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(i) This amendment becomes effective on April 16, 1997.

Issued in Burlington, MA, on March 27, 1997.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 648

[Docket No. 970318056-7056-01; I.D. 021397B]

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: Interim final rule; request for comments.

SUMMARY: NMFS issues this interim final rule to implement measures contained in Framework 20 of the Northeast Multispecies Fishery Management Plan (FMP). This interim final rule implements management measures that include: A daily trip limit for cod for vessels when fishing north of 42°00' N. lat.; a seasonal increase in the haddock limit from 1,000 lb (453.6 kg) per trip to 1,000 lb (453.6 kg) per day up to a maximum of 10,000 lb (4,536.0 kg) per trip beginning September 1, 1997, and ending when 1,150 mt are harvested; gillnet effort-reduction measures including a limit on the number of nets; and several exempted fishery actions, including exemptions

for monkfish, skate, and dogfish in the Gulf of Maine and Southern New England Regulated Mesh Areas. The intent of this rule is to achieve the conservation goals established by Amendment 7 to the FMP while mitigating its economic impacts and to simultaneously incorporate several other Council actions that would otherwise have been submitted as separate frameworks.

DATES: Effective: May 1, 1997. Public comments on the rule are invited through May 1, 1997.

ADDRESSES: Comments on the rule should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930, Attention: Susan A. Murphy. Copies of Amendment 7 to the FMP (Amendment 7), its regulatory impact review (RIR), and the final regulatory flexibility analysis (FRFA) contained with the RIR, its final supplemental environmental impact statement (FSEIS), 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 collection-of-information requirements contained in this final rule should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, 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: Susan A. Murphy, Fishery Policy Analyst, 508-281-9252.

SUPPLEMENTARY INFORMATION: The regulations implementing Amendment 7 (61 FR 27710, May 31, 1996) became effective on July 1, 1996. The objective of the amendment to the FMP is to rebuild depleted stocks of Georges Bank (GB) and Gulf of Maine (GOM) cod, GB haddock, and GB and Southern New England (SNE) yellowtail flounder by reducing fishing effort through a number of management measures, primarily controls on days-at-sea (DAS) and area closures. To ensure that this goal is achieved, the regulations established a procedure for setting annual target total allowable catches (TACs) for the primary cod, haddock, and yellowtail flounder stocks and an aggregate TAC for the combined stocks of the remaining regulated multispecies, based on the biological reference points of F_{max} for GOM cod and $F_{0.1}$ for the remaining stocks of cod, haddock, and

yellowtail flounder. The target TACs provide a measure by which to evaluate the effectiveness of the management program and to make determinations on the need for annual adjustments to this program.

The regulations require the Multispecies Monitoring Committee (MSMC) to review the best available scientific information, adjust target TACs, and recommend management options to achieve the plan objectives. In its report delivered at the December 11-12, 1996, New England Fishery Management Council (Council) meeting, the MSMC concluded that spawning stock biomass (SSB) has increased or is projected to increase for the primary stocks. In addition, the MSMC concluded that, with the exception of GOM cod, fishing mortality rates have been reduced to below their respective overfishing definitions. The MSMC report offered optimistic news concerning increased or increasing SSB levels for the major stocks, and decreasing fishing mortality rates for all but the GOM cod stock, but cautioned that SSB for 1996 GB cod, haddock, and yellowtail flounder stocks remain below the biological thresholds established in the FMP and recommended additional reductions in fishing mortality, particularly for GOM cod.

Based on projected 1997 stock sizes and the FMP's 1997 fishing mortality targets, the target TACs for the 1997 fishing year, recommended by the MSMC and adopted by the Council, are as follows:

Species/area	1997 target TACs (metric tons)	1996 target TACs (metric tons)
Georges Bank cod	3,646	1,851
Georges Bank haddock	1,608	2,801
Georges Bank yellowtail flounder ..	776	385
Gulf of Maine cod	2,605	2,761
Southern New England yellowtail flounder	824	150
Aggregate for remaining regulated species	25,500	25,500

In addition to setting the target TACs, the MSMC report provided the Council with five management options projected to keep the target TACs from being exceeded. These options were based on DAS reductions and/or year-round area closures.

At its December 1996 and January 7, 1997, meetings, the Council considered the range of events, circumstances and regulations occurring or projected to take effect in 1997, and their collective

impact on fishing mortality rates. Factors analyzed included the Vessel Capacity Reduction Program (both pilot and proposed programs), the proposed and realized marine mammal protection measures, the scheduled GOM Jeffreys Ledge closure in the month of May, and the proposed gillnet effort reduction measures. If the Council's assessment of the cumulative effect of the above factors is realized, and fishing mortality is reduced as projected, the average fishing mortality rate for the five stocks of cod, haddock and yellowtail flounder would be significantly reduced. However, in considering the projected fishing mortality reduction for GOM cod alone, the difference in the projected 1997 rate and the goal for GOM cod remains significant.

The Council reasoned that some non-quantifiable factors not considered by the MSMC should also be considered and factored into the total effort reduction, e.g., the incentives to fish in other fisheries provided by the additional exemptions, the incentive to fish offshore on GB during the seasonal haddock trip limit increase, improved enforcement from the new State/Federal cooperative agreements and improved Coast Guard enforcement strategy, the stock enhancement efforts underway by the State of Maine, as well as the combined effect of the overall program on fishing behavior. Given all of the above actions that have been taken or are scheduled to be taken and that were not considered by the MSMC, the Council set its focus on the remaining problem of addressing GOM cod.

