under the three most common installation and replacement methods (trenching, boring, insertion), an additional excavation or cutting and resealing of the pipe would be needed to accommodate the requirement. Furthermore, the effect of this requirement would be to install the EFV further from the service line than necessary.

Response: RSPA intended in the final rule that if an EFV were installed in a service line, it would be located as near the gas supply main as practical. RSPA further recommended that the EFV be located beyond the hard surface to alleviate concerns raised during the rulemaking process that installing or removing an EFV under a hard surface would result in increased installation or removal costs. To avoid any confusion for the operator about where best to locate an EFV, RSPA is deleting the language ''beyond the hard surface'' from the rule.

RSPA continues to believe that if an EFV is installed, it is placed as near the source of gas supply as practical to ensure the EFV protects the maximum length of service line. Therefore, we are further amending the section to clarify the original intent of the rule by changing ''should locate'' to ''shall locate the EFV as near as practical to the fitting connecting the service line to its source of gas supply.'' The clarification continues to allow the operator to decide if such an installation is practical.

IV. AGA argued in its petition that the language requiring that the EFV be ''sized to close at * * *'' (§ 192.381(a)(3)(I)), has caused confusion among operators. AGA explained that because sizing is usually done by an engineer, not the manufacturer, an operator could not ensure that the manufacturer had sized the valve correctly. AGA recommended RSPA delete this language or clarify who bears responsibility for ensuring the EFV is correctly sized.

Response: In RSPA's experience, the language concerning sizing should not cause confusion. Nonetheless, to preclude this possibility, RSPA is deleting the language ''[b]e sized to * * *'' from § 192.381(a)(3)(I).

Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

The Office of Management and Budget (OMB) does not consider this final rule to be a significant regulatory action under section 3(f) of Executive Order 12866. Therefore, OMB did not review this final rule. Also, DOT does not consider this final rule to be significant under its regulatory policies and procedures (44 FR 11034; February 26, 1979). Because this final rule merely clarifies an existing rule, the economic impact is too minimal to warrant an evaluation of costs and benefits. However, an economic evaluation of the original final rule is available for review in the docket.

Executive Order 12612

We analyzed this final rule under the principles and criteria in Executive Order 12612 (''Federalism''). The final rule does not have sufficient federalism impacts to warrant preparation of a federalism assessment.

Regulatory Flexibility Act

I certify, under Section 605 of the Regulatory Flexibility Act, that this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule does not modify the paperwork burden that operators already have. Therefore, a paperwork evaluation is unnecessary.

List of Subjects in 49 CFR Part 192

Natural gas, Pipeline safety, Reporting and record keeping requirements.

RSPA amends 49 CFR part 192 as follows:

PART 192—[AMENDED]

1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; 49 CFR 1.53.

2. Section 192.381 is amended by revising paragraphs (a)(3)(i), and (d) to read as follows:

§ 192.381 Service lines: Excess flow valve performance standards.

(a) * * *

(3) At 10 psig:

(i) Close at, or not more than 50 percent above, the rated closure flow rate specified by the manufacturer; and

* * * * *

(d) An operator shall locate an excess flow valve as near as practical to the fitting connecting the service line to its source of gas supply.

* * * * *

Issued in Washington, DC, on January 14, 1997.

Kelley S. Coyner,

Deputy Administrator.

[FR Doc. 97–1249 Filed 1–16–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961105310–6374–02; I.D. 102396A]

RIN 0648–AJ31

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 17

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 17 and to correct the regulations implementing Amendment 7 to the Northeast Multispecies Fishery Management Plan (FMP). Framework 17 restores unused days-at-sea (DAS) to vessels enrolled in the DAS effort-control call-in system that fished less than one-sixth of their Amendment 7 DAS allocation during the months of May and June 1996. The intent of this rule is to provide vessels with their full Amendment 7 allocation of DAS and to correct an inadvertent omission in a previous rule.

EFFECTIVE DATE: January 14, 1997.

ADDRESSES: Copies of Amendment 7 to the Northeast Multispecies Fishery Management Plan (Amendment 7), its regulatory impact review (RIR) and the final regulatory flexibility analysis (RFA) contained within the RIR, its final supplemental environmental impact statement, and Framework Adjustment 17 documents are available upon request from Christopher B. Kellogg, Acting Executive Director, New England Fishery Management Council (Council), 5 Broadway, Saugus, MA 01906–1097.

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

SUPPLEMENTARY INFORMATION: Amendment 7 to the FMP (61 FR 27710, May 31, 1996) became effective on July 1, 1996, and implemented reductions in DAS for vessels already under the effort-control system. During the developmental stages of Amendment 7, it became clear that the New England Fishery Management Council (Council) would be unable to submit the amendment in time for it to be implemented before the May 1 start of the new fishing year. To address this situation, the Council agreed to prorate DAS to adjust for the gap between the

start of the fishing year and the implementation date of the revised allocations. However, because this had the unintended effect of assessing a prorated number of DAS, regardless of whether the DAS were actually used, and because the call-in system is in place to assess actual DAS used, the Council opted, through Framework 17, to use the actual method for those vessels subject to the call-in system in May and June. Further details concerning justification for and development of Framework Adjustment 17 were provided in the notice of proposed rulemaking (61 FR 58365, November 14, 1996) and are not repeated here.

This framework restores unused DAS (up to one-sixth of the full-year allocation) to vessels enrolled in the call-in system in May and June 1996, and that did not record more than one-sixth of their full-year allocation. Since these vessels (vessels holding a 1996 Amendment 5 multispecies permit in the Individual, Fleet, or Combination Vessel categories) had the opportunity to request a change in permit category, provided that the application was completed and sent to the Regional Administrator by August 15, 1996, the restoration of DAS will be calculated based on the permit category held by the vessel on August 16, 1996.

