

**PART 205—ELECTRONIC FUND TRANSFERS (REGULATION E)**

1. The authority citation for Part 205 is revised to read as follows:

**Authority:** 15 U.S.C. 1693–1693r.

2. Section 205.15 is amended by revising paragraph (a) to read as follows:

**§ 205.15 Electronic fund transfer of government benefits.**

(a) *Government agency subject to regulation.* (1) A government agency is deemed to be a financial institution for purposes of the act and this part if directly or indirectly it issues an access device to a consumer for use in initiating an electronic fund transfer of government benefits from an account, other than needs-tested benefits in a program established under state or local law or administered by a state or local agency. The agency shall comply with all applicable requirements of the act and this part, except as provided in this section.

(2) For purposes of this section, the term *account* means an account established by a government agency for distributing government benefits to a consumer electronically, such as through automated teller machines or point-of-sale terminals, but does not include an account for distributing needs-tested benefits in a program established under state or local law or administered by a state or local agency.

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By order of the Board of Governors of the Federal Reserve System, August 11, 1997.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 97–21584 Filed 8–13–97; 8:45 am]

BILLING CODE 6210–01–P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**15 CFR Part 902**

**50 CFR Part 648**

[Docket No. 970508108–7108–01; I.D. 022597B]

RIN 0648–AJ62

**Fisheries of the Northeastern United States; Framework 9 to the Atlantic Sea Scallop Fishery Management Plan**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement measures contained in Framework Adjustment 9 to the Atlantic Sea Scallop Fishery Management Plan (FMP). These regulations exempt limited access and general category permit holders fishing exclusively under the State Waters Exemption Program (Exemption Program) from the 400 lb (181.44 kg) trip limit. This action is intended to sustain the participation of historic participants by allowing Federal permit holders to compete in the state waters fishery on a more equitable basis where Federal and state laws are inconsistent.

**EFFECTIVE DATE:** August 13, 1997.

**ADDRESSES:** Copies of Amendment 4 to the FMP (Amendment 4), its regulatory impact review and the initial regulatory flexibility analysis, its final supplemental environmental impact statement, and the supporting documents for Framework Adjustment 9 are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906–1097.

Comments regarding burden-hour estimates for the collection-of-information requirement contained in this final rule 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 (OMB), Washington, D.C. 20502 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 508–281–9273.

**SUPPLEMENTARY INFORMATION:**

**Background**

Regulations implementing Amendment 4 to the FMP (59 FR 2757, January 19, 1994) added a framework adjustment process that allows for the adjustment of management measures, as necessary to meet or achieve consistency with the FMP's goals and objectives. The regulations authorize the New England Fishery Management Council (Council) to recommend adjustments to any of the measures currently in the FMP.

Framework Adjustment 2 to the FMP (59 FR 59967, November 21, 1994) implemented the Exemption Program that exempts federally permitted limited access and general category scallop vessels from Federal gear and days-at-sea effort restrictions while fishing in the state waters of Maine, New Hampshire, or Massachusetts. Vessels

fishing in this Exemption Program are subject to a notification requirement (limited access vessels), must fish under the rules of the appropriate state, and may land no more than the 400-lb (181.44-kg) Federal limit. The basis for the Exemption Program was to allow the states to manage the scallop fisheries predominating in their waters under programs that were determined to be consistent with goals of the FMP. The state programs do not impose a landing limit and, thus, vessels that do not hold Federal permits and that are fishing in state waters are not subject to the 400-lb (181.44 kg) limit. This action was developed and submitted by the Council to provide more consistency with the state programs by exempting federally permitted vessels fishing under the Exemption Program from the 400 lb (181.44 kg) limit. This exemption further requires general category vessel operators to notify NMFS through the established call-in system of their intent to fish under the Exemption Program.

This modification to the Exemption Program was developed to eliminate the competitive disadvantage federally permitted vessels experience relative to non-federally permitted vessels fishing in state waters, while ensuring that the conservation goals of the FMP are met. Approximately 80 percent of the Gulf of Maine scallop fishery takes place in state waters and its management is predominately a state responsibility. These scallop stocks are not specifically included in the rebuilding program established in the FMP for the major stocks found on Georges Bank and in the Mid-Atlantic area. Therefore, this measure does not compromise the fishing mortality/effort reduction program for scallops in the EEZ. Implementing this exemption eliminates an inconsistency between Federal and state waters fisheries and has the positive effect of maintaining the continuity of the vessel trip reporting system for this sector by removing the incentive for federally permitted vessels to cancel their permits seasonally to become exempt from the 400-lb (181.44-kg) limit.

