

data are needed, the draft guidance document provides suggested methodologies (e.g., size and scope of the study) to be included in the investigational protocol. This draft guidance document also provides general and product specific labeling guidance that identifies warnings, precautions, and directions for use that further address the risks associated with the use of these devices.

Other elements of the draft guidance include: (1) General information on the regulations and requirements for labeling contact lens care products; (2) information about 510(k) requirements relating to modifying a marketed contact lens care product; and (3) guidance for submitting a 510(k) for contact lens cases and contact lens accessories (i.e., mechanical cleaning aids and accessory cleaning pads).

The draft guidance explains that, in the event that clinical trials are necessary, manufacturers must conduct the trials in accordance with the investigational device exemption regulations in 21 CFR part 812. At this time, FDA considers clinical studies of most contact lens care products to be nonsignificant risk investigations. For nonsignificant risk investigations, approval of an institutional review board (IRB) is necessary before initiating a clinical study, and an investigational plan and informed consent document must be presented to an IRB for review and approval. Prior FDA approval is not required. However, FDA considers most clinical studies of solutions that contain new active ingredients for ophthalmic use and are intended for use directly in the eye to be significant risk investigations that would require both IRB and FDA review and approval.

VI. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96-354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive

impacts; and equity). The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a proposal on small entities. Because this proposal would reduce the regulatory burdens for all manufacturers of contact lens care products covered by this proposal, the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

Accordingly, FDA proposes to amend the regulations in §§ 886.5918, 886.5928, and 886.5933 as set forth below.

VIII. Effective Date

FDA is proposing that any final rule that may issue based on this proposed rule become effective 30 days after date of publication of the final rule in the Federal Register.

IX. Comments

Interested persons may, on or before June 17, 1996, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above, between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 886

Medical devices, Ophthalmic goods and services.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 886 be amended as follows:

PART 886—OPHTHALMIC DEVICES

1. The authority citation for 21 CFR part 886 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 371).

2. Section 886.5918 is revised to read as follows:

§ 886.5918 Rigid gas permeable contact lens care products.

(a) *Identification.* A rigid gas permeable contact lens care product is a device intended for use in the cleaning, conditioning, rinsing, lubricating/rewetting, or storing of a rigid gas permeable contact lens. This includes all solutions and tablets used together with rigid gas permeable contact lenses.

(b) *Classification.* Class II (Special Controls) Guidance Document: "Premarket Notification (510(k)) Guidance Document for Contact Lens Care Products."

3. Section 886.5928 is revised to read as follows:

§ 886.5928 Soft (hydrophilic) contact lens care products.

(a) *Identification.* A soft (hydrophilic) contact lens care product is a device intended for use in the cleaning, rinsing, disinfecting, lubricating/rewetting, or storing a soft (hydrophilic) contact lens. This includes all solutions and tablets used together with soft (hydrophilic) contact lenses and heat disinfecting units intended to disinfect a soft (hydrophilic) contact lens by means of heat.

(b) *Classification.* Class II (Special Controls) Guidance Document: "Premarket Notification (510(k)) Guidance Document for Contact Lens Care Products."

§ 886.5933 [Removed and Reserved]

4. Section 886.5933 *Contact lens heat disinfection unit* is removed and reserved.

Dated: March 18, 1996.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 96-7784 Filed 3-29-96; 8:45 am]

BILLING CODE 4160-01-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 300

[FRL-5448-8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Washington County landfill from the National Priorities List; request for comments.

SUMMARY: The United States Environmental Protection Agency (U.S.

EPA) Region 5 announces its intent to delete the Washington County Landfill Superfund Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that fund-financed responses under CERCLA have been implemented and U.S. EPA, in consultation with the State of Minnesota, has determined that no further response under CERCLA is necessary. U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment. In addition, based on the results of a five-year review of the remedial action completed in January 1994, the existing remedy is being upgraded to improve long-term protectiveness. The State of Minnesota will undertake any further response actions that may be necessary, using funds provided under the Minnesota Landfill Cleanup Law.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before May 1, 1996.

