineral interests or included exchanges of such interests. The proposed and final rulemakings cover only the sale of federally reserved mineral interests, with the exchange of public lands and the interests therein, including mineral interests, covered by the regulations in 43 CFR Part 2200.

A comment on the provisions of § 2720.1–1 of the proposed rulemaking suggested that the final rulemaking be amended to simply state that pending the issuance of the conveyance document for the mineral interests, the mineral interests will not be available for leasing. The comment reasoned that the term "segregate" had a special meaning in the oil and gas program of the Bureau of Land Management, which is to separate or divide a lease. The term "segregate" is used throughout the various Parts of Subchapter B of Title 43 of the Code of Federal Regulations with a meaning that is consistent with its use in the proposed rulemaking; therefore, the final rulemaking makes no change in its use of the term.

A comment recommended that the final rulemaking contain language specifically requiring that the applicant pay the cost of publication of the notice of realty action. This recommendation has not been adopted by the final rulemaking because §§ 2720.1–3(b) and 2720.3(a) of the existing regulations make the applicant responsible for all administrative costs incurred by the United States in connection with the processing of an application for the conveyance of federally-owned mineral interests.

A comment stated that publication in the **Federal Register** was not necessary to effect segregation of the interest in lands covered by the application. The comment went on to suggest that the final rulemaking provide that segregation became effective upon filing of an application for conveyance of federally-owned mineral interests. The final rulemaking has made no change in the publication requirement because the segregation of lands without proper publication has been criticized in the past as being inconsistent with section 5 of the Federal Register Act (44 U.S.C. 1505). Publication of the notice of segregation in the **Federal Register** assures that constructive notice is given to all parties of interest.

One comment interpreted the segregation provision of the proposed rulemaking as segregating the lands covered by an application from all forms of application, including conveyance of federally-owned mineral interests applications. Since the notice segregating the federally-owned mineral interests will be published after receipt of an application, the filing of the application will have no segregative effect. No change has been made in the final rulemaking in response to this comment.

Several comments opposed the requirement in the proposed rulemaking for a metes and bounds survey because it was an unnecessary departure from longstanding procedure and precedent. It was suggested that there may be gaps and overlaps between metes and bounds descriptions that would be unmanageable. These comments also expressed the view that the use of legal subdivisions and aliquot parts is subject to the least amount of error. Section 209(b) of the Federal Land Policy and Management Act (43 U.S.C. 1719(b)) provides for the conveyance of federally-owned mineral interests only to the existing or proposed record owner of the surface. While the use of legal subdivisions and aliquot parts is normally the method used to describe ownership, there are situations where a metes and bounds description in the only accurate way to describe ownership. This is especially true when lands are divided and sold by metes and bounds descriptions. The final rulemaking has been amended to require that the survey evidence be acceptable to the authorized officer. Any survey evidence submitted will be reviewed by the Chief of Cadastral Survey for the State to make certain that the description closes and does not overlap other lands that are not owned by the applicant.

A final comment on the requirement in the proposed rulemaking for survey evidence suggested that the language be changed from ". . . and a showing in the applicant. . ." to ". . . and a showing by the applicant. . . ." This suggestion has not been adopted by the final rulemaking because the word "in" modifies the word "ownership" and the preferred usage is to say ownership in rather than ownership by.

Four of the comments strongly suggested retention of the 90-day period during which the authorized officer is to determine whether an application meets the requirements for further processing and to determine the amount of the deposit required and so inform the applicant. Those comments expressed the view that the 90-day requirement is the only thing in the regulations that assures an applicant of prompt consideration of an application. The final rulemaking retains the 90-day requirement now contained in the existing regulations.

One of the comments on § 2720.1–3 of the proposed rulemaking suggested that the references to the U.S. Geological Survey contained in the section be deleted because the functions described are now handled by the Bureau of Land Management. The final rulemaking has adopted this suggestion because the change is an administrative recognition of changes in the functions of the two bureaus that have already occurred.

The principal author of this final rulemaking is David C. Hemstreet, Division of Lands, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The information collection requirements contained in this final rulemaking have been cleared by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0153.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 501 et seq.).

