

Bulletins 1728F-811 and 1728F-810, respectively, as follows:

§ 1728.97 Incorporation by reference of electric standards and specifications.

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(b) List of Bulletins.

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Bulletin 1728F-810, Electric Transmission Specifications and Drawings, 34.5 kV to 69 kV (3-98).

Bulletin 1728F-811, Electric Transmission Specifications and Drawings, 115 kV to 230 kV (3-98).

Dated: February 27, 1998.

Jill Long Thompson,

Under Secretary, Rural Development.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 648

[Docket No. 971030259-8039-02; I.D. 101497C]

RIN 0648-AJ96

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 24

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Framework Adjustment 24 to the Northeast Multispecies Fishery Management Plan (FMP). The rule: Adjusts the Gulf of Maine (GOM) cod landing limit provision, including the landing limit boundary line; allows vessels to carry-over up to 10 unused multispecies days-at-sea (DAS) into the next fishing year; and exempts vessels that fish in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area from certain provisions of the NE multispecies FMP, such as the DAS requirements. The rule also corrects a provision in the regulations implementing Amendment 7 to the FMP. The intent of this rule is to improve the effectiveness of the GOM cod landing limit, to promote safety, to provide flexibility and opportunity to vessels fishing under the multispecies stock-rebuilding program, and to correct an inadvertent omission in a previous rule.

DATES: Effective April 9, 1998 except for § 648.81(f)(2)(ii)(B), which contains information-collection requirements that are not effective until approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). When OMB approval is received, the effective date of § 648.81(f)(2)(ii)(B) will be published in the **Federal Register**.

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 24 documents are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097. Comment regarding the collection-of-information requirements contained in this final rule should be sent to Andrew A. Rosenberg, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298 and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, 978-281-9252.

SUPPLEMENTARY INFORMATION: Framework Adjustment 20 (62 FR 15381, April 1, 1997, and 62 FR 49144, September 19, 1997) established a GOM cod landing restriction whereby vessels fishing under a multispecies DAS north of 42°00' N. lat. can 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. To minimize discarding, a mechanism was developed that allowed vessels to land cod in excess of the landing limit, provided that they not call-out of the multispecies DAS program until DAS per trip correspond to the total allowable landings of cod per trip. To address reports that some vessels may be directing on GOM cod early in the trip and letting their DAS clock continue to run while returning to sea to fish for other regulated species, thereby circumventing the intent of the landing limit restriction, the New England Fishery Management Council (Council) recommended requiring vessels that exceed the GOM cod landing limit to remain in port until DAS equate to total landings of cod.

This framework adjusts the landing limit provision by requiring vessels

subject to this provision to remain in port until sufficient DAS have passed to equate to the cod landed. In addition, these vessels are required to come into port and report to NMFS within 14 days of starting a trip. Transiting between ports, subject to certain restrictions, is authorized.

To better represent the stock boundary between GOM and Georges Bank cod, this framework modifies the current GOM cod landing limit boundary from 42°00' N. lat. to 42°20' N. lat. east of 69°30' W. long.

Due to concern that unforeseen circumstances may result in forfeiture of DAS or fishing under unsafe circumstances at the end of a fishing year, this measure allows active vessels to carry-over up to 10 unused multispecies DAS from one fishing year to the next. Vessels will automatically be credited with the amount of unused DAS remaining, up to a maximum of 10. DAS sanctioned vessels will be credited with unused DAS based on their DAS allocation minus total DAS sanctioned.

In order to remove regulatory obstacles from the U.S. vessels participating in NAFO fisheries, this rule exempts multispecies vessels that possess a High Seas fishing permit and that are fishing exclusively in the NAFO Regulatory Area from DAS, minimum mesh size, and possession limit requirements of the multispecies FMP implementing regulations. Participating vessels are required to obtain, and have on board the vessel, a letter of authorization issued by the Administrator, Northeast Region, NMFS (Regional Administrator).

This rule does not include a provision contained in the proposed rule to implement Framework 24 that would have allowed Day and Trip gillnet category vessels to switch categories once during the 1997 fishing year. Because of the time necessary for notice and comment rulemaking procedures for Framework 24, there is insufficient time left in the fishing year for a vessel switching into the Day gillnet category to meet the required 120 days out of the non-exempt gillnet fishery before the end of the fishing year (April 30).

