

2. Part 193 is amended by adding § 193.2019 to subpart A to read as follows:

§ 193.2019 Mobile and temporary LNG facilities.

Mobile and temporary LNG facilities for peakshaving application, for service maintenance during gas pipeline systems repair/alteration, or for other short term applications need not meet the requirements of this part if the facilities are in compliance with section 2-3.4 of NFPA 59A (1996 edition).

3. Section 193.2057 is amended by revising paragraphs (b) and (c)(1) to read as follows:

§ 193.2057 Thermal radiation protection.

(b) Measurement. The exclusion distance "d" is the horizontal distance measured from the impoundment area to the target where the following apply:

(1) The maximum calculated exclusion distance for each thermal flux level shall be used for that exposure (offsite target) in paragraph (d) of this section.

(2) The wind speed producing the maximum exclusion distances shall be used except for wind speeds that occur less than 5 percent of the time based on recorded data for the area.

(3) The ambient temperature and relative humidity that produce the maximum exclusion distance shall be used except that values that occur less than 5 percent of the time based on recorded data for the area shall not be used.

(4) Properties of LNG with the highest anticipated heating value shall be used.

(5) The height of the flame base should be that of any dike or containment in relation to the horizontal reference plane. The height of the target shall be in relation to the same reference plane.

(1) The method of calculating the exclusion distances for levels of radiant exposure listed in paragraph (d) of this section shall be the method described in Gas Research Institute report GRI-89/0176 and also available as the "LNGFIRE" computer program from GRI.

4. The "Impoundment & Topography Elevation Profile" diagram following § 193.2057(b) of this section is removed.

5. Section 193.2059 is amended by revising paragraphs (c) introductory text and (d)(1)(ii) and adding paragraph (c)(4), to read as follows:

§ 193.2059 Flammable vapor-gas dispersion protection.

(c) Computing dispersion distance. A minimum dispersion distance must be computed for the impounding system. If grading and drainage are used under § 193.2149(b), operators must comply with the requirements of this section by assuming the space needed for drainage and collection of spilled liquid in an impounding system. Dispersion distances must be determined in accordance with the following dispersion parameters, using the "DEGADIS" model described in Gas Research Institute report No. GRI 89/0242 titled "LNG Vapor Dispersion Prediction with the DEGADIS Dense Gas Dispersion Model", or a model for vapor dispersion which meets the requirements of § 193.2057(c)(2)(ii) through (iv):

(4) A surface roughness factor of 3 cm shall be used. Higher values for the roughness factor may be used if it can be shown that the terrain both upwind and downwind of the vapor cloud has dense vegetation and that the vapor cloud height is more than ten times the height of the obstacles encountered by the vapor cloud.

(d) * * *

(1) * * *

(ii) In determining variations in the vaporization rate due to surface contact, the time necessary to wet 100 percent of the impounding floor area shall be determined by equation C-9 in the 1974 AGA report titled "Evaluation of LNG Vapor Control Methods," or by using an equivalent personal computer program based on equation C-9 or by an alternative model which meets the requirements of § 193.2057(c)(2)(ii) through (iv).

6. Appendix A to Part 193 is amended in subsection I. by revising the entries E., F., G., and H. and adding an entry I., and amended in subsection II. by redesignating entries F. and G. as entries G. and H. and adding a new entry F. to read as follows:

Appendix A to Part 193—Incorporation by Reference

I. List of Organizations and Addresses

E. American Society of Civil Engineers (ASCE), 345 East 47th Street, New York, NY 10017-2398.

F. American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017.

G. Gas Research Institute (GRI), 8600 West Bryn Mawr Ave, Chicago, IL 60631.

H. International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601.

I. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O.Box 9101, Quincy, MA 02269-9101.

II. Documents Incorporated by Reference. (Numbers in Parentheses Indicate Applicable Editions)

* * * * *

F. Gas Research Institute (GRI):

1. GRI-89/0176 "LNGFIRE: A Thermal Radiation Model for LNG Fires" (June 29, 1990).

2. GRI-89/0242 "LNG Vapor Dispersion Prediction with the DEGADIS Dense Gas Dispersion Model" (April 1988-July 1990).

* * * * *

Issued in Washington, D.C. on January 23, 1997.

Kelley S. Coyner,

Deputy Administrator.

[FR Doc. 97-4614 Filed 2-24-97; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 970211028-7028-01; I.D. 012397A]

RIN 0648-AJ34

Fisheries of the Northeastern United States; Framework 21 to the Northeast Multispecies Fishery Management Plan

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement measures contained in Framework Adjustment 21 to the Northeast Multispecies Fishery Management Plan (FMP). These regulations allow vessels with general category scallop permits or limited access permits, if not fishing under a days-at-sea (DAS) limitation, to fish for scallops with small dredges (combined width not to exceed (10.5 ft (3.2 m)) within the Gulf of Maine Small Mesh Northern Shrimp Fishery Exemption Area. The intent of this action is to allow small scallop dredge vessels to harvest scallops in a manner that is consistent with the bycatch reduction objectives of the FMP.