ADDRESSES: Comments may be mailed to Gladys Beard (SR-6J) Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region 5, 77 W. Jackson Blvd. (SR-6J), Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region 5 office and at the local information repository located at: Minnesota Pollution Control Agency Public Library, 520 Lafayette Rd., St. Paul, MN 55155-4194. Requests for comprehensive copies of documents should be directed formally to the Region 5 Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (SMR-7J), U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT: Lawrence Schmitt, Remedial Project Manager at (312) 353-6565, Gladys Beard (SR-6J) Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253 or Don de Blasio (P-19J), Office of Public Affairs, U.S. EPA, Region 5, 77

W. Jackson Blvd., Chicago, IL 60604, (312) 886-4360.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region 5 announces its intent to delete the Washington County Landfill Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for fund-financed remedial actions if the conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete Sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This Federal Register notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the local information repository and the deletion docket.

Upon completion of the public comment period, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address each significant comment that was received. The public is welcome to contact the U.S. EPA Region 5 Office to obtain a copy of this responsiveness summary. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the Federal Register.

IV. Basis for Intended Site Deletion

The Washington County Landfill site is located within the city limits of Lake Elmo in Washington County, Minnesota. Lake Elmo is approximately nine miles northeast of St. Paul. The site occupies a 110 acre parcel, and the landfill covers 40 acres of the site. The area adjacent to the site is predominantly residential with a small amount of farming. Residences are directly adjacent to the site on the north, west, and south. There is a city park to the east of the site. Approximately 3000 people reside within a three mile radius of the site. A recreational lake, Lake Jane, is located 250 feet north of the site.

The landfill is located in a gently sloping area and is underlain by sand and gravel deposits. Ground water flow in the sand and gravel aquifer below the site is generally to the south away from Lake Jane. The site was extensively mined for sand and gravel prior to its use as a sanitary landfill during the years 1969 through 1975. The landfill was operated jointly by Washington and Ramsey Counties ("the Counties"), which accepted approximately 2.6

million cubic yards of solid waste. The solid waste is estimated to be 73% residential waste, 26% commercial waste, and 1% demolition waste.

Following landfill closure, ground water at the site was found to contain elevated levels of organic and inorganic substances in wells on and off-site, including residential wells. Volatile organic compounds (VOCs) found in residential wells were the most serious concern. The site was proposed for the NPL July 8, 1983. The listing was finalized in September 21, 1984, 49 FR 37070.

Operable Unit 1

Remedial planning activities began under the authority of the Minnesota Pollution Control Agency (MPCA) prior to finalization of the site on the National Priorities List. In 1982, MPCA requested that the Counties begin investigating the need for remedial action at the site.

On October 24, 1984, the Counties and MPCA signed a Response Order by Consent which required the following:

Installation and operation of a ground water gradient control system, which captured contaminated ground water and prevented further movement of contaminants off-site;

Installation and operation of a spray irrigation system for VOCs in the captured ground water;

Monitoring of the landfill and area ground water to ensure the effectiveness of the gradient control system and the protection of residential wells; and

Provision of safe drinking water supplies to residents whose private wells contained substances in excess of Minnesota private drinking water well criteria. An interim water supply was required immediately upon effect of the Order and a permanent supply was to be developed.

Construction of monitoring wells, a gradient control well, and the air stripping system was accomplished in sequence with the Phase I thru Phase IV investigations during 1982 and 1983. The gradient control system began full operations on December 12, 1983. The system consisted of one gradient control well near the southwest corner of the landfill, designed to extract 200 gallons per minute, and a spray irrigation area in the southeast portion of the site. The spray irrigation area consisted of an area of 1.9 acres with sandy soils. This area was believed to be contained within the capture zone of the gradient control system. Twenty-seven monitoring wells were installed and an additional 25 residential wells were being monitored for the presence of contaminants.

The Phase V report in February 1984 provided the first evaluation of the

performance of the system. Regular evaluations, modifications, and improvements to the system continued after 1984. During that time, the gradient control system was expanded to include 4 wells capable of extracting a maximum of 400 gallons per minute, berms were constructed and other improvements were made to increase infiltration of treated ground water at the treatment area, and an off-site discharge was added for some extracted ground water. A backup treatment area was added and used while the primary treatment area was down for maintenance. The backup treatment area is not currently in use. Finally, the number of monitoring wells was expanded to 38.