Further details concerning justification for and development of Framework Adjustment 24 were provided in the notice of proposed rulemaking (62 FR 60676, November 12, 1997).

This rule also corrects an omission to the regulations implementing Amendment 7. The regulations specifically prohibit vessels from fishing for, or possessing, regulated species when fishing with exempted gear in closed areas. Although Amendment 7

clearly intends that this prohibition extends to fishing under a multispecies DAS in closed areas, the regulatory language is not specific in this regard. This framework clarifies the intent of this measure by extending this prohibition to all vessels, whether fishing under a DAS or outside the DAS program, unless stated otherwise in the regulations.

Comments and Responses

Written comments were submitted by a fishing industry association—Associated Fisheries of Maine—and by one individual.

Comment: One individual opposed adjusting the current GOM cod landing limit boundary line, stating that there was no analysis to support this change. The individual expressed concern that, by adjusting this line northward as proposed, areas with concentrations of GOM cod would become exempt from the landing limit requirement.

Response: NMFS disagrees. The landing limit boundary adjustment in Framework 24 is more consistent with the stock areas defined for assessment purposes for GOM cod than for the line previously established in Framework 20.

Comment: The fishing industry association supported all the Framework 24's measures; including the adjustment to the boundary line.

Response: All of the measures proposed in Framework 24 were approved, and with exception noted above, are being implemented by the final rule.

Changes in the Final Rule From the Proposed Rule

As described above, this final rule corrects an inadvertent omission in an earlier rule and does not implement one provision contained in the proposed rule. In addition, several provisions were revised based on comments by NMFS Enforcement. These revisions do not change the regulatory requirements, but will enhance the enforceability of this action. They are as follows:

In § 648.4(a)(1) and in § 648.17 introductory text and paragraph (d), the name of the High Seas permit has been revised to accurately reflect its title.

In § 648.4, paragraph (c)(2)(iii)(B), and in § 648.82, paragraphs (k)(1)(iv)(A) and (D), have been removed to reflect the elimination of the provision to allow Trip gillnet category vessels to switch to the Day gillnet vessel category once during the 1997 fishing year.

In § 648.10, paragraph (f)(3) has been revised to inform the public where to call to hail their cod weight.

In § 648.14, paragraph (a)(12) has been removed, as this provision is no longer

necessary since vessels fishing in the NAFO Regulatory Area must now obtain an exemption letter.

In § 648.14, paragraphs (c)(23) and (24) have been revised to correct and clarify that the call-in requirement after a vessel has fished 14 DAS is specified in § 648.10(f)(3).

In § 648.14, paragraph (a)(104) is added to clarify that vessels fishing with exempted gear in the multispecies closed areas may not retain regulated species at any time, unless otherwise specified.

Section 648.17 is revised to require that vessels participating in NAFO fisheries under the multispecies exemptions carry a letter of authorization issued by the Regional Administrator on board the vessel, rather than reporting their participation via calling-in and out to the nearest enforcement agent. Under the proposed rule, the Regional Administrator would have been authorized to require a letter of authorization, in lieu of the call-in if it was determined necessary for enforcement purposes. The Offices of Enforcement and General Counsel have recommended implementation of this requirement, and the provision was revised consistent with this recommendation.

In § 648.53, paragraph (d) is revised to mirror language specified in § 648.82(l) regarding DAS sanctioned vessels.

In § 648.81, paragraphs (a)(2)(i), (c)(2)(ii), and (f)(2)(ii) are revised to clarify that vessels fishing with exempted gear in the multispecies closed areas may not retain regulated species at any time, unless otherwise specified.

In § 648.82, paragraph (l) is revised to explain that multispecies DAS sanctioned vessels will be allowed to carry-over up to 10 unused DAS based on their DAS allocation minus any DAS that were sanctioned. Also, language in this paragraph preventing vessels from accumulating carry-over days from year-to-year has been removed since it is unnecessary and contrary to the intent of this provision.

In § 648.86, paragraph (b)(1)(i) is revised to clarify that "a day" for purposes of the cod landing limit is a DAS.

In § 648.86, paragraph (b)(1)(ii)(A) is revised to explain that the word "port" is defined based on the definition "prior to leaving port" and to clarify that a vessel may not leave port, unless it is transiting and until sufficient time has elapsed to account for the cod harvested.