EFFECTIVE DATE: February 20, 1997.

ADDRESSES: Copies of Amendment 7 to the FMP (Amendment 7), its regulatory impact review and the initial regulatory flexibility analysis, its final supplemental environmental impact statement (FSEIS), and the supporting

documents for Framework Adjustment 21 are available from Christopher B. Kellogg, Acting Executive Director, New England Fishery Management Council, 5 Broadway, (Route 1), Saugus, MA 01906-1097.

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

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing Amendment 7 became effective on July 1, 1996 (61 FR 27710, May 31, 1996). The amendment prohibited all fishing in the Gulf of Maine small mesh exemption area unless the vessel was fishing under a multispecies or scallop DAS allocation, or with exempted gear, or under the handgear permit restrictions, or in an exempted fishery (a fishery in which it has been determined to have less than 5 percent bycatch of regulated species). Amendment 7, in effect, eliminated fisheries that were determined to be inconsistent with the bycatch reduction goal of the FMP. One of the fisheries eliminated was the General Permit Category, small dredge scallop fishery in the Gulf of Maine (GOM).

Framework Adjustment 21 provides an exemption from the multispecies regulations to allow the conduct of a small dredge (combined width not to exceed 10.5 ft (3.2 m)) sea scallop fishery for General Category scallop permit holders and for limited access scallop vessels when not fishing under a DAS. This exemption is implemented year-round in the Gulf of Maine Small Mesh Exemption Area, except in the Mid-Coast Closure Area, because of high aggregations of cod in that area. Vessels fishing in this exemption program are further prohibited from landing or possessing any species other than Atlantic sea scallops.

This framework adjustment is consistent with the bycatch reduction goal of the FMP, based on the following information. Reports from at-sea observation by state biologists from Maine and Massachusetts indicate minimal or no bycatch from the small dredge scallop fishery. NMFS without records of interviewed trips from the GOM during 1988-93 indicate the average bycatch of regulated species was 1.5 percent over the 6-year period. NMFS vessel trip reports from 1994 and 1995 also show minimal amounts of bycatch from this fishery. Based on available information, the New England Fishery Management Council (Council) has concluded, and NMFS agrees, that the bycatch of regulated species by

small scallop dredges in the GOM Small Mesh Exemption Area is less than 5 percent by weight of total catch and does not jeopardize fishing mortality objectives or other goals and objectives of the FMP. The States of Maine and Massachusetts have offered observer coverage during the initial implementation of this framework adjustment to assure that the bycatch of regulated species is within the 5 percent level.

The Council recommended publication of this management measure 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. The Administrator, Northeast Region, NMFS, concurs with the Council's recommendation and has determined that Framework Adjustment 21 should be published as a final rule.

NMFS is amending the multispecies regulations following the procedure for framework adjustments established by Amendment 7 and codified in 50 CFR part 648. The Council developed and analyzed the actions at two Council meetings held on October 2-3 (61 FR 50796, September 27, 1996) and November 6-7, 1996 (61 FR 56213, October 31, 1996).

Comments and Responses

The October 2-3, 1996, Council meeting was the first of two meetings that provided an opportunity for public comment on Framework Adjustment 21. A draft document containing the proposed management measures and their rationale was available to the public during the last week in September 1996, and notices of the initial and final Council meetings were mailed to approximately 1,900 people and published in the Federal Register. The final public hearing was held on November 6-7, 1996. Testimony provided by industry members at the public meetings favored the framework adjustment. No other comments were received.

Classification

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

NMFS reinitiated consultation on the Northeast Multispecies, Atlantic Sea Scallop and American Lobster FMPs, and this action was considered as part of this comprehensive consultation. The consultation considered new information concerning the status of the northern right whale. As a result of the consultation, NMFS has determined that: (1) The fishing activities carried

out under the Multispecies and Lobster FMPs are likely to jeopardize the continued existence of the northern right whale; (2) the prosecution of the multispecies, lobster, and scallop fisheries will not adversely modify right whale critical habitat; (3) that the current fishing practices allowed under the Lobster FMP and the Multispecies FMP may affect but are not likely to jeopardize the continued existence of the harbor porpoise and the distinct population segment of Atlantic salmon stocks found in certain Maine rivers that are both currently proposed to be listed as threatened; and (4) no new information has become available that changes the basis for previous determinations that the scallop FMP and prosecution of the scallop fishery, which is provided additional fishing opportunity as a result of this action, is not likely to adversely affect endangered, threatened, and proposed species or adversely modify critical habitat. The new information provided above does not change the basis for the conclusions of the 1996 Biological Opinion that the fishing activities carried out under the Lobster and Multispecies FMPs may affect, but are not likely to jeopardize, the continued existence of the other endangered and threatened whale and sea turtle species under NMFS jurisdiction.