The changes made by this final rulemaking will simplify the conveyance of federally-owned mineral interests and speed the processing of applications for the conveyance of federally-owned mineral interests. The changes will impact and benefit all entities equally because the conveyance of federally-owned mineral interests is open to all existing or proposed surface owners, regardless of their size.

List of Subjects in 43 CFR Part 2720

Administrative practice and procedure, Public lands—mineral resources, Public lands—sales.

PART 2720—[AMENDED]

Under the authority of sections 209 and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719, 1740), Part 2720, Group 2700, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

February 24, 1986

J. Steven Griles,

Assistant Secretary of the Interior.

1. The "Note" appearing immediately after the heading for Group 2700 is revised to read:

Note.—The information collection requirements contained in Parts 2720 and 1740 of Group 2700 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1004–0153 and 1004–0012, respectively. The information is being collected to permit the authorized officer to determine if disposition of Federally-owned mineral interests should be made and to determine if disposition of public lands should be made for recreation and public purposes. This information will be used to make these determinations. A response is required to obtain a benefit.

2. The authority citation for part 2720 continues to read:

Authority: Secs. 209 and 310 of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)

§ 2720.0–5 [Amended]

3. Section 2720.0–5 is amended by adding a new paragraph (d) to read:

(d) Proof of ownership means evidence of title acceptable in local realty practice by attorneys and title examiners and may include a current title attorney's opinon, based on a current abstract of title prepared by a bonded title insurance or title abstract company doing business in the locale where the lands are located.

4. A new section 2720.0–6 is added to read:

§ 2720.0–6 Policy.

As required by the Federal Land Policy and Management Act, conveyance of federally reserved mineral interest shall be made only upon a determination of no know value or if it can be clearly demonstrated that the mineral reservation is interfering with or precluding appropriate nonmineral development of the lands and that nonmineral development is a more beneficial use than mineral development. Allegation, hypothesis or speculation that such conditions could or may exist at some future time shall not be sufficient basis for conveyance. Failure to establish by convincing factual evidence that the requisite conditions of interference or preclusion presently exist, and that nonmineral development is a more beneficial use, shall result in the rejection of an application.

§ 2720.1–1 [Amended]

5. Section 2720.1–1 is amended by designating the introductory text as paragraph (a), redesignating the existing paragraphs (a) and (b) as paragraphs (a) (1) and (2) and adding a new paragraph (b) to read:

(b) Publication in the **Federal Register** of a notice of the filing of an application under this part shall segregate the mineral interests owned by the United States in the public lands covered by the application to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect of the application shall terminate either

upon issuance of a patent or other document of conveyance to such mineral interests, upon final rejection of the application or 2 years from the date of filing of the application which ever occurs first.

§ 2720.1-2 [Amended]

6. Section 2720.1-2(d)(3) is amended by removing the phrase "to the applicant; and" at the end thereof and replacing it with the phase "and a showing of ownership in the applicant, with supporting survey evidence acceptable to the authorized officer, which may consist of a metes and bounds survey prepard and certified by a civil engineer or land surveyor licensed under the laws of the State in which the lands are located; and".

§ 2720.1-3 [Amended]

7. Section 2720.1-3 is amended by:

A. Amending paragraph (b)(2) by removing from where it appears in the first sentence thereof the phrase "after he has obtained the approval of the U.S. Geological Survey" and by removing from where it appears in the second sentence thereof the phrase "locatable and saleable minerals prepared by the Bureau of Land Management and mineral resources evaluation reports on leasable minerals prepared by the U.S. Geological Survey" and replace it with the phrase "minerals prepared by the Bureau of Land Management";

B. Amending paragraph (c) by removing from where it appears the phrase "after having obtained the approval of the U.S. Geological Survey";

C. Amending paragraph (d) by removing from where it appears the phrase", with the approval of the U.S. Geological Survey,"; and

D. Amending paragraph (e) by removing from where it appears in the first sentence the phrase", after the authorized officer has obtained the approval of the U.S. Geological Survey", by removing from where it appears in seventh sentence the phrase "and with the approval of the plan of operations by the U.S. Geological Survey" and by also removing the phrase "and the U.S. Geological Survey", and by removing from where it appears in the eleventh sentence the phrase "leasable mineral resources to the U.S. Geological Survey and that needed for determination of the economic value of locatable and salable mineral resources" and replace it with the phrase "mineral resources".