Under NOAA Administrative Order 205-11, 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

The Regional Administrator determined that Framework 24 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 final rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when this rule was proposed, that if adopted as proposed, it would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, no regulatory flexibility analysis was prepared.

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 PRA unless that collection of information displays a currently valid OMB control number.

This rule contains two new collection-of-information requirements subject to the PRA. The collection of this information has been approved by the OMB, under OMB control number 0648-0202. The estimated response times are as follows:

1. Declaration of transit to another port under the exception to the cod landing limit requirement to remain in port (1 minute/response when made in conjunction with a cod hail line call, 3 minutes/response when made as a separate call).

2. Request for letter of authorization to fish in the NAFO Regulatory Area (3 minutes/response).

This final rule also restates current information requirements that had been approved by OMB under the PRA and that are needed for the implementation of Framework Adjustment 24. These current information requirements are approved under OMB control number 0648-0202. Their estimated response times are as follows:

1. Reporting of cod catch on board and to be off-loaded for vessels fishing north of the cod exemption line, specified at § 648.86(b)(1), while fishing under a NE multispecies DAS requires vessel notification (3 minutes/response).

2. The letter of authorization exempting a vessel fishing south of the cod exemption line, specified at § 648.86(b)(2), while fishing under a NE multispecies DAS requires vessel notification (2 minutes/response).

3. The DAS call-in requirement for vessels under a DAS upon return to port (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).

This rule also includes a gear marking provision which is contained in § 648.81(f)(2)(ii)(B). This provision was originally implemented under Framework Adjustment 16 (63 FR 9378, March 3, 1997) and revised under Framework Adjustment 18 (63 FR 7727). Upon reviewing this provision during the issuance process for this rule to implement Framework Adjustment 24, NMFS has concluded that the gear marking provision contained in § 648.81(f)(2)(ii)(B) should have been submitted for OMB clearance as a new collection-of-information requirement. This provision relates to fishing in the upper two-thirds of the water column and unlike bottom-tending fixed gear is not covered under the current OMB control number 0648-0305 clearance. Therefore, NMFS is in the process of submitting the appropriate documentation for OMB clearance for this gear marking requirement for gear other than bottom-tending fixed gear and will publish notification of the effective date for § 648.81(f)(2)(ii)(B) in the **Federal Register** when OMB clearance is received.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 26, 1998.

David L. Evans,

Deputy 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.*

§ 902.1 [Amended]

2. In § 902.1, paragraph (b), the table is amended by adding, in numerical order, in the left column under 50 CFR, the entry "648.17", 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 definitions for "NAFO", "NAFO Convention Area", and "NAFO Regulatory Area" are added, in alphabetical order, to read as follows:

§ 648.2 Definitions.

* * * * *

NAFO means Northwest Atlantic Fisheries Organization.

NAFO Convention Area means the waters of the Northwest Atlantic Ocean north of 35°00' N. lat. and west of a line extending due north from 35°00' N. lat. and 42°00' W. long. to 59°00' N. lat., thence due west to 44°00' W. long., and thence due north to the coast of Greenland and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10' N. lat.

NAFO Regulatory Area means the part of the NAFO Convention Area which lies beyond the 200-mile zone of the coastal states.

* * * * *

5. In § 648.4, paragraph (a)(1) introductory text is revised to read as follows:

§ 648.4 Vessel and individual commercial permits.

(a) * * * (1) *NE multispecies vessels.* Except for vessels that have been issued a valid High Seas Fishing Compliance permit, have declared their intent to fish, and fish exclusively in the NAFO Regulatory Area as provided in § 648.17, any vessel of the United States, including a charter or party boat, must have been issued and have on board a valid multispecies permit to fish for, possess, or land multispecies finfish in

or from the EEZ. Multispecies frames used as, or to be used as, bait on a vessel fishing exclusively with pot gear are deemed not to be multispecies finfish for purposes of this part provided that there is a receipt for the purchase of those frames on board the vessel.

* * * * *

6. In § 648.10, paragraph (c)(5) is revised and paragraph (f)(3) is added to read as follows:

§ 648.10 DAS notification requirements.

