

Belleville, IL, Midamerica, NDB RWY 32R, Orig
 Coldwater, MI, Branch County Memorial, VOR/DME OR GPS RWY 24, Amdt 3, Cancelled
 Coldwater, MI, Branch County Memorial, VOR OR GPS RWY 6, Amdt 4
 Coldwater, MI, Branch County Memorial, VOR RWY 24, Orig
 Hillsdale, MI, Hillsdale Muni, VOR OR GPS-G, Amdt 7
 Marshall, MI, Brooks Field, VOR OR GPS RWY 28, Amdt 14
 Butte, MT, Bert Mooney, ILS RWY 15, Amdt 5
 Cincinnati, OH, Cincinnati-Blue Ash, VOR RWY 24, Amdt 6
 Cincinnati, OH, Cincinnati-Blue Ash, NDB RWY 6, Amdt 2
 Cincinnati, OH, Cincinnati-Blue Ash, NDB OR GPS RWY 24, Amdt 2
 Cincinnati, OH, Cincinnati Muni-Lunken Field, NDB OR GPS RWY 21L, Amdt 13
 Harrison, OH, Cincinnati West, VOR OR GPS RWY 18, Amdt 3
 Tulsa, OK, Tulsa Intl, GPS RWY 8, Orig
 Tulsa, OK, Tulsa Intl, GPS RWY 18L, Orig
 Tulsa, OK, Tulsa Intl, GPS RWY 18R, Orig
 Tulsa, OK, Tulsa Intl, GPS RWY 36R, Orig
 Redmond, OR, Roberts Field, GPS RWY 10, Orig
 Redmond, OR, Roberts Field, GPS RWY 28, Orig
 West Chester, PA, Brandywine, GPS RWY 9, Orig
 Pineville, WV, Kee Field, GPS RWY 7, Orig
 Summersville, WV, Summersville, GPS RWY 22, Orig

** * * Effective Upon Publication*

Tinian Island, N. Mariana Islands, West Tinian, NDB-A, Amdt 1

Note: The FAA published the following procedure in Docket No. 28992, Amdt. No. 1813 to Part 97 of the Federal Aviation Regulations (Vol. 62, No. 163, Page 44542, dated Friday, August 22, 1997) under Section 97.25 effective November 6, 1997, which is hereby amended as follows:

Anchorage, AK, Anchorage Intl, ILS Rwy 6L, Amdt 9 should read: LOC Rwy 6L, Amdt 9.

[FR Doc. 97-24992 Filed 9-18-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 648

[Docket No. 970318056-7211-02; I.D. 080497C]

RIN 0648-AJ43

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 20

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

ACTION: Final rule and correction.

SUMMARY: NMFS issues this final rule to adopt as final, with minor modifications for clarification purposes, the provisions of the interim final rule implementing Framework Adjustment 20 to the Northeast Multispecies Fishery Management Plan (FMP). The interim final rule implemented several management measures necessary to meet the mortality reduction goals of the FMP. The intent of this action is to address comments submitted in response to the interim final rule. This document also corrects the final rule published on March 3, 1997.

DATES: Effective September 18, 1997, except for § 648.14(c)(10) which is effective April 2, 1997.

ADDRESSES: Copies of Amendment 7 to the FMP, its regulatory impact review (RIR) and the regulatory flexibility analysis contained within the RIR, its final supplemental environmental impact statement, and Framework Adjustment 20 documents are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097.

Comments regarding burden-hour estimates for the collection-of-information requirement should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930, and the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (ATTN: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, 508-281-9252.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 7 to the FMP became effective on July

1, 1996 (61 FR 27710, May 31, 1996). These regulations implemented a comprehensive set of measures to control fishing mortality by controlling fishing effort through days-at-sea (DAS) allocations, and rebuild the primary stocks of regulated multispecies. Additionally, a framework procedure was established which requires the New England Fishery Management Council (Council) to annually review the best scientific information available, set target total allowable catches for the primary cod, haddock, and yellowtail flounder stocks, and recommend management options to achieve the objectives of the plan. The following summarizes the measures implemented by the interim final rule and adopted as final, with minor modifications, by this final rule.