The Council requests publication of the management measures as a final rule after considering the required factors stipulated in the regulations governing the Atlantic sea scallop fishery and providing supporting analysis for each factor considered. The Regional Administrator concurs with the Council's recommendation and has determined that Framework Adjustment 9 should be published as a final rule.

NMFS is adjusting the scallop regulations following the procedure for framework adjustments established by

Amendment 4 and codified in 50 CFR part 648. The Council followed this procedure when making adjustments to the FMP by developing and analyzing the actions over the span of a minimum of at least two Council meetings held on November 6, 1996, and December 12, 1996.

**Comments and Responses**

The November 6, 1996, Council meeting was the first of two meetings that provided an opportunity for public comment on Framework Adjustment 9. A draft document containing the proposed management measures and their rationale was available to the public during the first week in December 1996 and notices of the initial and final Council meetings were mailed to approximately 1,900 people and published in the **Federal Register**. The final public hearing was held on December 12, 1996. Testimony provided by industry members at the public meetings favored the framework adjustment; there were no negative comments.

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, the authority to sign material for publication in the **Federal Register**.

**Classification**

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

The Assistant Administrator for Fisheries, NOAA (AA), finds that there is good cause to waive prior notice and opportunity for comment under 5 U.S.C. 553(b)(B). Public meetings held by the Council to discuss the management measure implemented by this rule provided adequate prior notice and opportunity for public comment to be heard and considered; therefore, further notice and opportunity to comment before this rule is effective is unnecessary. The AA finds that under 5 U.S.C. 553(d)(1), there is good cause to waive the 30-day delay in effectiveness of this regulation. Implementation of this regulation, which relieves a restriction, will increase fishing opportunities by allowing vessels that have traditionally fished in the Gulf of Maine area to compete in the state waters on a more equitable basis where Federal and state laws are inconsistent.

Because a general notice of proposed rulemaking is not required to be published for this rule by 5 U.S.C. 553 or by any other law, this rule is exempt from the requirement to prepare an initial or final regulatory flexibility

analysis under the Regulatory Flexibility Act. As such, none has been prepared. The primary intent for this action is to exempt general category permit holders fishing exclusively under the Exemption Program from the 400-lb. (181.44- kg) trip limit.

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

This rule contains one new collection-of-information requirement subject to the PRA. This collection-of-information requirement has been approved by OMB, and the OMB control number and public reporting burden are listed as follows: Call-in notification for general category scallop vessels fishing in the Exemption Program, (2 minutes/response) under OMB # 0648-0202.

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. Public comment is sought regarding: Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments regarding this burden estimate, or any other aspect of this data collection to NMFS and 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: August 8, 1997.

**Gary C. Matlock,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 15 CFR Chapter IX and 50 CFR Chapter VI are amended as follows:

**15 CFR CHAPTER IX**

**PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT; OMB CONTROL NUMBERS**

1. The authority citation for part 902 continues to read as follows:

**Authority:** 44 U.S.C. 3501 *et seq.*

2. In § 902.1, paragraph (b), the table is amended by removing in the left column under 50 CFR, the entries “655.5”, “655.7”, and “655.8”, and in the right column, in corresponding positions, the control numbers; and by adding, in numerical order, in the left column, the entry “648.54”, and in the right column, in the corresponding position, the control number “-0202”.

**50 CFR CHAPTER VI**

**PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES**

3. The authority citation for part 648 continues to read as follows:

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

4. In § 648.54, paragraph (b)(2) is revised and paragraph (g) is added as follows:

**§ 648.54 State waters exemption.**

\* \* \* \* \*

(b) \* \* \*

(2) *General permits.* Any vessel issued a general scallop permit is exempt from the gear restrictions specified in § 648.51 (a), (b), and (e)(1) and (2) while fishing exclusively landward of the outer boundary of the waters of a state that has been determined by the Regional Director under paragraph (b)(3) of this section to have a scallop fishery and a scallop conservation program that does not jeopardize the fishing mortality/effort reduction objectives of the Scallop FMP, provided the vessel complies with paragraphs (c) through (f) of this section.