* * * * *

(c) * * *

(5) Any vessel that possesses or lands per trip more than 400 lb (181.44 kg) of scallops, and any vessel issued a limited access multispecies permit subject to the DAS program and call-in requirement that possesses or lands regulated species, except as provided in §§ 648.17 and 648.89, shall be deemed in the DAS program for purposes of counting DAS, regardless of whether the vessel's owner or authorized representative provided adequate notification as required by this paragraph (c).

* * * * *

(f) * * *

(3) *Cod landing limit call-in.* (i) A vessel subject to the cod landing limit restriction specified in § 648.86(b)(1)(i), that has not exceeded the allowable limit of cod based on the duration of the trip, must enter port and call-out of the DAS program no later than 14 DAS after starting (i.e., the time of issuance of a DAS authorization number) a multispecies DAS trip.

(ii) A vessel subject to the cod landing limit restriction specified in § 648.86(b)(1)(i) that exceeds or is expected to exceed the allowable limit of cod based on the duration of the trip must enter port no later than 14 DAS after starting a multispecies DAS trip (i.e., the time of issuance of a DAS authorization number) and must report, upon entering port and before offloading, its hauled weight of cod under the separate call-in system as specified in § 648.86(b)(1)(ii)(B). Such vessel must remain in port, unless for transiting purposes as allowed in § 648.86(b)(3), and may not call-out of the DAS program for that trip until sufficient time has elapsed to account for and justify the amount of cod on board in accordance with § 648.86(b)(1)(ii).

7. In § 648.14, paragraph (a)(31)(ii) is amended by removing the word "or" at the end of the paragraph, paragraphs (a)(13), (a)(31)(iii), (a)(33), (a)(35) through (37), (a)(47), (a)(55), (b), (c) introductory text, (d) introductory text,

(e), (g) introductory text, (t), and (x)(4) are revised, and paragraphs (a)(31)(iv), (a)(104) and (c)(22) through (25) are added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(13) Purchase, possess or receive for a commercial purpose, or attempt to purchase possess or receive for a commercial purpose, any species regulated under this part unless in possession of a valid dealer permit issued under this part, except that this prohibition does not apply to species that are purchased or received from a vessel not issued a permit under this part that fished exclusively in state waters, or unless otherwise specified in § 648.17.

* * * * *

(31) * * *

(iii) The NE multispecies were harvested in or from the EEZ by a recreational fishing vessel; or

(iv) Unless otherwise specified in § 648.17.

* * * * *

(33) Sell, barter, trade, or otherwise transfer; or attempt to sell, barter, trade, or otherwise transfer for a commercial purpose any NE multispecies from a trip, unless the vessel is holding a multispecies permit, or a letter under § 648.4(a)(1), and is not fishing under the charter/party vessel restrictions specified in § 648.89, or unless the NE multispecies were harvested by a vessel without a multispecies permit that fishes for NE multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

* * * * *

(35) Fish with, use, or have on board within the area described in § 648.80(a)(1), nets of mesh whose size is smaller than the minimum mesh size specified in § 648.80(a)(2), except as provided in § 648.80(a)(3) through (6), (a)(8), (a)(9), (d), (e) and (i), unless the vessel has not been issued a multispecies permit and fishes for NE multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

(36) Fish with, use, or have available for immediate use within the area described in § 648.80(b)(1), nets of mesh size smaller than the minimum size specified in § 648.80(b)(2), except as provided in § 648.80(b)(3), (d), (e), and (i), or unless the vessel has not been issued a multispecies permit and fishes for multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

(37) Fish with, use, or have available for immediate use within the area

described in § 648.80(c)(1), nets of mesh size smaller than the minimum mesh size specified in § 648.80(c)(2), except as provided in § 648.80(c)(3), (d), (e), and (i), or unless the vessel has not been issued a multispecies permit and fishes for NE multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

* * * * *

(47) Fish for the species specified in § 648.80(d) or (e) with a net of mesh size smaller than the applicable mesh size specified in § 648.80(a)(2), (b)(2), or (c)(2), or possess or land such species, unless the vessel is in compliance with the requirements specified in § 648.80(d) or (e), or unless the vessel has not been issued a multispecies permit and fishes for NE multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

* * * * *

(55) Purchase, possess, or receive as a dealer, or in the capacity of a dealer, regulated species in excess of the possession limit specified in § 648.86 applicable to a vessel issued a multispecies permit, unless otherwise specified in § 648.17.