To address the needed reductions for Gulf of Maine (GOM) cod, the interim final rule, which became effective May 1, 1997 (62 FR 15381, April 1, 1997, and corrected 62 FR 37154, July 11, 1997), established a cod landing limit for vessels fishing on this stock. This landing limit is 1,000 lb (453.6 kg) of GOM cod per day, or any part of a day, for each of the first 4 days of a trip, and up to 1,500 lb (680.4 kg) of GOM cod per day, or any part of a day, in excess of 4 days. To mitigate discarding, vessels are allowed to retain cod in excess of the limit, provided that they do not call out of the multispecies DAS program until total DAS per trip correspond to the total allowable weight of cod off-loaded per trip, and if, upon entering port, they report their hauled weight of cod on board under a separate call-in system. Vessels operating south of 42°00' N. lat. for a minimum of 30 days are exempt from the cod landing limit if they obtain and keep a NMFS-issued exemption certificate on board the vessel.

The interim final rule also implemented a 1997 fishing year measure that increases the landing limit of haddock, beginning September 1, 1997, to 1,000 lb (453.6 kg) per day, to a maximum of 10,000 lb (4,536.0 kg) per trip. As a means of ensuring that landings are kept below the 1,608 mt target TAC level for Georges Bank (GB) haddock, this measure would revert to a 1,000 lb (453.6 kg) per trip possession limit when 1,150 mt is projected to be reached. A notification would be published in the **Federal Register** when the 1,000-lb (453.6 kg) trip limit is reinstated.

The interim final rule also implemented a set of additional gillnet restrictions requiring most multispecies gillnet vessels to declare into either a Day or Trip gillnet category designation.

Trip gillnet category vessels are required to remove all gillnet gear from the water before calling-out of the multispecies DAS program. Day gillnet category vessels are limited to no more than 80 roundfish gillnets or 160 flatfish gillnets and must mark the gear with NMFS-authorized tags: Two tags per roundfish gillnet and one tag per flatfish gillnet. In addition, Day gillnet category vessels must take a total of 120 days out of the multispecies gillnet fishery in no less than 7 consecutive-day increments and at least 21 of these days must be taken between June 1 and September 30. DAS, for Day gillnet vessels, will accrue at 15 hours for each trip between 3 and 15 hours.

The interim final rule modified two exempted fisheries. The first modification allowed unlimited amounts of skate to be retained in the current Southern New England (SNE) Monkfish Trawl Exemption Area south of 40°10' N. lat. The second modification prohibited the possession of monkfish in the Small Mesh Northern Shrimp Fishery Exemption Area and increased the allowable limit of silver hake (whiting) from two totes to an amount equal to the weight of shrimp on board. In addition, the interim rule exempted additional fisheries: A dredge fishery for mussels and sea urchins in the current Nantucket Shoals Dogfish Fishery Exemption Area and in the SNE Regulated Mesh Area; a seasonal gillnet fishery for vessels fishing for monkfish and dogfish in a portion of the GOM/GB Regulated Mesh Area; a year-round gillnet fishery for vessels fishing for monkfish and skate in a portion of the SNE Regulated Mesh Area; and a seasonal gillnet fishery for vessels fishing for dogfish in a portion of the SNE Regulated Mesh Area.

Interested persons were invited to comment on the interim final rule during the April 1, 1997, through May 1, 1997, comment period. The comments received are addressed below (see Comments and Responses section). NMFS issues this final rule to adopt as final, with minor modifications, the provisions of the interim final rule implementing Framework Adjustment 20 to the FMP. The modifications made are administrative in nature and help clarify and enhance enforcement and administration of the fishery management program.

Comments and Responses

Written comments on the interim final rule implementing Framework 20 were submitted by Cape Ann Gillnetters' Association, Maine Gillnetters' Association, Cape Cod Hook

Fishermen's Association, Inc., and one individual.

Comment 1: An association reminds NMFS that in the preamble to the final rule implementing Amendment 7 to the FMP, NMFS states that habitat and selectivity issues could be revisited through a future management action, that research has shown mobile gear to have observable effects on the ocean bottom, and that the Council has a role in relation to habitat issues. Despite these acknowledgments by NMFS, the association remarks that habitat and selectivity issues were not addressed in Framework 20. The association contends that studies involving fishing gear impacts should be considered in development of a framework, and adds that this would be the risk averse approach to take. Rather than waiting for essential fish habitat guidelines to be finalized, the commenter suggests using the information already available (and cites several of these sources) to restrict mobile gear vessels.