This rule also adds surf clam and ocean quahog dredge gear to the definition of exempted gear with respect to the NE multispecies fishery (i.e., gear that is deemed not capable of catching multispecies). This gear was inadvertently excluded from the definition in the final rule for Amendment 7, which created an inconsistency with the final Amendment 7 document.

Comments and Responses

Comment: Associated Fisheries of Maine, Maine Fishermen's Wives Association, Atlantic Trawlers Fishing, Inc., Senators Olympia J. Snowe and William S. Cohen, and one individual submitted written comments in support of Framework 17. The commenters asserted that the proposed rule to Amendment 7 did not explain how DAS would be prorated and, consequently, was interpreted by many to mean that DAS would be prorated only for those vessels that were not under the call-in system previous to Amendment 7. Because of this interpretation, one commenter stated that many vessels reserved their DAS in May and June for periods of time throughout the year that are traditionally more profitable to fish. Several others stated that it would create a financial hardship if their unused DAS were not restored.

Response: With the approval of Framework Adjustment 17, DAS will automatically be restored to vessels enrolled in the call-in system that fished less than one-sixth of their Amendment 7 allocation during the months of May and June 1996.

Classification

In addition to the restoration of unused DAS for which prior notice and opportunity for public comment was provided, this rule corrects a provision for which full prior notice and opportunity for comment were provided during the development and implementation of Amendment 7. Therefore, the Assistant Administrator for Fisheries, NOAA (AA), under 5 U.S.C. 553(b)(B), finds that additional prior notice and opportunity for public comment is unnecessary.

Under 5 U.S.C. 553(d)(1), both provisions of this rule are not subject to a delay in effectiveness because they relieve restrictions on the fishing industry.

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 that this rule would not have a significant economic impact on a substantial number of small entities. The reasons were published in the notice of proposed rulemaking for Framework Adjustment 17. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 13, 1997.

Charles Karnella,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

2. In § 648.2, the definition for ''Exempted gear'' is revised to read as follows:

§ 648.2 Definitions.

* * * * *

Exempted gear, with respect to the NE multispecies fishery, means gear that is deemed to be not capable of catching NE multispecies and includes: Pelagic hook and line, pelagic longline, spears, rakes, diving gear, cast nets, tongs, harpoons, weirs, dipnets, stop nets, pound nets, pelagic gillnets, pots and traps, purse seines, shrimp trawls (with a properly configured grate as defined under this part), surf clam and ocean quahog dredges, and midwater trawls.

* * * * *

3. In § 648.82, paragraphs (b)(1)(i), (b)(2)(i), (b)(5)(i), and (b)(7)(i) are revised, and paragraph (j) is added to read as follows:

§ 648.82 Effort-control program for limited access vessels.

* * * * *

(b) * * *

(1) * * *

(i) *DAS allocation*. A vessel fishing under the Individual DAS category shall be allocated 65 percent of its initial 1994 allocation baseline, as established under Amendment 5 to the NE Multispecies FMP, multiplied by the proration factor of 0.833 for the 1996 fishing year, unless a vessel qualifies for a restoration of DAS under paragraph (j) of this section, and 50 percent of its initial allocation baseline for the 1997 fishing year and beyond, as calculated under paragraph (d)(1) of this section.

* * * * *

(2) * * *

(i) *DAS allocation*. A vessel fishing under the Fleet DAS category shall be allocated 116 DAS (139 DAS multiplied by the proration factor of 0.833) for the 1996 fishing year, unless a vessel qualifies for a restoration of DAS under paragraph (j) of this section, and 88 DAS for the 1997 fishing year and beyond.

* * * * *

(5) * * *

(i) *DAS allocation*. A vessel fishing under the Combination Vessel category shall be allocated 65 percent of its initial 1994 allocation baseline, as established under Amendment 5 to the NE Multispecies FMP, multiplied by the proration factor of 0.833 for the 1996 fishing year, unless a vessel qualifies for a restoration of DAS under paragraph (j) of this section, and 50 percent of its initial allocation baseline for the 1997 fishing year and beyond, as calculated under paragraph (d)(1) of this section.

* * * * *

(7) * * *

(i) *DAS allocation*. A vessel fishing under the Large Mesh Fleet DAS category shall be allocated 129 DAS (155 DAS multiplied by the proration factor of 0.833) for the 1996 fishing year,

unless a vessel qualifies for a restoration of DAS under paragraph (j) of this section, and 120 DAS for the 1997 fishing year, and beyond. To be eligible to fish under the Large Mesh Fleet DAS category, a vessel while fishing under this category must fish with gillnet gear with a minimum mesh size of 7–inch (17.78–cm) diamond mesh or trawl gear with a minimum mesh size of 8–inch (20.32–cm) diamond mesh, as described under § 648.80(a)(2)(ii), (b)(2)(ii), and (c)(2)(ii).

* * * * *

(j) *Restoration of unused DAS*. Vessels that held valid 1996 Amendment 5 NE multispecies permits in the Individual, Fleet or Combination Vessel categories are eligible for restoration of unused DAS if DAS fished during May and June 1996 was less than one-sixth of their 1996 Amendment 7 allocation. Restoration of DAS will be based on the NE multispecies permit category held on August 16, 1996. These vessels will be automatically credited with DAS equal to the difference between the proration reduction and their DAS fished during May and June 1996, as recorded in the NMFS call-in system specified at § 648.10(c) (or on other verifiable evidence of days spent fishing for multispecies). If the number of DAS fished during this time period exceeded the proration reduction amount, those days will not be subtracted from a vessel's 1996 allocation.

[FR Doc. 97–1204 Filed 1–14–97; 4:13 pm]

BILLING CODE 3510–22–F