* * * * *

(104) Fish for, harvest, possess, or land regulated multispecies when fishing in the closed areas specified in § 648.81(a), (b), (c), (f), (g) and (h), unless otherwise specified in § 648.81(c)(2)(iii), (f)(2)(i) and (f)(2)(iii).

(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 (b), or to violate any of the other provisions of § 648.86, unless otherwise specified in § 648.17.

(c) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraphs (a) and (b) of this section, it is unlawful for any person owning or operating a vessel issued a limited access multispecies permit or a letter under § 648.4(a)(1)(i)(H)(3), unless otherwise specified in § 648.17, to do any of the following:

* * * * *

(22) Fail to comply with the exemption specifications as described in § 648.17.

(23) Fail to enter port and call-out of the DAS program no later than 14 DAS after starting (i.e., the time of the issuance of the DAS authorization

number) a multispecies DAS trip, as specified in § 648.10(f)(3), unless otherwise specified in § 648.86(b)(1)(ii), or unless the vessel is fishing under the cod exemption specified in § 648.86(b)(2).

(24) Fail to enter port and report the hail weight of cod no later than 14 DAS after starting (i.e., the time of the issuance of the DAS authorization number) a multispecies DAS trip, as specified in § 648.10(f)(3), if the vessel exceeds the allowable limit of cod specified in § 648.86(b)(1)(i), unless the vessel is fishing under the cod exemption specified in § 648.86(b)(2).

(25) Fail to remain in port for the appropriate time specified in § 648.86(b)(1)(ii)(A), except for transiting purposes, provided the vessel complies with § 648.86(b)(3).

(d) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraphs (a), (b), and (c) of this section, it is unlawful for any person owning or operating a vessel issued a multispecies handgear permit to do any of the following, unless otherwise specified in § 648.17:

* * * * *

(e) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraphs (a) through (d) of this section, it is unlawful for any person owning or operating a vessel issued a scallop multispecies possession limit permit to possess or land more than the possession limit of regulated species specified at § 648.88(c) or to possess or land regulated species when not fishing under a scallop DAS, unless otherwise specified in § 648.17.

* * * * *

(g) In addition to the general prohibitions specified in § 600.725 of this chapter and the prohibitions specified in paragraphs (a) through (f) of this section, it is unlawful for the owner or operator of a charter or party boat issued a multispecies permit, or of a recreational vessel, as applicable, unless otherwise specified in § 648.17, to:

* * * * *

(t) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraphs (a) through (h) of this section, it is unlawful for any person owning or operating a vessel issued a nonregulated multispecies permit to possess or land any regulated species as defined in § 648.2, or violate any applicable provisions of § 648.88, unless otherwise specified in § 648.17.

* * * * *

(x) * * *

(4) NE multispecies. (i) Regulated species possessed for sale that do not

meet the minimum sizes specified in § 648.83 for sale are deemed to have been taken or imported in violation of these regulations, unless the preponderance of all submitted evidence demonstrates that such fish were harvested by a vessel not issued a permit under this part and fishing exclusively within state waters, or by a vessel that fished exclusively in the NAFO Regulatory Area. This presumption does not apply to fish being sorted on deck.

(ii) Regulated species possessed for sale that do not meet the minimum sizes specified in § 648.83 for sale are deemed taken from the EEZ or imported in violation of these regulations, unless the preponderance of all submitted evidence demonstrates that such fish were harvested by a vessel not issued a permit under this part and fishing exclusively within state waters, or by a vessel that fished exclusively in the NAFO Regulatory Area. This presumption does not apply to fish being sorted on deck.

* * * * *

8. Section 648.17 is added to subpart A to read as follows:

§ 648.17 Exemptions for vessels fishing in the NAFO Regulatory Area for multispecies vessels.