Approved Measures

To address further reductions needed for GOM cod, this rule implements a 1997 fishing year landing limit restriction for vessels fishing north of 42°00' N. lat., when fishing under a multispecies DAS, whereby vessels are allowed to retain up to 1,000 lb (453.6 kg) of 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 cod per day, or any part of a day, in excess of 4 days as described under § 648.86(c)(1). A part of a day is considered any time within a 24-hour period, and for trips in excess of one day, any time within a 24-hour period following the last complete 24-hour period, from the time the vessel called in to the multispecies DAS program. For example, if a vessel initially called in to the multispecies DAS program at 1 a.m. on Monday and ended its trip by calling out of the program 3 days later on Wednesday at 5 a.m., the vessel may retain and offload 3,000 lb (1,360.8 kg) of cod, because it

fished part of 3 different days (i.e., 3 X 1,000 lb).

Vessel operators that exceed the landing limit of cod may retain the excess fish but may not call-out of the multispecies DAS program until total DAS per trip corresponds to the total allowable weight of cod off-loaded per trip. To mitigate discarding and to provide a method of enforcing this provision, vessels that exceed the cod landing limit must report their hailed weight of cod on board under a separate call-in system, upon entering port. Vessels exceeding the landing limit of cod may, but are not required to, offload their catch after reporting their hailed weight of cod. Also, vessels that do not exceed their landing limit of cod but wish to offload their cod catch and not call-out of the multispecies DAS program may do so provided that they report their hailed weight of cod using the separate call-in system upon entering port.

Vessel operators may receive an exemption from this landing limit by fishing south of 42°00' N. lat. for a minimum of 30 days and by obtaining and keeping a NMFS-issued exemption certificate on board the vessel as described under § 648.86(c)(2). When fishing under this exemption program, vessels are allowed to transit the area north of 42°00' N. lat., provided their gear is stowed in conformance with the regulations.

To address concern over the high level of discards reported seasonally by some fishers under the current 1,000 lb (453.6 kg) haddock possession limit, this rule implements a measure for the 1997 fishing year, only, that increases the landing limit, 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 described under § 648.86(a). As a means to ensure that landings are kept well below the 1,608 mt target TAC level for 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 will be published in the **Federal Register** when the 1,000-lb (453.6kg) trip limit is reinstated. Implementing the haddock daily landing limit on September 1 will help alleviate a derby fishery and is based on the period of time when vessels are likely to harvest haddock in excess of 1,000 lb (453.6 kg) per trip. In addition, elimination of the current possession limit during a time when vessels are more likely to catch haddock when fishing for other regulated species provides an incentive for larger vessels to leave inshore fishing grounds, thereby relieving some

pressure on inshore stocks, particularly GOM cod.

This action implements a set of additional gillnet restrictions designed to restrict further multispecies gillnet vessels as described under § 648.82(j). Because many gillnet vessels leave their nets in the water when they return to port and call-out of the DAS program, additional effort restrictions for the gillnet sector are necessary to achieve an effort reduction equivalent to the other vessel sectors, i.e., a 50 percent DAS reduction from the baseline year. Thus, this rule requires that limited access vessels fishing with multispecies gillnet gear (with the exception of vessels fishing under the Small Vessel permit category) declare into either a Day or Trip gillnet category designation as described under § 648.82(j). When fishing under a multispecies DAS with gillnet gear, vessels fishing under a Trip gillnet category designation must, under this action, remove all gillnet gear from the water before calling-out of the multispecies DAS program. All other gillnet vessels are required to declare into the Day gillnet category and: (1) When fishing under a multispecies DAS, must not fish more than 80 roundfish gillnets or 160 flatfish gillnets (vessels may fish any combination of roundfish and flatfish gillnets, up to 160 nets); (2) when fishing under a multispecies DAS, must mark all gillnet gear with tags purchased from NMFS (two tags per roundfish gillnet and one tag per flatfish gillnet); and (3) during each fishing year, must declare and take a total of 120 days out of the multispecies gillnet fishery (each period of time declared and taken must be at least 7-consecutive days and at least 21 days of this time must be taken between June 1 and September 30 of each fishing year). When fishing with multispecies gillnet gear under the multispecies DAS program, a vessel will accrue 15 hours DAS for each trip greater than 3 hours but less than or equal to 15 hours (a vessel will accrue actual DAS time at sea for trips less than or equal to 3 hours or greater than 15 hours).

This action modifies and adds several exempted fisheries. Based on public comment and other available information, the Regional Administrator has determined that these modifications and additions to the current exemption programs are consistent with the 5-percent regulated species bycatch limit and will not jeopardize the fishing mortality objectives of the FMP. The first is a dredge fishery for mussels and sea urchins in the current Nantucket Shoals dogfish fishery exemption area and in the SNE Regulated Mesh Area as described under §§ 648.80 (a)(11) and

(b)(8), respectively. Vessels fishing with dredge gear for mussels and sea urchins under this exemption may not fish with dredge gear greater than 8 ft (2.44 m) in width.

Another exemption contained in the framework allows unlimited amounts of skate to be retained in the current SNE monkfish trawl exempted fishery south of 40°10' N. lat. as described under § 648.80(b)(5).

Also, this rule prohibits the possession of monkfish in the Small Mesh Northern Shrimp Fishery Exemption and modifies the allowable limit of silver hake (whiting) from two totes to an amount equal to the weight of shrimp on board as described under § 648.80(a)(3)(i).