Response: NMFS acknowledges that observable effects by mobile gear have been demonstrated in some areas of the ocean, while little discernable effect has been demonstrated in other areas. NMFS has recently proposed guidelines to implement the essential fish habitat provisions of the Magnuson-Stevens Act (62 FR 19723, April 23, 1997). These guidelines propose that, in determining whether it is practicable to minimize an adverse effect from fishing on essential fish habitat, Fishery Management Councils should consider three things: Whether and to what extent the fishing activity is adversely impacting the marine ecosystem; the nature and extent of the adverse effect on essential habitat; and whether the benefit to the habitat achieved by minimizing the adverse effect justifies the cost to the fishery. The Council intends to address habitat issues in the forthcoming amendment to the Multispecies FMP that will implement the new essential fish habitat requirements.

Comment 2: Two organizations comment that the cod trip limit increase to 1,500 lb (680.4 kg) after the fourth day of a fishing trip rewards larger vessels that are able to stay at sea for extended periods and is, therefore, biased against small vessels, particularly small gillnet vessels that fish in the GOM. The commenters contend that this allocation "is not fair and equitable," does not promote conservation, and violates national standard 4.

Response: NMFS disagrees. To reduce fishing mortality on the GOM cod stock, the trip limit was set at a level to discourage vessels, particularly larger

vessels, from targeting cod. Further, the increase to 1,500 lb (680.4 kg) after the fourth day was established as an incentive for larger vessels to fish offshore trips, offsetting steaming and offshore costs while providing an indirect benefit to small vessels that fish inshore. Based on this, NMFS determined that this measure promotes conservation, is fair and equitable, and does not violate national standard 4.

Comment 3: One individual requests that the cod trip limit be rescinded in favor of closed areas. It is the commenter's belief that trip limits will not conserve the resource, because the provision regulates what a vessel lands and not what a vessel catches. The commenter states that area closures are beneficial, because they eliminate discarding and cheating, are easily enforceable, and create essential fish habitat.

Response: The cod trip limit and some of the area closure options considered were shown to have equivalent conservation effectiveness. However, based on public comment raising concerns that closures may inequitably affect small sectors of the fishery, closures were rejected. The issue of discarding in relationship to the cod trip limit was addressed by allowing larger amounts of codfish on trips greater than 4 days and by allowing a vessel to land cod in excess of the trip limit provided that the vessel does not call out of the DAS program to end its trip until total DAS correspond to the total allowable weight of cod harvested. Enforcement of area closures is not necessarily easier than trip limits, because it requires a sea-based enforcement presence.

Comment 4: One association and one individual comment that administration and enforcement of the cod trip limit would be difficult.

Response: Although the cod trip limit does increase NMFS' administrative and enforcement burden, the program has been operational since May 1, 1997, and NMFS Law Enforcement believes it can monitor adherence to the regulations.

Comment 5: An association comments that the exemption from the cod landing limit for vessels fishing south of 42°00' N. lat. is unfair to small vessels. The association states that larger vessels are "being rewarded and encouraged to further destroy the cod population which may or may not depend on both Georges's Bank and the GOM simultaneously for its habitat needs."

Response: NMFS does not consider this unfair. Although inconvenient, smaller vessels wishing to fish on unlimited amounts of cod could relocate to a port that is south of 42°00' N. lat.

The Georges Bank and GOM cod stocks are separate stocks and the effects incurred on one stock when fishing on the other are negligible.

Comment 6: Two associations contend that the gillnet fleet, has contributed to effort reduction and that Framework Adjustment 20 is not needed. One association contends that these measures were developed by the Council based on a "perceived inequity" between gillnetters and other gear sectors and that there was no real attempt to quantify gillnet effort. The association adds that no determination was made under Amendment 7 on the proportional effects on gear sectors. The other association remarks that NMFS and the Council should implement regulations that are fair and equitable, and that are "based more on stock impact by gear type and area." One association, referring to a document that it previously commented on, contends that gillnet vessels are treated unfairly as compared with otter trawl vessels, particularly within the 5–22 ton tonnage class. The association states that, according to this report, the baseline fleet allocation is far in excess of the average number of days fished by the small dragger fleet. The association further notes that the report appears to justify this excess of days for the smaller fleet by acknowledging that larger draggers are likely more responsible for contributing to the fishing mortality reduction of the groundfish stocks.