A vessel issued a valid High Seas Fishing Compliance permit under 50 CFR part 300 is exempt from multispecies permit, mesh size, effort-control, and possession limit restrictions, specified in §§ 648.4, 648.80, 648.82 and § 648.86, respectively, while transiting the EEZ with multispecies on board the vessel, or landing multispecies in U.S. ports that were caught while fishing in the NAFO Regulatory Area, provided:

(a) The vessel operator has a letter of authorization issued by the Regional Administrator on board the vessel;

(b) For the duration of the trip, the vessel fishes, except for transiting purposes, exclusively in the NAFO Regulatory Area and does not harvest fish in, or possess fish harvested in, or from, the EEZ;

(c) When transiting the EEZ, all gear is properly stowed in accordance with one of the applicable methods specified in § 648.81(e); and

(d) The vessel operator complies with the High Seas Fishing Compliance permit and all NAFO conservation and enforcement measures while fishing in the NAFO Regulatory Area.

9. In § 648.53, paragraph (d) is revised to read as follows:

§ 648.53 DAS allocations.

* * * * *

(d) *End-of-year carry-over.* Limited access vessels with unused DAS on the last day of February of any year may carry over a maximum of 10 DAS into the next year. At no time may more than 10 DAS be carried over. DAS sanctioned vessels will be credited with unused DAS based on their DAS allocation minus total DAS sanctioned.

* * * * *

10. Section 648.80 is amended by revising the introductory text to read as follows:

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

Except as provided in § 648.17, all vessels must comply with the following minimum mesh size, gear and methods of fishing requirements, unless otherwise exempted or prohibited:

* * * * *

11. In § 648.81, paragraphs (a)(2)(i), (c)(2)(ii), and (f)(2)(ii) are revised to read as follows:

§ 648.81 Closed areas.

(a) * * *

(2) * * *

(i) Fishing with or using pot gear designed and used to take lobsters, or pot gear designed and used to take hagfish, provided that there is no retention of regulated species and no other gear on board capable of catching NE multispecies; or

* * * * *

(c) * * *

(2) * * *

(ii) Fishing with or using dredge gear designed and used to take surf clams or ocean quahogs, provided that there is no retention of regulated species and no other gear on board capable of catching NE multispecies; or

* * * * *

(f) * * *

(2) * * *

(ii) That are fishing with or using exempted gear as defined under this part, subject to the restrictions on midwater trawl gear in paragraph (a)(2)(iii) of this section, and excluding pelagic gillnet gear capable of catching multispecies, except vessels may fish with a single pelagic gillnet, not longer than 300 ft (91.44 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.62 cm), provided:

(A) The net is attached to the boat and fished in the upper two-thirds of the water column;

(B) The net is marked with the owner's name and vessel identification number;

(C) There is no retention of regulated species; and

(D) There is no other gear on board capable of catching NE multispecies; or

* * * * *

12. In § 648.82, paragraph (a) is revised to read as follows:

§ 648.82 Effort-control program for limited access vessels.

(a) *General.* Except as provided in § 648.17, a vessel issued a limited access multispecies permit may not fish for, possess, or land regulated species, except during a DAS as allocated under and in accordance with the applicable DAS program described in this section, unless otherwise provided elsewhere in this part.

(1) *End-of-year carry-over.* With the exception of vessels that held a Confirmation of Permit History as described in § 648.4(a)(1)(i)(J) for the entire fishing year preceding the carry-over year, limited access vessels that have unused DAS on the last day of April of any year, may carry over a maximum of 10 DAS into the next year. DAS sanctioned vessels will be credited with unused DAS based on their DAS allocation minus total DAS sanctioned.

(2) [Reserved]

* * * * *

13. In § 648.83, paragraph (a)(1) introductory text is revised to read as follows:

§ 648.83 Minimum fish sizes.

(a) * * * (1) Minimum fish sizes for recreational vessels and charter/party vessels that are not fishing under a NE multispecies DAS are specified in § 648.89. Except as provided in § 648.17, all other vessels are subject to the following minimum fish sizes (TL):

* * * * *

14. In § 648.86, introductory text and paragraph (b)(3) are added, and paragraphs (b)(1) heading, (b)(1)(i), (b)(1)(ii), and (b)(2) are revised to read as follows:

§ 648.86 Possession restrictions.