The interim alternative water supply consisted of bottled water for 4 residences, which was implemented immediately after the Response Order was effective in 1984. Planning for a permanent water supply for affected residents resulted in the report: "Long Term Drinking Water Supply Plan for Washington County Sanitary Landfill No. 1" dated October 1985. On July 7, 1986, MPCA issued a Minnesota Enforcement Decision Document (MEDD) which approved the use of activated carbon filters for the residences with drinking water well advisories issued by the Minnesota Department of Health. The activated carbon filters for the 4 affected residences were installed immediately after the MEDD was effective in 1986.

Operable Unit 1 is a containment remedy, with treatment of the extracted ground water. The reports provided by the Counties documented the results of regular sampling of monitoring wells and residential wells, which indicated that the gradient control system adequately contained the ground water contamination on site. Remedial action implementation for Operable Unit 1 ground water and drinking water measures was conducted by the Counties under MPCA authority and oversight prior to the issuance of U.S. EPA's Unilateral Administrative Order on January 16, 1992. U.S. EPA's Unilateral Administrative Order required the Counties to continue the implementation of MPCA's previous requirements. Under the requirements of MPCA's terminated Response Order by Consent, there were no cleanup levels or termination provisions for this operable unit at the site.

Quality Assurance/Quality Control (QA/QC) measures for ground water sampling and analysis were specified in MPCA's Response Order by Consent. U.S. EPA adopted these same measures in its Order. QA/QC for all other

activities was monitored by MPCA, and all documentation is contained in correspondence between the Counties and MPCA or in internal MPCA memos and reports.

In September 1992, a soil gas survey conducted at the site by the MPCA discovered explosive levels of landfill gases in soils at the western boundary of the site. After further investigation confirmed that there was significant off-site migration of explosive gases, U.S. EPA issued a First Amended Unilateral Administrative Order on February 17, 1993. This Order required the Counties to control landfill gas migration so that explosive levels are not exceeded at the property boundary.

A barrier extraction vent system was constructed along the west side of the landfill to intercept migrating gases; this system was completed in December 1993. The system consisted of 11 extraction vents connected to a blower system. The gas control system effectively controlled gas migration from the western portion of the site immediately. The mixture of air and landfill gases collected by the system was found to be safe for discharge to the atmosphere without treatment. Off-site areas which contained elevated levels of explosive gas in soils were monitored and gas levels were found to slowly dissipate. Monitoring of basements in nearby residences for gas accumulation was initiated shortly after discovery of the gas, and no exceedences of safe levels occurred.

Remedial action implementation for Operable Unit 1 explosive gas control measures was conducted by the Counties under U.S. EPA authority and MPCA oversight. QA/QC measures for landfill gas sampling and analysis were specified in the approved work plans. U.S. EPA approved a Remedial Action Report documenting the QA/QC for completion of construction activities for explosive gas control in March 1995. This report describes the activities completed pursuant to the First Amended Unilateral Administrative Order.

Operable Unit 2

Based on the results of residential well sampling conducted during 1988 and 1989, MPCA requested the Minnesota Department of Health (MDH) to reassess the health risks to residents. As a result, the MDH issued drinking water well advisories to 10 residences. MPCA subsequently requested the Counties to re-evaluate the long-term drinking water supply needs of affected residences. The Counties submitted the report "Long-Term Drinking Water Supply Plan, Washington County

Sanitary Landfill No. 1" dated June 30, 1990. This report constitutes the Remedial Investigation/Feasibility Study for Operable Unit 2. MPCA executed a Record of Decision (ROD) requiring the construction of a public water supply system to serve the 10 residences on September 27, 1990. U.S. EPA concurred with this ROD on November 15, 1990.

Although not required by the ROD, the Counties elected to provide the alternate water supply to 73 additional residences within a service area which surrounds the site. The service area was developed to include all residences which might possibly be affected by the site. The additional work also includes the abandonment and sealing of 68 residential wells within the service area, since continued use of these could possibly contribute to further movement of contaminants away from the site. Construction of the water supply system was initiated in June 1991 and connection of the 10 residences with drinking water advisories to the system was completed in December 1991. Connection of 72 of the remaining 73 residences was completed by June 1992.