Finally, this action implements on a permanent basis three exemptions that were previously allowed by the Regional Administrator on a temporary basis and that have since expired. First, the rule implements an exempted fishery for vessels fishing for monkfish and dogfish with gillnet gear in a portion of the GOM/GB Regulated Mesh Area as described §§ 648.80(a)(12) and (a)(13), respectively. When fishing for monkfish under this exemption, vessels are subject to a minimum mesh size of 10-inch (25.4-cm) diamond mesh throughout the net, and a fishing season of July 1 through September 14. When fishing for dogfish under this exemption, vessels are subject to a minimum mesh size of 6.5-inch (16.5-cm) diamond mesh throughout the net, and a fishing season of July 1 through August 31.

Second, the rule implements a year-round exempted fishery for vessels fishing for monkfish and skate (skate being added to the previous temporary action) with gillnet gear in a portion of the SNE Regulated Mesh Area as described under § 648.80(b)(6). Vessels fishing for monkfish and skate under this exemption are subject to a minimum mesh size of 10-inch (25.4-cm) diamond mesh throughout the net.

Third, the rule implements an exempted fishery for vessels fishing for dogfish with gillnet gear in a portion of the SNE Regulated Mesh Area as described under § 648.80(b)(7). When fishing for dogfish under this exemption, vessels are subject to a minimum mesh size of 6-inch (15.24-cm) diamond mesh throughout the net, and a fishing season of May 1 through October 31.

To clarify how DAS are actually recorded when a vessel is fishing under a scallop or multispecies DAS, this rule modifies the way that time is accrued by counting DAS to the nearest minute rather than to the nearest hour as described under § 648.53(e).

Disapproved Measure

A measure that would have provided an alternative method for tagging gillnets is disapproved. The alternative would have allowed roundfish gillnet tags to be fastened at different intervals, i.e., at every other bridle as proposed for flatfish gillnets, rather than fastened to each bridle as proposed for all other roundfish gillnets. This measure is disapproved because it would

unnecessarily complicate enforcement of the gillnet tagging program.

Abbreviated Rulemaking

NMFS is making these revisions to the regulations under the framework abbreviated rulemaking procedure codified at 50 CFR part 648, subpart F. This procedure requires the Council, when making specifically allowed adjustments to the FMP, to develop and analyze the actions over the span of at least two Council meetings. The Council must provide the public with advance notice of both the proposals and the analysis, and an opportunity to comment on them prior to and at a second Council meeting. Upon review of the analysis and public comment, the Council may recommend to the Regional Administrator that the measures be published as a final rule if certain conditions are met. NMFS may publish the measures as a final rule, or as a proposed rule if additional public comment is needed.

The public was provided the opportunity to express opinions at numerous meetings beginning in April 1996. The following list indicates the meetings at which this action, or parts of this action were on the agenda, discussed, and public comment was heard. The Council formally initiated the framework adjustment for parts of this action at its November 1996 meeting, and for the combined action at its December meeting. The final meeting at which public comments were heard was the January 29–30, 1997, meeting.

Date	Meeting	Location
1996		
February 27–28	Council	Danvers, MA.
April 11	Groundfish	Peabody, MA.
	Oversight (OS)	
April 17–18	Council	Danvers, MA.
June 5–6	Council	Danvers, MA.
June 11	Groundfish OS	Portland, ME.
July 9	Groundfish OS	Peabody, MA.
July 17–18	Council	Peabody, MA.
August 13	Groundfish OS	Peabody, MA.
August 21–22	Council	Danvers, MA.
August 27	Groundfish OS	Woods Hole, MA.
September 9	Council	Peabody, MA.
October 2–3	Council	Danvers, MA.
October 28	Groundfish OS	Peabody, MA.
November 6–7	Council	Portland, ME.
November 20	Groundfish OS	Peabody, MA.
December 11–12	Council	Peabody, MA.
December 17	Groundfish OS	Woods Hole, MA.
1997		
January 7	Groundfish OS	Peabody, MA.
January 16	Council	Danvers, MA.
January 29–30	Council	Danvers, MA.

Documents summarizing the Council's proposed action, and the analysis of biological and economic impacts of this and alternative actions were available for public review 5 days prior to the Council's final January 29–30, 1997, meeting, as is required under the framework adjustment process. Also, written comments were accepted up to and during the January 29–30, 1997, meeting.

Comments and Responses

Comment 1: Approximately 75 letters, as well as numerous e-mails and telephone calls, were received from members of conservation organizations urging that measures necessary to achieve the plan objectives in fishing year 1997 be developed and implemented.

Response: It is anticipated that Framework 20 will achieve the plan objectives in fishing year 1997, taking into consideration the combined effect of all regulations, events and circumstances that contribute to fishing mortality. The framework adjustment process allows the Council the ability to continually monitor the progress of the plan and make adjustments as necessary to keep the plan moving in the direction of its stock-rebuilding goals.

Comment 2: Numerous comments from members of the fishing industry were received asserting that additional DAS reductions would be economically disastrous. Commenters indicated that since plan objectives were being met for some stocks, measures should be implemented specific to those stocks still in need of additional protection.

Response: DAS is not being reduced further than what was already scheduled for fishing year 1997. Framework 20 adopts a trip limit for GOM cod to specifically reduce exploitation rates on that stock, which remain near the all-time high. It is anticipated that exploitation rates on the other four critical stocks will be below FMP limits, based on already scheduled DAS reductions and other factors that contribute to reducing fishing effort, such as the haddock trip limit restrictions, and additional gillnet gear restrictions.