[FR Doc. 86-6102 Filed 3-19-86; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 51180-5180]

Fishery Conservation and Management; Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of inseason adjustment.

SUMMARY: NOAA announces the reapportionment of amounts of pollock apportioned to domestic annual processing (DAP) and reserve amounts of flounders and the "other species" category to the total allowable level of foreign fishing (TALFF) under provisions of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). This action is necessary to provide sufficient bycatch for the foreign longline fishery on Pacific cod. It is intended as a management measure that promotes full utilization of Alaska groundfish.

DATES: This notice is effective March 17, 1986. Comments on this action are invited until April 1, 1986.

ADDRESSES: Send comments to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. The aggregate data upon which this adjustment is based will be available for public inspection during business hours at the Alaska Regional Office, NMFS, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Janet Smoker (Resource Management Specialist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The regulations implementing the FMP at § 672.20(c) authorize the apportionment of surplus amounts of the reserve and the domestic annual harvest (DAH) to TALFF if the Director, Alaska Region, NMFS (Regional Director), after consulting with the North Pacific Fishery Management Council (Council), has determined that these amounts will not be harvested by domestic fishermen during the remainder of the year. Interim initial specifications for Gulf of Alaska groundfish (51 FR 956, January 9, 1986) were modified later (51 FR 5198, February 12, 1986), and pollock reserves were reapportioned to joint venture processing (JVP) by another action (51 FR 7446, March 4, 1986). DAP and JVP together comprise TALFF.

The Regional Director has determined that the current TALFF specifications of pollock and flounders in the Western and Central areas in the Gulf of Alaska and "other species" Gulf-wide are insufficient to provide appropriate bycatch amounts for the Pacific cod TALFFs in the Western and Central areas, and that it is necessary immediately to increase those amounts to avoid disruption to the foreign fishery. He also has determined that the amounts to be reapportioned from DAP and reserves will not be taken by U.S. fishermen. Consequently, 100 metric tons (mt) of pollock in the Western/Central area is reapportioned from DAP to TALFF, and 40 mt of flounders in the Western area, 10 mt of flounders in the Central area, and 100 mt of "other species" Gulf-wide are reapportioned from their respective reserves to TALFF.

TABLE 1.—GULF OF ALASKA REAPPORTIONMENT FROM DAH AND RESERVE TO TALFF. (FIGURES ARE IN METRIC TONS) DAH = DAP + JVP.

Species/regulatory area	Current	This action	Revised
Pollock:			
Western/Central			
(OY = 305,000)			
Reserve	0	0	0
TALFF	40	+100	140
DAH	304,960	−100	304,860
DAP	201,960	−100	201,860
JVP	103,000	0	103,000
Flounders:			
Western			
(OY = 10,400)			
Reserve	2,020	40	1,980
TALFF	60	+40	100
DAH	8,320	0	8,320
DAP	7,284	0	7,284
JVP	1,036	0	1,036
Central			
(OY = 14,700)			
Reserve	2,920	−10	2,910
TALFF	10	+10	20
DAH	11,770	0	11,770
DAP	10,686	0	10,686
JVP	1,084	0	1,084
Other species:			
Gulf-wide			
(OY = 22,460)			
Reserve	4,312	−100	4,212
TALFF	180	+100	280
DAH	17,968	0	17,968
DAP	9,074	0	9,074
JVP	8,894	0	8,894

Classification

This action is taken under 50 CFR Part 672 and complies with Executive Order 12291.

In view of the need to avoid disruption of domestic fisheries, NOAA has determined that delaying the effective date of this notice would be impracticable, unnecessary, and contrary to the public interest.

List of Subjects in 50 CFR Parts 611 and 672

Fisheries, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: March 17, 1986.

Joseph W. Angelovic,

Deputy Assistant Administrator For Science and Technology, National Marine Fisheries Service.

[FR Doc. 86-6095 Filed 3-17-86; 2:02 pm]

BILLING CODE 3510-22-M

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50 CFR Part 642

[Docket No. 50587-6042]

Fishery Conservation and Management; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; change in total allowable catch, permit requirements, and bag limits for the Atlantic migratory group of king mackerel.