Response: The fleet baseline allocation established under Amendment 5 was based on a fleet average. The fact that different tonnage classes may be affected unequally by this fleet average has been acknowledged. This is an issue that the Council could consider in another action. Despite this, NMFS believes that the gillnet effort reduction measures implemented under Framework Adjustment 20 are necessary, fair, and consistent, to the extent possible, with the reductions imposed on other fleet components.

The Council has been deliberating measures to reduce gillnet effort commensurate with the reduction in other fleet since implementation of Amendment 7 in July 1996. Rather than analyze each fleet sector and its impacts on the resource individually, Amendment 7 strives to implement effort reduction, or increases, proportionately across all sectors. The Council determined that DAS reductions alone are not sufficient to reduce gillnet effort because the gear typically remains in the water, fishing while the vessel may be docked and not under a DAS.

Comment 7: An association questions the Council's Plan Development Team's (PDT) reliance on weigh-out data to calculate gillnet effort and claims that this data has proven to be unreliable in a previous study by the Northeast Fisheries Science Center.

Response: To calculate a fleet DAS average for gillnet vessels, the PDT examined the 1988–1990 NMFS weigh-out observer databases. Based on this information, the PDT found that to achieve the 50 percent effort reduction goal, gillnet vessels should not fish more than 80 days, or very close to the 1997 allocation of 88 DAS. These data are considered reliable, because they were collected by NMFS port agent interviews of vessel captains or by NMFS observers on board commercial fishing vessels.

Comment 8: A commenter states that net reductions may have many beneficial results, including assisting in marine mammal concerns, reducing gear conflicts, and reducing fishing effort. However, based on a study entitled "Analysis of the Sink Gillnet Fishery in the Gulf of Maine and Adjacent Waters" (DeAlteris and Lazar), the commenter states that 120 is the average number of groundfish nets used. The commenter further noted that based on the comments at Council hearings, 100–240 is the average number of nets used by flatfish fishers.

Response: The 80/160 net cap was developed by the Council's Gillnet subcommittee and based on industry comment. Although the net cap may result in a reduction for some segments of the fleet more than others, the net cap is justified as a means of limiting uncontrolled growth and standardizing gear usage by vessels.

Comment 9: Two associations remark that the effects of the marine mammal reduction efforts on gillnet vessels have not been assessed, which is contrary to the national standards and to the Council's previous positions under Amendments 5 and 7.

Response: Framework Adjustment 20 did take into account the effect of existing and proposed marine mammal protection measures and determined that, on a fleet average, they contributed to a 1 percent fishing mortality reduction for the 5 multispecies stocks of cod, haddock, and yellowtail flounder.

Comment 10: Two associations oppose the required minimum blocks of time out of the gillnet fishery. One association states that this will affect the way gillnet fishers operate and will impose an economic hardship on this fishery. The association suggests that NMFS require time out of the gillnet

fishery on a daily basis and not in 7-day minimum blocks. The association further asserts that any enforcement concerns should be alleviated by the net tagging requirement and questions why daily removal of gillnet gear would be any more difficult to enforce than for Trip Category gillnet vessels.

The other association contends there is no scientific basis for requiring Day Category gillnet vessels to declare 21 days out of the gillnet fishery during the summer months and recommends elimination of this measure. The association notes that this sets a precedent for reducing fishing effort on a gear sector based on seasonal productivity, and may violate the national standard of fairness and equity. The association states that many affected small gillnet vessels, particularly vessels in the Northeast, fish primarily for flatfish during this time of year and are unlikely to be responsible for high catches of cod. Consequently, the association remarks, this measure will have little conservation value. The association further states that other fisheries are not available to the fleet during this time, essentially creating 21 days of down time and placing an undue economic burden on the inshore gillnet fleet.

Response: The 7-day minimum block enhances enforceability by providing a disincentive for vessels to leave their gear in the water when not under a DAS. A daily time-out system would be unadministerable and ineffective since it would be taken in the normal course of fishing operations as a day off. Day gillnet vessels wishing to remove their gear and fish under the Trip Category rules have the option to select that category.