Comment 3: A number of inshore, small-boat fishers objected to the Council's consideration of area closures to protect GOM cod. They argued that the closures were unfair, because small boats do not have the option of fishing offshore when their grounds are closed, while larger boats are able to fish elsewhere. They also stated that effort displaced by the closures would concentrate inshore effort, severely

damaging inshore fisheries and increasing gear conflicts.

Response: The Council rejected area closure alternatives and instead adopted a trip limit for GOM cod that applies in the same manner to all vessels. The trip limit proposal is also designed to accommodate offshore trips by increasing the allowance on trips of five or more days. The Coast Guard indicated to the Council that it would have difficulty enforcing another large area closure with current enforcement resources.

Comment 4: A number of industry members from Cape Cod, Gloucester, and New Bedford objected to the Council's consideration of an extension of Area I to offset an increase in the haddock landing limit. They argued that the closure would eliminate a flatfish ground important to them, while they would not benefit from the increased haddock, since they do not fish for haddock.

Response: The Council rejected the Area I closure extension, and instead, developed a daily haddock landing limit, off-setting it with a reduction in the target haddock TAC (1,150 mt), at which time the 1,000 lb (453.6 kg) would be reinstated.

Comment 5: Two letters were received from fishers as well as several verbal comments opposing trip limits on the basis that they would result in discards or illegal landings. These commenters also objected to the Council's decision to include trip limits at its January 16th meeting because they felt the public had inadequate notice.

Response: The cod trip limit was designed to allow vessels to land cod in excess of the daily limit, avoiding discards. The measure also counts the landings against the DAS allocation at the trip limit rate, to meet the conservation goals. The haddock trip limit is not expected to create a discard problem because most trips currently do not catch the limit. Further, it will alleviate a discard problem that occasionally exists on offshore trips that encounter a concentration of haddock while fishing for other species. Increasing the haddock landing limit will allow a vessel to land more haddock than under current rules, while not creating an incentive to direct effort on haddock. NMFS recognizes that there may be potential enforcement problems in insuring adherence to the trip limits on cod and haddock. The Council has acknowledged this and is committed to reviewing the efficiency of these measures in the near future to determine whether adjustments should be made.

Regarding adequacy of public notice, the draft framework document

containing the description of measures and analysis, including the trip limits was available for public comment one week prior to the final framework meeting on January 29–30, 1997.

Comment 6: An offshore gillnet fisher stated that the Council's trip limit proposals would force offshore boats to fish inshore. He proposed a system that would require a vessel to declare into either an inshore or offshore gillnet category.

Response: To address the need to reduce fishing mortality on GOM cod, this rule implements a trip limit for vessels fishing in the GOM, i.e., north of 42°00' N. lat. and provides an exemption for vessels fishing for cod south of this line. The Council did not adopt the alternative suggested by the commenter because it was not provided to the Council early enough to be analyzed and discussed in the framework document.

Comment 7: Council members and the public raised concerns about how the per-day limit on cod would be implemented.

Response: These concerns were noted by the Council and NMFS at the last Council meeting, January 29–30, 1997, before submission of Framework 20 to NMFS. Council members, Council staff, and NMFS communicated to ensure that Council intent as expressed at Council meetings was reflected in regulatory measures.

Adherence to Framework Procedure Requirements

The Council considered public comment prior to making its recommendation to the Regional Administrator under the provisions for abbreviated rulemaking in this FMP. The Council requested publication of these management measures as a final rule after considering the required factors stipulated under the framework measures in the FMP, 50 CFR 648.90, and has provided supporting analyses for each factor considered.

At the final Council meeting on this framework action, there were conflicting interpretations of how the cod trip limit would be implemented. For example, the procedure for how the cod trip limit would be administered for vessels that land cod based on "part of a day" fishing and the procedure for dealing with landings of trips that exceed the cod trip limit were not explicitly resolved. Thus NMFS is publishing this action as an interim final rule to provide the public an additional opportunity to comment on this action, particularly how the cod trip limit will be implemented. Comments on this rule are invited and must be received

through May 1, 1997. The Regional Administrator will review all comments received and, if the comments warrant, will take further action when promulgating a final rule.

Classification

The Assistant Administrator for Fisheries, NOAA (AA) finds there is good cause to waive prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B). Public meetings held by the Council to discuss the management measures implemented by this rule provided adequate prior notice and an opportunity for public comment to be heard and considered; therefore, further notice and opportunity to comment before this rule is effective, is unnecessary. However, as discussed above, NMFS is requesting comments prior to finalizing this rule.

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 achieve the conservation goals established by Amendment 7 to the FMP, while mitigating its economic impacts; and to incorporate several other Council actions that would otherwise have been submitted as separate frameworks. These actions as well as the seasonal increase in the haddock trip limit for 1997 mitigate some impacts of Amendment 7 by establishing exemptions from certain provisions, while not compromising reduction of effort objectives for regulated species in the Northeast multispecies fishery.

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

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 seven new collections of information requirements. The collection of this information was submitted to OMB for emergency processing, as announced in a notice that was published in the **Federal Register** on March 12, 1997 (62 FR 11415). The collection-of-information requirements have been approved under OMB control number 0648-0202 and

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/per response).

This 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. 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 any of these burden estimates or any other aspect of the collection-of-

information 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: March 26, 1997.