A Remedial Action Report dated September 1992 documents construction activities for Operable Unit 2. The report describes both the activities required by the ROD and the additional work performed by the Counties in order to increase the protectiveness of the remedy.

Community relations activities conducted by MPCA for Operable Unit 2 began on July 27, 1990, when the RI/FS and Proposed Plan were released to the public. The documents were placed in an information repository at the Lake Elmo Branch of the Washington County Public Library, 3459 Lake Elmo Avenue, Lake Elmo, MN and notices published in local newspapers. A public comment period was open from July 31, 1990 thru August 31, 1990, and a public meeting was held on August 14, 1990. A responsiveness summary was included with the ROD.

Remedial action implementation for Operable Unit 2 was conducted by the Counties under MPCA authority and oversight. The MDH reviewed plans and specifications for the installation of the public water supply system and the sealing of residential wells. Documentation of QA/QC for this operable unit is contained in the Remedial Action Report.

Operable Unit 2 is an alternate water supply, and there are no cleanup levels for this activity. The Remedial Action Report documents that the system was properly installed and tested, and is functioning. The water supply system is

connected to the City of Oakdale's distribution system. Lake Elmo and Oakdale are jointly responsible for maintaining the distribution system and assuring the quality of the drinking water delivered to the residents. Operable Unit 2 is completed and there are no operation and maintenance (O&M) requirements for the alternate water supply system. Responsibility for routine operation of the water supply system has been assumed by the local municipalities.

The QA/QC program utilized throughout this remedial action has been sufficiently rigorous and adequately complied with to enable the determination by U.S. EPA that all activities have been correctly carried out and all results accurately reported. U.S. EPA is thereby assured of the satisfactory execution of the remedial action consistent with MPCA's Response Order by Consent, MEDD, and Record of Decision, as well as U.S. EPA's 1992 and 1993 Unilateral Administrative Orders.

Five-Year Review

Hazardous substances will remain on-site above levels that will allow unrestricted use and unrestricted exposure, and CERCLA Section 121 provides that reviews will be performed every five years for remedial actions which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure. The first Five-Year Review was completed in January 1994. U.S. EPA and MPCA concluded that the remedy has been reasonably effective in limiting further uncontrolled releases of contaminants to the environment. However, the inadequacies documented in the review indicated the need for modifications to the remedy. The remedy was not found to be sufficiently protective of human health and the environment and as operated unlikely to be cost-effective for the long-term. Specific recommendations follow:

Long-Term Water Supply

U.S. EPA and MPCA recommended that the long-term water supply system remedy continue as it currently exists. The public water supply along with well abandonment continued to provide an alternative safe, long-term source of water to the owners of residences near the landfill who were issued drinking water well advisories by the State.

Ground Water Remedial Action

The long-term need for a ground water remedial action was found to be related to recommendations for closure

and post-closure as described below. A final landfill cover combined with a long-term landfill gas extraction and treatment system, if necessary, would reduce long-term reliance on the current gradient control well and treatment system. However, in the short-term, a ground water gradient control well and treatment system would continue to be necessary at the Site. The need for a gradient control system should be evaluated at least on an annual basis.

U.S. EPA and MPCA recommended that the ground water and treatment system be modified to utilize either an air stripper or granular activated carbon filtration system prior to spray irrigation. Winter spraying will be halted and storage capacity of effluent will be provided if the effluent cannot be properly treated.

Ground Water Monitoring Well Network

U.S. EPA and MPCA recommended that the existing ground water and ground water monitoring plan used to evaluate the performance of the system be maintained, with the addition of several monitoring wells.

Landfill Closure and Post-Closure Requirements

U.S. EPA and MPCA recommended that a final landfill cover be installed to current MPCA standards. A final landfill cover should limit infiltration of precipitation into the fill and help to reduce leachate production. The reduction of leachate should in turn reduce the amount of loading to ground water at the landfill site. Reduction of the moisture in the fill should also help to reduce the bacteriological activity in the fill, thus reducing the rate of methane production.