The purpose of the June through September period is to ensure the effectiveness of the timeout provision; there would be little conservation benefit if most vessels declared their 120 days out during the winter months when most gillnetters are not fishing. This seasonal restriction is necessary for the overall effort reduction plan to reduce, not only cod, but multispecies fishing mortality, including flatfish, by 50 percent.

NMFS disagrees that there are no opportunities to fish during the 21-day period out of the multispecies fishery during June through September. During this time, vessels may continue to fish for groundfish with gear other than gillnet gear, or fish in any of the exempted fisheries currently allowed.

Comment 11: One association claims that the cod trip limit, developed after the gillnet effort reduction measures, eliminates the need for the 21-day

summer block out of the gillnet fishery. The association explains that gillnet vessels are limited by how much cod they can take and, further, are unable to fish in the cod exemption area by virtue of their limited capacity.

Response: As mentioned in the previous comment, gillnet effort reduction measures under Framework Adjustment 20 were implemented to reduce multispecies gillnet effort on a level comparable to all other gear sectors. The cod trip limit is a separate measure developed under this framework to reduce fishing mortality on the GOM cod stock and applies equally across all gear sectors.

Comment 12: An association suggests that a reduction of "soak time" (i.e., the time gillnet gear is fishing in the water) should replace the measure that counts any trip between 3 to 15 hours as 15 hours for Day gillnet vessels and asserts that this would alleviate a regulatory burden by eliminating the need for vessels to report their gear fished when calling the DAS program to start a trip. The association contends that the 15-hour measure is unnecessary and places an undue burden on small vessels, while providing no positive effect on conservation. Additionally, the association notes that the method of counting DAS for Day gillnet vessels encourages unsafe fishing practices and is, therefore, contrary to the National Standards. The association states that the 3-hour window, by which a vessel could abort a trip and not be counted for a 15-hour trip, does not fully address changing weather conditions. The association contends that vessels, which may run into bad weather after one and half hours from port, are encouraged to remain fishing since they would otherwise forfeit a full day and suggest that DAS should be calculated hourly for all vessels.

Response: The 15-hour provision was developed to further calibrate gillnet DAS to the DAS of vessels using gear that either remains attached to a vessel or is tended at all times by a vessel. NMFS disagrees with the statement that this measure promotes unsafe fishing practices. The 3-hour window was set based on public comment that 3 hours was an adequate amount of time needed to abort a trip due to inclement weather or vessel breakdowns.

Comment 13: An association questions how days are counted for gillnet vessels fishing with hook gear, or for dragnets fishing with gillnet gear.

Response: When fishing with gear other than gillnet gear, DAS are counted as actual time to the nearest minute.

Comment 14: An association contends that the net tagging requirement adds

another financial burden to the small boat sector. The association states that the gillnet tags are expensive and further states that, should a vessel require replacement tags, the time needed to clear a check for the cost of the replacements renders the vessel unable to fish its untagged gear. The association states that these tags need to be removable or a fisher is locked into fishing with one mesh size.

Response: NMFS kept costs in mind when seeking a tag distributor. The cost for vessel owners for the maximum number of tags mailed directly to their respective places of business is less than \$60.00. For an additional \$2.00, a "quick" replacement option is provided. Under this option, NMFS will hold a supply of tags at the Northeast Regional Office to be issued immediately upon request. All tags are removable and reusable. A vessel owner must order a new series of tags at the start of each fishing year.

Comment 15: One association comments that, should a vessel become disabled, there is no provision in Framework Adjustment 20 that would allow another vessel to tend or retrieve its gillnets.

Response: Infrequent occurrences such as the one cited by the commenter are not always appropriate for regulatory action and can better be addressed through the enforcement and administrative procedures of the agency.

Changes in the Final Rule From the Final Interim Rule

As described above, this rule makes modifications to the final interim rule primarily to help clarify and enhance enforcement and administration of the fishery management program. In addition, a redesignation is made to correct codified text. These changes are listed below in the order that they appear in the regulations.

In § 648.2, definitions for "non-exempt gillnet fishery" and "non-exempt species" are added.

In § 648.14, paragraph (c)(9) is revised and made more explicit by changing the phrase "NE multispecies fishery" to "NE multispecies DAS program."

In § 648.14, paragraph (c)(11) published at 62 FR 9377 on March 3, 1997, is redesignated as (c)(10) to correct an inadvertent error in paragraph designation.