Rolland A. Schmitten,

*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 adding in the left column under 50 CFR, the entry "648.86", 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 § 648.2, the definition for "Day(s)-at-Sea (DAS)" is revised, and the definitions for "Flatfish gillnets" and "Roundfish gillnets" are added, in alphabetical order, to read as follows:

§ 648.2 Definitions.

* * * * *

Day(s)-at-Sea (DAS), with respect to the NE multispecies and scallop fisheries, except as described in § 648.82(j)(1)(iv), means the 24-hour periods of time during which a fishing vessel is absent from port in which the vessel intends to fish for, possess or land, or fishes for, possesses, or lands regulated species or scallops.

* * * * *

Flatfish gillnets means gillnets that are either constructed with no floats on the float line, or that are constructed with floats on the float line and that have tie-down twine between the float line and the lead line not more than 48

inches (18.90 cm) in length and spaced not more than 15 feet (4.57 m) apart.

Roundfish gillnets means gillnets that are constructed with floats on the float line and that have no tie-down twine between the float line and the lead line.

5. In § 648.4, paragraph (c)(2)(iii) is revised to read as follows:

§ 648.4 Vessel permits.

* * *

(c) * * *

(2) * * *

(iii) An application for a limited access multispecies permit must also contain the following information:

(A) If applying for a limited access multispecies Combination Vessel permit or Individual DAS category permit, or if opting to use a VTS, a copy of the vendor installation receipt from a NMFS-approved VTS vendor as described in § 648.9.

(B) For vessels fishing for NE multispecies with gillnet gear, with the exception of vessels under the Small Vessel permit category, an annual declaration as either a Day or Trip gillnet vessel designation as described in § 648.80(j). Vessel owners electing a Day gillnet designation must indicate the number of gillnet tags that they are requesting and must include a check for the cost of the tags. A permit holder letter will be sent to all eligible gillnet vessels informing them of the costs associated with this tagging requirement and directions for obtaining tags. Once a vessel owner has elected this designation, he/she may not change the designation or fish under the other gillnet category for the remainder of the fishing year. Incomplete applications, as described in paragraph (e) of this section, will be considered incomplete for the purpose of obtaining authorization to fish in the NE multispecies gillnet fishery and will be processed without a gillnet authorization.

* * *

6. In § 648.10, paragraphs (c)(3) and (f) are revised to read as follows:

§ 648.10 DAS Notification Requirements.

* * *

(c) * * *

(3) At the end of a vessel's trip, upon its return to port, the vessel owner or owner's representative must call the Regional Administrator and notify him/her that the trip has ended by providing the following information: Owner and caller name and phone number, vessel name, port of landing and permit number, and that the vessel has ended

a trip. A DAS ends when the call has been received and confirmation has been given by the Regional Administrator.

* * *

(f) *Additional NE multispecies call-in requirements.*—(1) *Spawning season call-in.* With the exception of vessels issued a valid Small Vessel category permit, vessels subject to the spawning season restriction described in § 648.82 must notify the Regional Administrator of the commencement date of their 20-day period out of the NE multispecies fishery through either the VTS system or by calling and providing the following information: Vessel name and permit number, owner and caller name and phone number and the commencement date of the 20-day period.

(2) *Gillnet call-in.* Vessels subject to the gillnet restriction described in § 648.82(j)(1)(iii) must notify the Regional Administrator of the commencement date of their time out of the NE multispecies gillnet fishery using the procedure described in paragraph (f)(1) of this section.

7. In § 648.14, paragraphs (a)(43), (b), (c)(1), and (c)(7) are revised, and paragraphs (c) (11) through (19) are added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(43) Violate any of the provisions of § 648.80(a)(4), the Cultivator Shoals whiting fishery exemption area; (a)(5), the Stellwagen Bank/Jefferys Ledge (SB/JL) juvenile protection area; (a)(8), Small Mesh Area 1/Small Mesh Area 2; (a)(9), the Nantucket Shoals dogfish fishery exemption area; (a)(11), the Nantucket Shoals mussel and sea urchin dredge exemption area; (a)(12), the GOM/GB monkfish gillnet exemption area; (a)(13), the GOM/GB dogfish gillnet exemption area; (b)(3) exemptions (small mesh); (b)(5), the SNE monkfish and skate trawl exemption area; (b)(6), the SNE monkfish and skate gillnet exemption area; (b)(7), the SNE dogfish gillnet exemption area; or (b)(8), the SNE mussel and sea urchin dredge exemption. A violation of any of these paragraphs is a separate violation.

* * *

(b) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraph (a) of this section, it is unlawful for any person owning or operating a vessel holding a multispecies permit, issued an operator's permit, or issued a letter under § 648.4(a)(1)(i)(H)(3), to land, or possess on board a vessel, more than the possession or landing limits specified in § 648.86(a) and (c), or to violate any of the other provisions of § 648.86.

(c) * * *

(1) Fish for, possess at any time during a trip, or land per trip more than the possession limit of regulated species specified in § 648.86(d) after using up the vessel's annual DAS allocation or when not participating in the DAS program pursuant to § 648.82, unless otherwise exempted under § 648.82(b)(3) or § 648.89.

* * *

(7) Possess or land per trip more than the possession or landing limits specified under § 648.86 (a) or (c), and § 648.82(b)(3), if the vessel has been issued a limited access multispecies permit.

* * *

(11) If the vessel has been issued a limited access multispecies permit and fishes under a multispecies DAS, fail to comply with gillnet requirements and restrictions specified in § 648.82(j).

(12) If the vessel has been issued a Day gillnet category designation, fail to comply with the restrictions and requirements specified in § 648.82(j)(1).