Minnesota Landfill Cleanup Law

In 1994, the Legislature of the State of Minnesota enacted the Landfill Cleanup Law, Minnesota Laws 1994, ch. 639, codified at Minnesota Stat. §§ 115B.39 to 115B.46 (the Act), authorizing the Commissioner of the MPCA to assume responsibility for future environmental response actions at qualified landfills that have received notices of compliance from the Commissioner. Additionally, the Act established funds to enable the MPCA to perform all necessary response, operation, and maintenance at such landfills.

A notice of compliance was issued by MPCA for the Washington County Landfill Site on November 21, 1995. MPCA has since assumed all responsibility for the Washington County Landfill under the Act. This includes operating the ground water gradient control and gas control systems

as well as the implementation of the recommendations of the Five-Year Review. Therefore, no further response actions under CERCLA are appropriate at this time. Consequently, U.S. EPA proposes to delete the site from the NPL.

Dated: March 18, 1996.

David A. Ullrich,

Acting Regional Administrator, U.S. EPA, Region 5.

[FR Doc. 96-7745 Filed 3-29-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[I.D. 032196D]

Northeast Multispecies Fishery; Amendment 7; Resubmission of Disapproved Measure

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

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS announces that the New England Fishery Management Council (Council) has revised a management measure concerning additional days-at-sea (DAS) for vessels enrolled in the Large Mesh Individual DAS category in Amendment 7 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP). The original measure was disapproved. A revised version of that measure has been submitted and accepted for Secretarial review. The intended effect of this measure is to promote

conservation by providing an equitably applied incentive to use nets constructed of mesh that are larger than the minimum size.

DATES: Comments on the revised portion of Amendment 7 must be received on or before April 19, 1996.

ADDRESSES: Send comments to Dr. Andrew A. Rosenberg, Regional Director, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope "Comments on large-mesh individual DAS vessels."

Copies of the original Amendment 7 and related documents are available from the New England Fishery Management Council, 5 Broadway (U.S. Rte. 1), Saugus, MA, 01906-1097.

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

SUPPLEMENTARY INFORMATION:

Amendment 7 was prepared by the Council and submitted to the Secretary of Commerce (Secretary) for review under section 304(b) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The Magnuson Act requires the Secretary to approve, disapprove, or partially disapprove FMPs or amendments, based upon a determination of consistency with national standards and other applicable laws. On February 14, 1996, the Secretary announced disapproval of three measures contained in Amendment 7: The additional allowance of DAS for trawl vessels enrolled in the Individual DAS category that use exclusively 8-inch (20.32 cm) mesh; the 300-lb (136.1-kg) possession allowance of regulated species for vessels that use 8-inch (20.32 cm) mesh in an exempted fishery; and the establishment of a limited access category for vessels that fished in the

Possession Limit open access category under Amendment 5. The remainder of Amendment 7 was published as a proposed rule on March 5, 1996 (61 FR 8492).

Pursuant to section 304(b)(3)(A) of the Magnuson Act, the Council has resubmitted two of the three measures originally disapproved. One of the resubmitted measures would give additional groundfish DAS to all groundfish vessels fishing exclusively with large mesh and that elect to fish under the Large Mesh Individual DAS category under Amendment 7 to the FMP. The Council remedied the defect that led to preliminary disapproval by clarifying that the proposed measure to increase fishing time in the individual category would apply to all vessels using large mesh, whether they are trawl vessels or gillnet vessels.

NMFS, on behalf of the Secretary, disapproved a second resubmitted measure that would have allowed a 300-lb (136.1-kg) regulated species possession limit for vessels fishing with 8-inch (20.32-cm) mesh in an exempted fishery. This measure was disapproved before publishing this notice of availability as authorized under section 304(a)(1)(A)(ii) of the Magnuson Act.

Regulations proposed by the Council to implement the resubmitted measure for Amendment 7 to the FMP are scheduled to be published within 15 days.

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

Dated: March 27, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96-7887 Filed 3-27-96; 4:28 pm]

BILLING CODE 3510-22-F