In § 648.14, paragraphs (c)(20) and (c)(21) are added to enhance enforcement of the provisions in § 648.86(b)(1)(ii)(B) and § 648.82(k)(1)(iv), respectively.

In § 648.80, paragraphs (a)(2)(iii) and (b)(2)(iii) are revised to include the small vessel exemption, defined under

§ 648.82(b)(3); this was an inadvertent omission in the previous regulations.

In § 648.80, paragraphs (a)(11) and (b)(8) are revised to explain the method by which mussel dredge gear is measured.

In § 648.82, paragraph (g) is revised by replacing the words "regulated NE multispecies fishery" with the words "NE multispecies DAS program" and to clarify that a vessel may not fish for, possess, or land any species of fish, unless exempt, when taking its required 20-day spawning block out of the NE multispecies DAS program.

In § 648.82, paragraph (h) is clarified by replacing the words "NE multispecies fishery" with the words "NE multispecies DAS program," and to reflect that a Day gillnet category vessel must declare its 120 days out of the non-exempt gillnet fishery by using the notification requirements specified in § 648.10.

In § 648.82, paragraph (k)(1)(ii) is revised to clarify that a vessel is required to tag its gillnet gear only when participating under a NE multispecies DAS.

In § 648.82, paragraph (k)(1)(iv)(A) is revised by replacing the words "multispecies gillnet fishery" with the words "non-exempt gillnet fishery" to reflect that a vessel may not fish with gillnet gear, unless exempt, when declared out of the gillnet fishery.

Under NOAA Administrative Order 205-11, 7.01, dated

December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated to the Assistant Administrator for Fisheries, NOAA (AA), the authority to sign material for publication in the **Federal Register**.

Classification

The Administrator, Northeast Region, NMFS, determined that Framework 20 is necessary for the conservation and management of the NE multispecies fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This rule adopts as final, with minor modifications, the provisions of Framework Adjustment 20 previously implemented by the interim final rule. As there were no significant changes made to the interim final rule and no requirement to promulgate a proposed rule, no regulatory flexibility analysis was done. Nevertheless, this action does not significantly increase the impact beyond the scope of impact on small entities already analyzed, discussed and described in Amendments 5 and 7 to the FMP.

Notice and opportunity for public comment was provided before and after

publishing the interim final rule that this rule adopts as final. Therefore, the AA, under 5 U.S.C. 553(b)(B), finds for good cause that additional prior notice and opportunity for public comment is unnecessary. Because regulations implemented by this final rule are currently in effect and because the public is already knowledgeable of these provisions, the AA, under 5 U.S.C. 553(d)(3), finds for good cause that delaying for 30 days the effectiveness of this rule as unnecessary.

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

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

This final rule contains seven collection-of-information requirements which were new collections implemented under the interim final rule. Emergency approval under the Paperwork Reduction Act for collection of this information under the interim rule was provided by the Office of Management and Budget (OMB), under OMB Control Number 0648-0202. A follow-up submission of this collection-of-information requirement has been approved by OMB, under the same control number. The estimated response times are as follows:

1. Declaration into the Trip or Day Gillnet vessel category and request for initial gillnet tags will require written declaration (5 minutes/response).

2. Request for additional tags will require written declaration (2 minutes/response).

3. Notification of lost tags and request for replacement tags will require written response (2 minutes/response).

4. Attachment of tags to gillnet gear will require additional burden (1 minute/response).

5. Declaration of 120 days out of the gillnet fishery in minimum blocks of 7 days will require vessel notification (3 minutes/response).

6. Reporting of cod catch on board or off-loaded for vessels fishing north of 42°00' N. lat. will require vessel notification (3 minutes/response).

7. Declaration that a vessel will fish south of 42°00' N. lat. while fishing under a NE multispecies DAS will require vessel notification (2 minutes/response).

This final rule also restates preexisting information requirements that had been approved by OMB under the PRA and that are needed for the

implementation of Framework Adjustment 20. These preexisting information requirements were approved under OMB control number 0648-0202. Their estimated response times are as follows:

1. Requirement to provide a vendor installation receipt with a permit application if the applicant opts to use a VTS (2 minutes/response).

