

Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency contemporaneously published similar proposals. Collectively, the banking agencies received over 200,000 comments from the public, the overwhelming majority of which were strongly opposed to the adoption of the proposed regulation. After considering the issues raised by the comments, and in view of the strong opposition to the proposed regulation, OTS is withdrawing the Notice of Proposed Rulemaking.

DATES: Proposed § 563.178 is withdrawn on March 29, 1999.

FOR FURTHER INFORMATION CONTACT:

Larry A. Clark, Director, Trust Programs, (202) 906-5628, Gary C. Jackson, Analyst, Compliance Policy and Specialty Examinations, (202) 906-5653, Christine Harrington, Counsel (Banking and Finance), (202) 906-7957, or Karen Osterloh, Assistant Chief Counsel, (202) 906-6639, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 1998, OTS published a proposed "Know Your Customer" regulation (63 FR 67536, Dec. 7, 1998). The proposed regulation was intended to provide guidance to savings associations to facilitate and ensure their compliance with existing federal reporting and recordkeeping requirements, such as those found in the Bank Secrecy Act. It was intended to help protect the integrity and reputation of the financial services industry as it combats money laundering and other illegal activities that might be occurring through financial institutions.

OTS received approximately 5,000 comments on the proposal. Comments came from individuals, depository institutions of all sizes, members of Congress, trade and industry research groups, and regulatory bodies. Very few commenters supported the proposed regulation.

The overwhelming majority of commenters were private citizens who strongly opposed the proposal as an invasion of personal privacy. Depository institutions, their holding companies, and industry trade groups commenting on the proposal also opposed the proposed regulation, arguing that the regulation would be very costly to implement, especially for small institutions; would invade customer privacy; and would unfairly disadvantage depository institutions if

all segments of the financial services industry were not covered.

Withdrawal of the Proposed Rule

The OTS is sensitive both to the concerns raised by the commenters and to the need for a supervisory framework that ensures that the institutions we regulate adhere to the nation's anti-money laundering statutes, including the Bank Secrecy Act. OTS has carefully reviewed the comments received. After considering the concerns raised, we are convinced the proposed regulation does not strike the appropriate balance. Based upon that review, OTS withdraws its proposal published in the **Federal Register** on December 7, 1998, at 63 FR 67536.

By the Office of Thrift Supervision.
Dated: March 22, 1999.

Ellen Seidman,

Director.

[FR Doc. 99-7485 Filed 3-26-99; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-106219-98]

RIN 1545-AW32

Acquisition of an S Corporation by a Member of a Consolidated Group; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations under section 1502 providing specific rules that apply to the acquisition of the stock of an S corporation by an affiliate group of corporations that joins in the filing of a consolidated return.

DATES: The public hearing originally scheduled for Wednesday, March 31, 1999, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: LaNita Van Dyke of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622-7190 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and/or notice of public hearing that appeared in the **Federal Register** on Thursday, December 17, 1998, (63 FR 69581), announced that a public hearing was scheduled for Wednesday, March 31,

1999, at 10 a.m., in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 1502 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Wednesday, March 10, 1999. The outlines of topics to be addressed at the hearing were due on Wednesday, March 17, 1999.

The notice of proposed rulemaking and/or notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Friday, March 19, 1999, no one has requested to speak. Therefore, the public hearing scheduled for Wednesday, March 31, 1999, is cancelled.

Cynthia Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 99-7518 Filed 3-26-99; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 990318076-9076-01; I.D. 030599A]

RIN 0648-AL72

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 27

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

ACTION: Proposed 1999 target total allowable catch (TAC) levels and management measures; request for comments.

SUMMARY: NMFS issues this proposed rule to implement measures contained in Framework 27 to the Northeast Multispecies Fishery Management Plan (FMP). This action is necessary to address overfishing of several stocks, in particular Gulf of Maine (GOM) cod, and to achieve the rebuilding goals of the FMP for the 1999 multispecies fishing year. The primary management measures proposed in Framework 27 would establish GOM Rolling Closures of greater size and duration than the current GOM Inshore Closure Areas, reconfigure and increase the duration of the Cashes Ledge Closure Area, reduce the GOM cod trip limit to 200 lb/day

(90.7 kg/day), modify the haddock trip limit, increase the minimum square-mesh size to 6.5 inches (16.51 cm) for the Gulf of Maine/Georges Bank and Southern New England (SNE) Regulated Mesh Areas, and limit the diameter of roller and rockhopper gear to 12 inches (30.48 cm) in a designated GOM inshore area. Framework 27 also proposes a mechanism that would allow the Regional Administrator, Northeast Region, NMFS (Regional Administrator) to reduce the GOM cod landing limit to between 5 and 100 lbs (2.3 and 45.3 kg) when 30 percent of the F_{max} GOM cod target TAC (402 mt) is harvested, depending upon the risk of exceeding the target TAC.