The Assistant Administrator for Fisheries, NOAA (AA), under 5 U.S.C. 553(b)(B), finds that there is good cause to waive the requirement to provide prior notice and opportunity for public comment as such procedures are unnecessary. Public meetings held by the Council to discuss the management measure implemented by this rule provided adequate prior notice and opportunity for public comment to be heard and considered. Further, NMFS is responding in this rule to the comments it received during these meetings. This rule removes a prohibition on fishing applied to certain gear types in certain areas, thereby relieving a restriction. As such, under 5 U.S.C. 553(d)(1), this rule is not subject to the 30-day delay in effectiveness.

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 allow small scallop dredges to harvest scallops in amounts that are consistent with the bycatch reduction objectives of the FMP.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 19, 1997.

Rolland A. Schmitt

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended to read 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 § 648.80, paragraph (a)(2)(iii) is revised and paragraph (a)(10) is added to read as follows:

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

* * * * *

(a) * * *

(2) * * *

(iii) *Other gear and mesh exemptions.*

The minimum mesh size for any trawl net, sink gillnet, Scottish seine, midwater trawl, or purse seine on a vessel or used by a vessel when fishing in the GOM/GB Regulated Mesh Area while not under the NE multispecies DAS program, but when under one of the exemptions specified in paragraphs (a)(3), (a)(4), (a)(6), (a)(8), (a)(9), (d), (e), (h), and (i) of this section, is set forth in the respective paragraph specifying the exemption. Vessels that are not fishing under one of these exemptions, or under the small dredge exemption specified in § 648.54 and (a)(10) of this section, under the scallop state waters exemption specified in § 648.54, or under a NE multispecies DAS, are prohibited from fishing in the GOM/GB regulated mesh area.

* * * * *

(10) *Scallop Dredge Fishery Exemption within the Gulf of Maine (GOM) Small Mesh Northern Shrimp Fishery Exemption Area.* Vessels with a limited access scallop permit that have declared out of the DAS program as specified in § 648.10, or have used up their DAS allocations, and vessels issued a general scallop permit may fish in the GOM Small Mesh Northern Shrimp Fishery Exemption Area when not under a NE multispecies DAS providing the vessel complies with the requirements specified in paragraph (a)(10)(i) of this section. The GOM Scallop Dredge Fishery Exemption Area is equivalent to the area defined in paragraph (a)(3) of this section and designated as the Small Mesh Northern Shrimp Fishery Exemption Area.

(i) *Requirements.* (A) A vessel fishing in the GOM Scallop Dredge Fishery Exemption Area specified in paragraph (a)(10) of this section, may not fish for, possess on board, or land any species of fish other than Atlantic sea scallops.

(B) The combined dredge width in use by or in possession on board vessels fishing in the GOM Scallop Dredge Fishery Exemption Area shall not exceed 10.5 ft (3.2 m) measured at the widest point in the bail of the dredge.

(C) The exemption does not apply to areas closed to meet the Mid-coast closure fishery mortality reduction targets as specified in § 648.81(g).

(ii) [Reserved]

* * * * *

[FR Doc. 97-4590 Filed 2-20-97; 2:27 pm]

BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 960502124-6190-02; I.D. 021997E]

Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Registration Area D

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

ACTION: Closure.

SUMMARY: NMFS is closing the scallop fishery in all districts of Scallop Registration Area D (Yakutat) other than District 16. This action is necessary to prevent exceeding the scallop 1997 total allowable catch (TAC) in this area.

EFFECTIVE DATES: 1200 hrs, Alaska local time (A.l.t.), February 20, 1997, until 2400 hrs, A.l.t., June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The scallop fishery in the exclusive economic zone off Alaska is managed by NMFS according to the Fishery Management Plan for the Scallop Fishery Off Alaska (FMP), which was prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing for scallops is governed by regulations appearing at subpart F of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.62(b), the 1997 scallop TAC for all districts of Scallop Registration Area D, other than District 16, was established by the Final 1996 Harvest Specifications of Scallops (61 FR 38099, July 23, 1996) as 250,000 lb (113,430 kg) shucked meat.

In accordance with § 679.62(c), the Administrator, Alaska Region, NMFS,

has determined that the scallop TAC for all districts of Scallop Registration Area D, other than District 16, has been reached. Consequently, NMFS is prohibiting the taking and retention of scallops in all districts of Scallop Registration Area D, other than District 16.

Classification

This action is required by § 679.62 and is exempt from review under E.O. 12866.

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

Dated: February 19, 1997.

Gary Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97-4586 Filed 2-20-97; 2:28 pm]

BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 961107312-7021-02; I.D. 021997A]

Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component Pollock in the Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to prevent exceeding the first seasonal allowance of the pollock total allowable catch (TAC) apportioned to vessels harvesting pollock for processing by the offshore component in the BS.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), February 20 1997, until 1200 hrs, A.l.t., April 15, 1997.

FOR FURTHER INFORMATION CONTACT: David Ham, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and CFR part 679.