2. Call-in requirement for vessels under a DAS upon return to port (2 minutes/response).

3. Call-in requirement for vessels subject to the spawning season restriction (2 minutes/response).

The estimated response time includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. Send comments regarding any of these burden estimates or any other aspect of the collection-of-information to NMFS and to OMB (see ADDRESSES).

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 12, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, the interim final rule amending 15 CFR part 902 and 50 CFR part 648, which was published at 62 FR 15381 on April 1, 1997, and a correction document amending 50 CFR part 648, which was published at 62 FR 37154 on July 11, 1997, are adopted as a final rule with the following changes:

50 CFR CHAPTER VI

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 § 648.2, definitions for "Non-exempt gillnet fishery" and "Non-exempt species" are added, in alphabetical order, to read as follows:

§ 648.2 Definitions.

* * * * *

Non-exempt gillnet fishery means a fishery which uses gillnet gear capable of catching multispecies.

Non-exempt species means species of fish not included under the GOM/GB

and SNE Regulated Mesh Area exempted fisheries, as specified in § 648.80(a)(3), (a)(4), (a)(8) through (13), (b)(3)(i) and (ii), (b)(5) through (8), and (d), (e), (h), and (i).

* * * * *

3. In § 648.14, paragraph (c)(9) is revised, paragraph (c)(11) published at 62 FR 9377 on March 3, 1997, is corrected by redesignating it as (c)(10), and paragraphs (c)(20) and (21) are added to read as follows:

§ 648.14 Prohibitions.

* * * * *

(c) * * *

(9) Fail to declare, and be, out of the NE multispecies DAS program as required by § 648.82(g), using the procedure described under § 648.82(h), as applicable.

* * * * *

(20) Fail to comply with the provisions of the cod hail weight notification specifications specified in § 648.86(b)(1)(ii)(B).

(21) Fail to declare, and be, out of the non-exempt gillnet fishery as required by § 648.82(k)(1)(iv), using the procedure described under § 648.82(h), as applicable.

* * * * *

4. In § 648.80, paragraphs (a)(2)(iii), (a)(11), (b)(2)(iii) and (b)(8) are revised to read as follows:

§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(a) * * *

(2) * * *

(iii) *Other restrictions and exemptions.* Vessels are prohibited from fishing in the GOM/GB Regulated Mesh Area except if fishing with exempted gear (as defined under this part) or under the exemptions specified in paragraphs (a)(3), (a)(4), (a)(6), (a)(8) through (13), (d), (e), (h), and (i) of this section, if fishing under a NE multispecies DAS, if fishing under the small vessel exemption specified in § 648.82(b)(3), if fishing under the scallop state waters exemptions specified in § 648.54 and (a)(10) of this section, or if fishing pursuant to a NE multispecies open access Charter/Party or Handgear permit. Any gear on a vessel, or used by a vessel, in this area must be authorized under one of these exemptions or must be stowed as specified in § 648.81(e).

* * * * *

(11) *Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area.* A vessel may fish with a dredge in the Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area,

provided that any dredge on board the vessel does not exceed 8 ft (2.44 m) measured at the widest point in the bail of the dredge, and the vessel does not fish for, harvest, possess, or land any species of fish other than mussels and sea urchins. The area coordinates of the Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area are the same coordinates as those of the Nantucket Shoals Dogfish Fishery Exemption Area specified under paragraph (a)(9) of this section.

* * * * *

(b) * * *

(2) * * *

(iii) *Other restrictions and exemptions.* Vessels are prohibited from fishing in the SNE Regulated Mesh Area except if fishing with exempted gear (as defined under this part) or under the exemptions specified in paragraphs (b)(3), (b)(5) through (8), (c), (e), (h), and (i) of this section, if fishing under a NE multispecies DAS, if fishing under the small vessel exemption specified in § 648.82(b)(3), if fishing under the scallop state waters exemption specified in § 648.54, or if fishing pursuant to a NE multispecies open access Charter/Party or Handgear permit. Any gear on a vessel, or used by a vessel, in this area must be authorized under one of these exemptions or must be stowed as specified in § 648.81(e).

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(8) *SNE Mussel and Sea Urchin Dredge Exemption.* A vessel may fish with a dredge in the SNE Regulated Mesh Area, provided that any dredge on board the vessel does not exceed 8 ft (2.44 m) measured at the widest point in the bail of the dredge, and the vessel does not fish for, harvest, possess, or land any species of fish other than mussels and sea urchins.