(13) If the vessel has been issued a Day gillnet category designation, fail to remove gillnet gear from the water as described in § 648.82(g) and § 648.82(j)(1)(iv).

(14) Fail to produce or, cause to be produced, gillnet tags when requested by an authorized officer.

(15) Produce, or cause to be produced, gillnet tags required under § 648.82(j)(1) without the written confirmation from the Regional Administrator described in § 648.82(j)(1)(ii).

(16) Tag a gillnet or use a gillnet tag that has been reported lost, missing, destroyed, or issued to another vessel.

(17) Sell, transfer, or give away gillnet tags that have been reported lost, missing, destroyed, or issued to another vessel.

(18) If the vessel has been issued a Trip gillnet category designation, fail to comply with the restrictions and requirements specified in § 648.82(j)(2).

(19) Fail to comply with the exemption specifications as described in § 648.86(c)(2).

* * *

8. In § 648.53, paragraph (e) is revised to read as follows:

§ 648.53 DAS allocations.

* * *

(e) *Accrual of DAS.* DAS shall accrue to the nearest minute.

* * *

9. In § 648.80, paragraphs (a)(2)(iii), (a)(3)(i), (b)(2)(iii), and (b)(5) are revised, and paragraphs (a)(11), (a)(12), (a)(13) and (b)(6) through (b)(8) are added 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 (a)(13), (d), (e), (h), and (i) of this section, if fishing under a NE multispecies DAS, 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).

(3) * * *

(i) *Restrictions on fishing for, possessing, or landing fish other than shrimp.* A vessel fishing in the northern shrimp fishery described in this section under this exemption may not fish for, possess on board, or land any species of fish other than shrimp, except for the following, with the restrictions noted, as allowable bycatch species: Longhorn sculpin; silver hake—up to an amount equal to the total weight of shrimp landed; and American lobster—up to 10 percent, by weight, of all other species on board, or 200 lobsters (whichever is less).

* * * * *

(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 feet (2.44 m) in width, 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.

(12) *GOM/GB Monkfish Gillnet Exemption.* A vessel may fish with gillnets in the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(12)(i) of this section. The GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area is defined by straight

lines connecting the following points in the order stated:

N. Lat.	W. Long.
41°35'	70°00'
42°49.5'	70°00'
42°49.5'	69°40'
43°12'	69°00'
(1)	69°00'

41°35'

70°00'

42°49.5'

70°00'

42°49.5'

69°40'

43°12'

69°00'

(1)

69°00'

(1) due north to Maine shoreline.

(i) *Requirements.* (A) A vessel fishing under this exemption may not fish for, possess on board, or land any species of fish other than monkfish, or lobsters in an amount not to exceed 10 percent by weight of the total catch on board, or 200 lobsters (whichever is less).

(B) All gillnets must have a minimum mesh size of 10 inches (25.4 cm) diamond mesh throughout the net.

(C) Fishing is confined to July 1 through September 14.

(13) *GOM/GB Dogfish Gillnet Exemption.* A vessel may fish with gillnets in the GOM/GB Dogfish and monkfish gillnet fishery exemption area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(13)(i) of this section. The area coordinates of the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area are specified in paragraph (a)(11) of this section.

(i) *Requirements.* (A) A vessel fishing under this exemption may not fish for, possess on board, or land any species of fish other than dogfish, or lobsters in an amount not to exceed 10 percent by weight of the total catch on board, or 200 lobsters (whichever is less).

(B) All gillnets must have a minimum mesh size of 6.5 inches (16.5 cm) diamond mesh throughout the net.

(C) Fishing is confined to July 1 through August 31.

(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 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).

* * * * *

(5) *SNE Monkfish and Skate Trawl Exemption Area.* A vessel may fish with

trawl gear in the SNE Monkfish and Skate Trawl Fishery Exemption Area when not operating under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (b)(5)(i) of this section. The SNE Monkfish and Skate Trawl Fishery Exemption Area is defined as the area bounded on the north by a line extending eastward along 40°10' N. lat., and bounded on the west by the eastern boundary of the Mid-Atlantic Regulated Mesh Area.

(i) *Requirements.* (A) A vessel fishing under this exemption may only fish for, possess on board, or land monkfish, skates, and the bycatch species and amounts specified in paragraph (b)(3) of this section.

(B) All trawl nets must have a minimum mesh size of 8-inches (20.3-cm) square or diamond mesh throughout the codend for at least 45 continuous meshes forward of the terminus of the net.

(6) *SNE Monkfish and Skate Gillnet Exemption Area.* A vessel may fish with gillnet gear in the SNE Monkfish and Skate Gillnet Fishery Exemption Area when not operating under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (b)(6)(i) of this section. The SNE Monkfish and Skate Gillnet Fishery Exemption Area is defined by a line running from the Massachusetts shoreline at 41°35' N. lat. and 70°00' W. long. south to its intersection with the outer boundary of the EEZ, southwesterly along the outer boundary of the EEZ, and bounded on the west by the eastern boundary of the Mid-Atlantic Regulated Mesh Area.

(i) *Requirements.* (A) A vessel fishing under this exemption may only fish for, possess on board, or land monkfish, skates, and the bycatch species and amounts specified in paragraph (b)(3) of this section.

(B) All gillnets must have a minimum mesh size of 10 inch (25.4 cm) diamond mesh throughout the net.

(C) All nets with a mesh size smaller than the minimum mesh size specified in paragraph (b)(6)(i)(B) of this section must be stowed as specified in § 648.81(e)(4).