DATES: Comments must be received on or before April 13, 1999.

ADDRESSES: Comments on this proposed rule should be sent to Jon C. Rittgers, Acting Regional Administrator, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Proposed Rule for Multispecies Framework Adjustment 27."

Copies of Framework Adjustment 27, its Environmental Assessment, Regulatory Impact Review (RIR), and Initial Regulatory Flexibility Analysis (IRFA) are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906.

Comments regarding the collection-of-information requirements contained in this proposed rule should be sent to Jon Rittgers, Acting 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: Richard A. Pearson, Fishery Policy Analyst, 978-281-9279.

SUPPLEMENTARY INFORMATION: Amendment 7, which became effective on July 1, 1996, established a procedure for setting annual target TACs for the five primary stocks of cod, haddock, and yellowtail flounder (Georges Bank (GB) cod, GB haddock, GB yellowtail flounder, SNE yellowtail flounder, and GOM cod) and an aggregate TAC for the combined stocks of the other regulated multispecies, which are simultaneously managed under the FMP. A Multispecies Monitoring Committee (MSMC) was established to annually review the best available scientific information, adjust target TACs, and recommend management options to achieve plan objectives for the regulated multispecies. The MSMC annual review provides a process to evaluate the effectiveness of the multispecies management program and to make determinations on the need for annual adjustments to the program.

Adjustments of the target TACs are calculated based on the biological reference points of F_{max} for GOM cod and $F_{0.1}$ for the remaining stocks of cod, haddock, and yellowtail flounder.

Prior to the submission of the MSMC Report which contains advice for the 1999 fishing year, the New England Fishery Management Council (Council) received the results of the 27th Stock Assessment Workshop (SAW 27, 1998). SAW 27 indicated that the GOM cod stock is collapsing. The stock remains overexploited, recruitment continues to be at record low levels, spawning stock biomass is projected to decline to the lowest level ever observed, and total biomass has declined to an extremely low level. In response, the Council developed Framework Adjustment 26 that implemented additional GOM closures during the months of February,

March, and April 1999 to provide protection to GOM cod during spawning aggregations (64 FR 2601, January 15, 1999). The MSMC report containing advice for the 1999 fishing year was presented at the December 9-10, 1998, Council meeting. It concluded that, at 0.82, the fishing mortality rate for GOM cod continues to be well above the overfishing definition of $F_{20\%}$ (0.37) and the Amendment 7 mortality target of F_{max} (0.29). In fact, the TAC associated with F_{max} (0.29) was exceeded in 1996 and in each year thereafter. In 1998, preliminary data indicates that 4,075 mt of GOM cod was landed against a TAC of 1,783 mt. Due to the critical condition of GOM cod, the Council voted that a more precautionary approach should be employed in establishing annual measures. Therefore, the Council adopted management measures in Framework 27 using $F_{0.1}$ (0.16) as a precautionary benchmark for GOM cod to ensure that the F_{max} mortality objective was not exceeded. Considering 1998 landings, the MSMC estimated that for this stock, a reduction in F of 56.2 percent is necessary to achieve F_{max} in the 1999 fishing year (i.e., ensure that F_{max} is not exceeded), and a reduction of 72.5 percent would be needed to achieve the more precautionary $F_{0.1}$ benchmark. A 21.9-percent reduction is necessary to achieve the $F_{0.1}$ objective for GB cod. The MSMC report also noted that stock status has improved for GB haddock, GB yellowtail flounder, and SNE yellowtail flounder, in part because the most recent annual fishing mortalities for these three stocks were below the Amendment 7 overfishing thresholds.

Based on projected 1999 stock sizes and Amendment 7's fishing mortality targets, the target TACs for the 1999 fishing year were proposed by the MSMC as follows:

Species/area	1999 target TACs (metric tons)	1998 target TACs (metric tons)
Georges Bank cod	5,354	4,700
Georges Bank haddock	5,600	4,797
Georges Bank yellowtail flounder	2,725	2,145
Southern New England yellowtail flounder	1,115	814
Gulf of Maine cod (F_{MAX})	1,340	1,783
Gulf of Maine cod ($F_{0.1}$)	782	1,783
Aggregate for remaining regulated species	25,500	25,500

In addition to recommending the target TACs, the MSMC report also provided the Council with six specific management options to keep the target TACs from being exceeded. These

options were based on DAS reductions, trip limits, and area closures in various combinations. Five other management proposals were submitted to the Council

by state or industry representatives for initial consideration for Framework 27.