\* \* \* \* \*

(g) *Possession restriction exemption.*

Any vessel issued a limited access permit that is exempt under paragraph (a) of this section from the DAS requirements of § 648.53(b), or any vessel issued a general scallop permit is exempt from the possession restrictions specified in § 648.52(a) while fishing exclusively landward of the outer boundary of the waters of a state that has been determined by the Regional Director under paragraph (b)(3) of this section to have a scallop fishery and a scallop conservation program that does not jeopardize the fishing mortality/effort reduction objectives of the Scallop

FMP, provided the vessel complies with paragraphs (c) through (f) of this section. [FR Doc. 97-21531 Filed 8-13-97; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 5

#### Delegations of Authority and Organization; Center for Veterinary Medicine

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the regulations for delegations of authority to reflect a new delegation that authorizes the Director and Deputy Director, Center for Veterinary Medicine (CVM), to sign certain **Federal Register** documents related to the implementation of the Animal Medicinal Drug Use Clarification Act of 1994 (the AMDUCA), as amended hereinafter. This authority will enable the agency to issue **Federal Register** documents related to implementation of the AMDUCA more efficiently.

**EFFECTIVE DATE:** August 14, 1997.

#### FOR FURTHER INFORMATION CONTACT:

Richard L. Arkin, Office of Policy and Regulations (HFV-6), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855-2773, 301-594-1737, or

Donna G. Page, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4816.

**SUPPLEMENTARY INFORMATION:** The regulations are being amended in subpart B of part 5 (21 CFR part 5) by adding a new § 5.40 *Issuance of Federal Register documents pertaining to the determination of safe levels, notice of need for development of an analytical method, notice of availability of a developed analytical method, and prohibition of certain extralabel drug use* to reflect a new delegation that authorizes the Director and Deputy Director, CVM, to sign certain **Federal Register** documents related to the implementation of the AMDUCA (Pub. L. 103-396), as amended hereinafter. This delegation will permit the efficient implementation of the AMDUCA which

was signed into law on October 22, 1994.

This authority may be further redelegated by the Director and Deputy Director, CVM. Authority delegated to a position by title may be exercised by a person officially designated to serve in such a position in an acting capacity or on a temporary basis.

#### List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

#### PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

**Authority:** 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 467f, 679(b), 801-886, 1031-1309; secs. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701-1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u-300u-5, 300aa-1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11490, 11921, and 12591.

2. New § 5.40 is added to subpart B to read as follows:

**§ 5.40 Issuance of Federal Register documents pertaining to the determination of safe levels, notice of need for development of an analytical method, notice of availability of a developed analytical method, and prohibition of certain extralabel drug use.**

The Director and Deputy Director, Center for Veterinary Medicine (CVM) are authorized to issue **Federal Register** documents pertaining to the determination of safe levels, notice of need for development of an analytical method, notice of availability of a developed analytical method, and prohibition of certain extralabel drug use related to implementation of the Animal Medicinal Drug Use Clarification Act of 1994 (the AMDUCA) (Pub. L. 103-396). This authority may be further redelegated by the Director and Deputy Director, CVM.

Dated: August 8, 1997.

**William K. Hubbard,**

Associate Commissioner for Policy Coordination.

[FR Doc. 97-21585 Filed 8-13-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-1-FRL-5874-8]

#### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Final Rule Pertaining to the Determination of Attainment of Ozone Standard and Determination Regarding Applicability of Certain Requirements in the Richmond Area [VA-076-5022]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Removal of direct final rule.

**SUMMARY:** On June 13, 1997, EPA published determination that the Richmond ozone nonattainment area has attained the National Ambient Air Quality Standard (NAAQS) for ozone, and that Richmond has continued to attain the standard to date. On the basis of this determination, EPA determined that certain reasonable further progress and attainment demonstration requirements, along with certain other related requirements, of part D of Title I of the Clean Air Act are not applicable to this area as long as this area continues to attain the ozone NAAQS. See 62 FR 32204.

EPA approved this direct final rulemaking without prior proposal because the Agency viewed it as a noncontroversial amendment and anticipated no adverse comments. The final rule was published in the **Federal Register** with a provision for a 30-day comment period (62 FR 32204, June 13, 1997). At the same time, EPA announced that this final rule would convert to a proposed rule in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the **Federal Register** (62 FR 32258, June 13, 1997). The final rulemaking action would be withdrawn by publishing a notice announcing withdrawal of this action.

Notice of intent to adversely comment was submitted to EPA within the prescribed comment period. Therefore, EPA is amending 40 CFR 52.2428 by removing the June 13, 1997 final rulemaking action. All public comments received will be addressed in a subsequent rulemaking action based on the proposed rule.

**EFFECTIVE DATE:** August 14, 1997.

#### FOR FURTHER INFORMATION CONTACT:

Christopher Cripps, Ozone/Carbon Monoxide and Mobile Sources Section (3AT21), U.S. Environmental Protection Agency—Region III, 841 Chestnut Building, Philadelphia, Pennsylvania