(7) *SNE Dogfish Gillnet Exemption Area.* A gillnet vessel may fish in the SNE Dogfish Gillnet Fishery Exemption Area when not operating under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (b)(7)(i) of this section. The SNE Dogfish Gillnet Fishery Exemption Area is defined by a line running from the Massachusetts shoreline at 41°35' N. lat. and 70°00' W. long. south to its intersection with the outer boundary of

the EEZ, southwesterly along the outer boundary of the EEZ, and bounded on the west by the eastern boundary of the Mid-Atlantic Regulated Mesh Area.

(i) *Requirements.* (A) A vessel fishing under this exemption may only fish for, possess on board, or land dogfish and the bycatch species and amounts specified in paragraph (b)(3) of this section.

(B) All gillnets must have a minimum mesh size of 6-inches (15.24-cm) diamond mesh throughout the net.

(C) Fishing is confined to May 1 through October 31.

(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 feet (2.44 m) in width, and the vessel does not fish for, harvest, possess, or land any species of fish other than mussels and sea urchins.

* * * * *

10. In § 648.81, in paragraph (e) the introductory text is removed as follows:

§ 648.81 Closed Areas.

* * * * *

(e) *Gear stowage requirements.*

* * * * *

11. In § 648.82, paragraph (g) is revised and paragraph (j) is added 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 regulated NE multispecies fishery 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 non-exempted gillnet gear 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 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 fishery during May 1996, it is not required to

take a 20-day block out of the NE multispecies fishery in 1997. Beginning January 1, 1998, any such vessel must comply with the spawning season restriction specified in this part.

* * * * *

(j) *Gillnet restrictions.* Vessels issued a limited access NE multispecies permit fishing under a multispecies DAS with gillnet gear must obtain an annual designation as either a Day gillnet or Trip gillnet vessel as described in § 648.4(c)(2)(iii)(B).

(1) *Day gillnet vessels.* A Day gillnet vessel fishing with gillnet gear under a multispecies DAS is not required to remove gillnet gear from the water upon returning to the dock and calling-out of the DAS program, provided:

(i) *Number and size of nets.* Vessels may not fish with, haul, possess, or deploy more than 80 roundfish gillnets or 160 flatfish gillnets. Vessels may fish any combination of roundfish and flatfish gillnets, up to 160 nets, provided that the number of roundfish and flatfish gillnets does not exceed the limitations specified in this subparagraph, and the nets are tagged in accordance with paragraph (j)(1)(ii) of this section. Nets may not be longer than 300 ft (91.44 m), or 50 fathoms, in length.

(ii) *Tagging requirements.* Beginning June 1, 1997, all roundfish 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.

(iii) All gillnet gear is brought to port prior to the vessel fishing in an exempted fishery.

(iv) *Declaration of time out of the gillnet fishery.* (A) During each fishing year, vessels must declare, and take, a total of 120 days out of the multispecies 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 multispecies 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 harvested with gillnet gear, or 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.

(A) Vessels shall declare their periods of required time following the notification procedures specified in § 648.10(f)(2).

(B) During each period of time declared, a vessel is prohibited from fishing with non-exempted gillnet gear. However, the vessel may fish in an exempted fishery as described in § 648.80, or it may fish under a multispecies DAS provided it fishes with gear other than non-exempted gillnet gear.

(v) *Method of counting DAS.* Day gillnet vessels fishing with gillnet gear under a multispecies DAS will accrue 15 hours DAS for each trip greater than 3 hours but less than or equal to 15 hours. Such vessels will accrue actual DAS time at sea for trips less than or equal to 3 hours or greater than 15 hours.

(vi) *Lost tags.* Vessel owners or operators are required to report lost, destroyed, and missing tag numbers as soon as feasible after tags have been discovered lost, destroyed or missing, by letter or fax to the Regional Administrator.

(vii) *Replacement tags.* Vessel owners or operators seeking replacement of lost, destroyed, or missing tags must request replacement of tags by letter or fax to the Regional Administrator. A check for the cost of the replacement tags must be received before tags will be re-issued.

(2) *Trip gillnet vessels.* When fishing under a multispecies DAS, a Trip gillnet vessel is required to remove all gillnet gear from the water before calling-out of a multispecies DAS under § 648.10(c)(3). When not fishing under a multispecies DAS, Trip gillnet vessels may fish in an exempted fishery with gillnet gear as authorized under the exemptions described in § 648.80. Vessels electing to fish under the Trip gillnet designation must have on board written confirmation issued by the Regional Administrator, that the vessel is a Trip gillnet vessel.

12. In § 648.86, paragraphs (a)(1) and (c) are revised and paragraph (d) is added to read as follows:

§ 648.86 Possession and landing restrictions.