Except as provided in § 648.17, the following possession restrictions apply:

* * * * *

(b) * * *

(1) *Gulf of Maine landing limit.* (i) Except as provided in paragraphs (b)(1)(ii) and (b)(2) of this section, and subject to the cod landing limit call-in provision specified at § 648.10(f)(3)(i), a vessel fishing under a NE multispecies DAS may land up to 1,000 lb (453.6 kg) of cod per DAS, or any part of a DAS, for each of the first 4 DAS of a trip, and may land up to 1,500 lb (680.4 kg) of cod per DAS for each DAS, or any part of a DAS, in excess of 4 consecutive DAS. Vessels calling-out of the multispecies DAS program under

§ 648.10(c)(3) that have utilized "part of a DAS" (less than 24 hours) may land up to an additional 1,000 lb (453.6 kg), or 1,500 lb (680.4 kg) if applicable, of cod for that "part of a DAS"; 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 DAS" 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 (b)(1)(i) of this section, and subject to the cod landing limit call-in provision specified at § 648.10(f)(3)(ii), 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) and does not depart from a dock or mooring in port to engage in fishing, unless transiting as allowed in paragraph (b)(3) of this section, until sufficient time has elapsed to account for and justify the amount of cod harvested at the time of offloading regardless of 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 that fishes and comes back into port at 4 p.m. on Wednesday of that same week with 4,000 lb (1,814.4 kg) of cod, and offloads some or all of its catch, cannot call out of the DAS program or leave port until 3:01 p.m. the next day, Thursday (i.e., 3 days plus one minute)); and

(B) Upon returning to port and before offloading, the vessel operator notifies the Regional Administrator (see Table 1 to § 600.502 of this chapter for the Regional Administrator's address) and provides the following information: Vessel name and permit number, owner and caller name, DAS confirmation number, 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.

* * * * *

(2) *Exemption.* A vessel fishing under a NE multispecies DAS is exempt from the landing limit described in paragraph (b)(1) of this section when fishing south of a line beginning at the Cape Cod, MA coastline at 42°00' N. lat. and running eastward along 42°00' N. lat. until it intersects with 69°30' W. long., then northward along 69°30' W. long. until it intersects with 42°20' N. lat., then eastward along 42°20' N. lat. until it intersects with 67°20' W. long., then northward along 67°20' W. long. until it intersects with the U.S.-Canada maritime boundary, 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 this exemption area, provided that their gear is stowed in accordance with one of the provisions of § 648.81(e).

(3) *Transiting.* A vessel that has exceeded the cod landing limit as specified in paragraph (b)(1) of this section and is, therefore, subject to remain in port for the period of time described in paragraph (b)(1)(ii)(A) of this section, may transit to another port during this time, provided that the vessel operator notifies the Regional Administrator (see Table 1 to § 600.502 of this chapter for the Regional Administrator's address) either at the time the vessel reports its hailed weight of cod or at a later time prior to transiting, and provides the following information: Vessel name and permit number, destination port, time of departure, and estimated time of arrival. A vessel transiting under this provision must stow its gear in accordance with one of the methods specified in § 648.81(e), and may not have any fish on board the vessel.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Advisory Committees; Pharmacy Compounding Advisory Committee; Establishment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing the establishment of the Pharmacy Compounding Advisory Committee in FDA's Center for Drug Evaluation and Research by the Commissioner of Food and Drugs (the Commissioner). Elsewhere in this issue of the **Federal Register**, FDA is publishing a notice requesting nominations for membership on this committee. This document adds the Pharmacy Compounding Advisory Committee to the agency's list of standing advisory committees.

DATES: This rule becomes effective March 10, 1998. Authority for the committee being established will end on February 3, 2000, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Donna M. Combs, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4820.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) (5 U.S.C. app. 2); section 904 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 394), as amended by the Food and Drug Administration Revitalization Act (Pub. L. 101-635); section 503A of the act (21 U.S.C. 353a) and 21 CFR 14.40(b), FDA is announcing the establishment of the Pharmacy Compounding Advisory Committee by the Commissioner. The committee shall provide advice on scientific, technical, and medical issues concerning drug compounding by pharmacists and licensed practitioners, and make appropriate recommendations to the Commissioner.

Because establishment of this advisory committee is explicitly required by section 503A(d)(1) of the act (21 U.S.C. 353a(d)(1)), the Commissioner finds, under 21 CFR 10.40, that notice and public procedure in § 10.40(b) are unnecessary and contrary to the public interest.

Therefore, the agency is amending 21 CFR 14.100(c) as set forth below.