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5. In § 648.82, paragraphs (g), (h), (k)(1)(ii), and (k)(1)(iv)(A) are revised to read as follows:

§ 648.82 Effort-control program for limited access vessels.

* * * * *

(g) *Spawning season restrictions.* A vessel issued a valid Small Vessel permit under paragraph (b)(3) of this section may not fish for, possess, or land regulated species from March 1 through March 20 of each year. Any other vessel issued a limited access multispecies permit must declare out and be out of the NE multispecies DAS program, as described in paragraph (b) of this section, for a 20-day period between March 1 and May 31 of each calendar year using the notification requirements specified in § 648.10. A vessel fishing

under a Day gillnet category designation is prohibited from fishing with gillnet gear capable of catching multispecies during its declared 20-day spawning block, unless the vessel is fishing in an exempted fishery as described in § 648.80. If a vessel owner has not declared and been out for a 20-day period between March 1 and May 31 of each calendar year on or before May 12 of each year, the vessel is prohibited from fishing for, possessing or landing any regulated species or non-exempt species during the period May 12 through May 31, inclusive. If a vessel has taken a spawning season 20-day block out of the NE multispecies DAS program during May 1996, it is not required to take a 20-day block out of the NE multispecies DAS program in 1997. Beginning January 1, 1998, any such vessel must comply with the spawning season restriction specified in this part.

(h) *Declaring DAS and blocks of time out.* A vessel's owner or authorized representative shall notify the Regional Administrator of a vessel's participation in the DAS program, declaration of its 120 days out of the non-exempt gillnet fishery if designated as a Day gillnet category vessel, and declaration of its 20-day period out of the NE multispecies DAS program, using the notification requirements specified in § 648.10.

* * * * *

(k) * * *

(1) * * *

(ii) *Tagging requirements.* Beginning June 1, 1997, when under a NE multispecies DAS, all groundfish gillnets fished, hauled, possessed, or deployed must have two tags per net, with one tag secured to each bridle of every net within a string of nets and all flatfish gillnets fished, hauled, possessed, or deployed must have one tag per net, with one tag secured to every other bridle of every net within a string of nets. Tags must be obtained as described in § 648.4(c)(2)(iii) and vessels must have on board written confirmation issued by the Regional Administrator, indicating that the vessel is a Day gillnet vessel. The vessel operator must produce all net tags upon request by an authorized officer.

* * * * *

(iv) * * *

(A) During each fishing year, vessels must declare, and take, a total of 120 days out of the non-exempt gillnet fishery. Each period of time declared and taken must be a minimum of 7 consecutive days. At least 21 days of this time must be taken between June 1 and September 30 of each fishing year.

The spawning season time out period required by § 648.82(g) will be credited toward the 120 days time out of the non-exempt gillnet fishery. If a vessel owner has not declared and taken, any or all of the remaining periods of time required by the last possible date to meet these requirements, the vessel is prohibited from fishing for, possessing, or landing regulated multispecies or non-exempt species harvested with gillnet gear, and from having gillnet gear on board the vessel that is not stowed in accordance with § 648.81(e)(4), while fishing under a multispecies DAS, from that date through the end of the period between June 1 and September 30, or through the end of the fishing year, as applicable.

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 7, 10, 148 and 178

[T.D. 97-75]

RIN 1515-AB14

Duty-Free Treatment of Articles Imported From U.S. Insular Possessions

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule; correction.

SUMMARY: This document makes a correction to the document published in the **Federal Register** which set forth final amendments to the Customs Regulations to clarify and update the legal requirements and procedures that apply for purposes of obtaining duty-free treatment on articles imported from insular possessions of the United States other than Puerto Rico. The correction involves the control number assigned by the Office of Management and Budget in connection with the approval of the collection of information provided for in the final regulations.

EFFECTIVE DATE: This correction is effective October 3, 1997.

FOR FURTHER INFORMATION CONTACT: Monika Rice, Office of Regulations and Rulings (202-482-7049).

SUPPLEMENTARY INFORMATION:

Background

On September 3, 1997, Customs published in the **Federal Register** (62 FR 46433) as T.D. 97-75 a final rule document setting forth amendments to