(a) *Haddock*—(1) *NE multispecies DAS vessels*. (i) Except as provided in paragraph (a)(1)(ii) of this section, a vessel that is fishing under a NE multispecies DAS may land or possess on board up to 1,000 lb (453.6 kg) of haddock provided it has at least one standard tote on board. Haddock on board a vessel subject to this possession limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) Beginning September 1, 1997, and for the 1997 fishing year only, a vessel may land up to 1,000 lb (453.6 kg) of haddock per day, or any part of a day, up to 10,000 lb (4,536.0 kg) per trip. Once the Regional Administrator projects that 1,150 mt will be harvested, NMFS will publish a notice in the **Federal Register** that on a specific date the possession limit will revert to 1,000 lb (453.6 kg) per trip. At such time that the 1,000 lb (453.6 kg) per trip possession limit is reinstated, vessels will be subject to the restrictions specified in paragraph (a)(1)(i) of this section. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

* * * * *

(c) *Cod*. The following landing restrictions apply May 1, 1997, through April 30, 1998:

(1) *Landing limit north of 42°00' North Latitude*. (i) Except as provided in paragraph (c)(2) of this section, a vessel fishing under a NE multispecies DAS may land up to 1,000 lb (453.6 kg) of cod per day, or any part of a day, for each of the first 4 days of a trip, and may land up to 1,500 lb (680.4 kg) of cod per day for each day, or any part of a day, in excess of 4 consecutive days. A day, for the purposes of this paragraph, means a 24 hour period. Vessels calling out of the multispecies DAS program under § 648.10(c)(3) that have utilized "part of a day" (less than 24 hours) may land up to an additional 1,000 lb (453.6 kg) of cod for that "part of a day", however, such vessels may not end any subsequent trip with cod on board within the 24-hour period following the beginning of the "part of the day" utilized (e.g., a vessel that has called-in to the multispecies DAS program at 3 p.m. on a Monday and ends its trip the next day (Tuesday) at 4 p.m. (accruing a total of 25 hours) may legally land up to 2,000 lb (907.2 kg) of cod on such a trip, but the vessel may not end any subsequent trip with cod on board until after 3 p.m. on the following day

(Wednesday)). Cod on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) A vessel subject to the cod landing limit restrictions described in paragraph (c)(1)(i) of this section may come into port with, and offload cod in excess of the landing limit as determined by the number of DAS elapsed since the vessel called into the DAS program, provided that:

(A) The vessel operator does not call out of the DAS program as described under § 648.10(c)(3) until sufficient time has elapsed to account for and justify the amount of cod harvested at the time of offloading regardless if whether all of the cod on board is offloaded (e.g., a vessel that has called-in to the multispecies DAS program at 3 p.m. on Monday may fish and come back into port at 4 p.m. on Wednesday of that same week with 4,000 lb (1,814.4 kg) of cod, and offload some or all of its catch, but cannot call out of the DAS program until 3:01 p.m. the next day, Thursday (i.e., 3 days plus one minute)); and

(B) Upon entering port, and before offloading, the vessel operator notifies the Regional Administrator by calling 508-281-9278 and provides the following information: Vessel name and permit number, owner and caller name, phone number, and the hail weight of cod on board and the amount of cod to be offloaded, if any. A vessel that has not exceeded the landing limit and is offloading and ending its trip by calling out of the multispecies DAS program does not have to report under this call-in system.

(iii) A vessel that has not exceeded the cod landing limit restrictions described in paragraph (c)(1)(i) and is offloading some or all of its catch but not calling out of the multispecies DAS program under § 648.10(c)(3), is subject to the call-in requirement described in paragraph (c)(1)(ii)(B) of this section.

(2) *Exemption*. A vessel fishing under a NE multispecies DAS is exempt from the landing limit described in paragraph (c)(1) when fishing south of 42°00' N. lat., provided that it does not fish north of this exemption area for a minimum of 30 consecutive days (when fishing under the multispecies DAS program), and has on board an authorization letter issued by the Regional Administrator. Vessels exempt from the landing limit requirement may transit the GOM/GB Regulated Mesh Area north of the 42°00' N. lat., provided that their gear is stowed in accordance with one of the provisions of § 648.81(e).

(d) *Other possession restrictions*. Vessels are subject to any other

applicable possession limit restrictions of this part.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration
21 CFR Part 74
Listing of Color Additives Subject to Certification
CFR Correction

In title 21 of the Code of Federal Regulations, parts 1 to 99, revised as of April 1, 1996, on page 369, in § 74.2101 a portion of the text for paragraph (a) was inadvertently removed. Paragraph (a) should read as follows:

§ 74.2101 FD&C Blue No. 1.

(a) *Identity*. The color additive FD&C Blue No. 1 is principally the disodium salt of ethyl[4-[p-[ethyl(m-sulfobenzyl)amino]-α-(o-sulfophenyl)benzylidene]-2,5-cyclohexadien-1-ylidene](m-sulfobenzyl)ammonium hydroxide inner salt with smaller amounts of the isomeric disodium salts of ethyl[4-[p-[ethyl(p-sulfobenzyl)amino]-α-(o-sulfophenyl)benzylidene]-2,5-cyclohexadien-1-ylidene](p-sulfobenzyl)ammonium hydroxide inner salt and ethyl[4-[p-[ethyl(o-sulfobenzyl)amino]-α-(o-sulfophenyl)benzylidene]-2,5-cyclohexadien-1-ylidene](o-sulfobenzyl)ammonium hydroxide inner salt. Additionally, FD&C Blue No. 1 is manufactured by the acid catalyzed condensation of one mole of sodium 2-formylbenzenesulfonate with two moles from a mixture consisting principally of 3-[(ethylphenylamino)methyl] benzenesulfonic acid, and smaller amounts of 4-[(ethylphenylamino)methyl] benzenesulfonic acid and 2-[(ethylphenylamino)methyl] benzenesulfonic acid to form the leuco base. The leuco base is then oxidized with lead dioxide and acid, or with dichromate and acid, or with manganese dioxide and acid to form the dye. The intermediate sodium 2-formylbenzenesulfonate is prepared from 2-chlorobenzaldehyde and sodium sulfite.

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