SUMMARY: The Secretary of Commerce issues a notice of changes in the total allowable catch (TAC), permitting requirements, and bag limits for the Atlantic migratory group of king mackerel in accordance with the framework procedure under Amendment 1 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic. This notice reduces TAC and allocations for Atlantic migratory group king mackerel based on recent catch data, requires permits for commercial vessels, and bag limits for recreational fishermen. The intended effects are to protect the Atlantic migratory group of king mackerel and still allow catches by the important recreational and commercial fisheries that are dependent on this species and to implement a permit requiremet for commercial vessels for the purpose of improved management.

EFFECTIVE DATE: March 17, 1986.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813-893-3722.

SUPPLEMENTARY INFORMATION: The king mackerel fishery is regulated under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP) and final regulations (50 CFR Part 642). An amendment to the FMP (Amendment 1) was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and implemented September 22, 1985 (50 FR 34840, August 28, 1985). On January 8, 1986 (51 FR 769) a notice of preliminary changes in the total allowable catch, permitting requirements, and bag limits for the Atlantic migratory group of king mackerel in accordance with the framework procedure under Amendment 1 to the FMP was published for public comment. The comment period ended January 23, 1986.

The preamble to the preliminary notice contained a description of the need and rationale for implementing the changes in TAC, permitting requirements, and bag limits. These discussions are not repeated here.

Comments and Responses

Seventeen comments on the preliminary notice were received from seven commenters including fishermen, a seafood technologist, a recreational fishing organization, a marina operator, and a boat manufacturer.

Sale of Recreational Catches

A recreational fishing organization and a seafood technologist stated that recreational fishermen should not be allowed to sell their catch because they cannot ensure a quality product since they are either unfamiliar with proper storage techniques or unable to adequately care for their catch. Both commenters also stated that allowing the sale of recreational catches encourages recreational fishermen to compete with commercial fishermen for the fish and market. NOAA does not agree. Purchasers of the catch determine the quality, thus fishermen with less than adequate quality fish will be unable to sell their catch. The bag limit on recreational fishermen should prevent any significant competition with the unrestricted catch of an individual permitted to fish under the commercial quota.

Quotas and Allocations

A recreational fishing organization stated that the 18 percent reduction in total allowable catch of the Atlantic migratory group was insufficient to prevent the collapse of the resource because the best available scientific information was not used. NOAA does not agree. NOAA acknowledges there are data deficiencies, but concludes that the Councils used the best scientific information available. Allowable catches will be adjusted annually, on a pre-season basis, as additional information is gathered.

One commenter opposed any restrictions because he did not believe that the Councils' decisions are sound and based on the best scientific information available. NOAA disagrees. As stated above, the Councils utilized the best scientific data available.

Two commenters opposed quotas and allocations because of negative effects on tournaments. One commenter suggested a special concession for major tournaments. The Councils fully considered the impact of the allocations and quotas on tournaments and determined that tournament participants must share the burden for the conservation of king mackerel. NOAA agrees with the Councils' decision.

Bag Limits

One recreational fisherman questioned whether a size limit rather than a bag limit would achieve the same purpose. The Councils considered the advantages and disadvantages associated with size and bag limits. Since king mackerel are migratory, the Councils selected the bag limit because this allows the residents of different States to participate in this fishery in a fair and equitable manner. A size limit favors the areas where the larger fish occur during migration. NOAA agrees with the Councils' decision in selecting the bag limit.

One recreational fisherman questioned how the bag limit will be enforced. Based on comments from Federal and State law enforcement personnel, the Councils concluded that the bag limit was enforceable. NOAA also concluded that this measure was enforceable. The bag limit will be enforced by Federal agencies such as the U.S. Coast Guard and National Marine Fisheries Service and by State agencies through Federal/State cooperative agreements.

One recreational fisherman questioned whether any government body could unilaterally impose such a rule without public participation in the rule-making process. The Councils that developed these measures are composed of representatives from the coastal States' governments, the recreational and commercial fishing communities, and the Federal government. As required by the Magnuson Act, the Councils obtained public participation through fourteen public hearings held on Amendment 1 under which this notice action has been developed. During these hearings, the Councils solicited public comments on the use of bag limits for the recreational fishery in the area of the Atlantic migratory group. The public had opportunity also to comment during the 15-day public review period for this notice action that ended January 23, 1986.