The framework process requires the Council, when making specifically allowed adjustments to the FMP, to

develop and analyze the actions over the span of at least two Council meetings, where comments are accepted. The Council must provide the public with advance notice of both the framework proposals and the associated analysis, and provide an opportunity to comment on them specifically prior to and at the second Council meeting.

At the initial Framework Adjustment 27 meeting on December 10, 1998, the Council narrowed its management options to three. Two of the three options were industry proposals (prepared by the Gulf of Maine Fishermen's Alliance (GOMFA) and the Maine Department of Marine Resources (MDMR)), while the third was an MSMC option. The two industry proposals contained management measures that would affect different sectors of the GOM cod fishery in different ways. The GOMFA proposal incorporated larger geographic area closures of shorter duration extending eastward to the Hague Line and days-at-sea (DAS) reductions. The MDMR proposal contained smaller geographic closures of longer duration, which were chosen on the basis of historical cod landings and were predominantly in inshore areas. Both proposals also contained gear modifications and other measures.

The Council charged its Multispecies Oversight Committee (Committee) to consider each option individually based upon its ability to meet the precautionary $F_{0.1}$ GOM cod benchmark. The MSMC option was chosen as a "fall-back" option because it had already been determined to meet the $F_{0.1}$ benchmark.

The Committee met in December 1998 to discuss the three options. Representatives from GOMFA and MDMR were available at this meeting to clarify any questions regarding the proposals. After the Committee meeting, the Multispecies Plan Development Team met on January 6, 1999, to prepare the biological and economic analyses for the GOMFA and MDMR proposals.

The analyses for the GOMFA and MDMR proposals were available for the January 26, 1999, Committee meeting. The analyses indicated that both proposals achieved the $F_{0.1}$ GOM cod benchmark if combined with very low daily trip limits of 100–200 lb/day (45.3–90.7 kg/day). Because each proposal would affect different sectors of the fishery in different ways, the Committee was able to select neither one of the industry proposals as the Preferred Alternative. Similarly, a meeting of the Multispecies Industry Advisors, which had met the previous day, was evenly divided between the two proposals. The Committee

recommended modifications to both proposals, and recommended that the Council consider these modified proposals, along with the initial MDMR plan for adoption.

The full Council met on January 28, 1999, to conduct the second and final meeting for Framework Adjustment 27. After a presentation of the latest stock assessment results (SAW 28) and after hearing public comments, the Council conducted a lengthy deliberation and ultimately approved a composite set of management measures for the GOM containing elements from both industry proposals, as well as the 200 lb/day (90.7 kg/day) GOM cod trip limit from the MSMC proposal.

Because the proposed measures differ from the options which had been analyzed for the Council's January 28, 1999, meeting, the Council requested publication of a proposed rule to solicit additional public comments. Because the public was notified of opportunities to comment throughout the multispecies framework process, the comment period is limited to 15 days.

The primary management measures in Framework 27 would establish GOM Rolling Closures of greater size and duration than the current GOM Inshore Closure Areas and reconfigure and increase the duration of the Cashes Ledge Closure Area. Framework 27 also reduces the GOM cod trip limit from 400 lb/day (181.4 kg/day) to 200 lb/day (90.7 kg/day). To further guard against exceeding the target TAC for GOM cod, Framework 27 would allow the Regional Administrator to reduce the GOM cod landing limit to between 5 and 100 lb (2.3 and 45.3 kg) when 30 percent of the F_{max} GOM cod TAC (402 mt in 1999) is harvested, depending upon the risk of exceeding the target TAC. This framework action also proposes a minimum square-mesh size increase from 6 inches (15.24 cm) to 6.5 inches (16.51 cm) for the GOM/GB and SNE Regulated Mesh Areas, to provide escape for juvenile GB cod and flatfish species.

The analysis conducted by the Northeast Fisheries Science Center of NMFS shows that the proposed closures and GOM cod trip limit contained in Framework 27 would meet the Amendment 7 F_{max} mortality reduction goal for that stock, because the precautionary $F_{0.1}$ benchmark is used.

Summary of Approved Measures

In summary, the proposed management measures in Framework 27 would do the following: (1) Replace the current GOM Inshore Closure Areas with larger and longer GOM Rolling Closure Areas; (2) reconfigure the area

and increase the duration of the Cashes Ledge Closure Area; (3) maintain the current year-round Western GOM Closure Area; (4) eliminate the 1-month NE Closure Area; (5) exempt scallop dredge gear from the GOM Rolling Closure Areas and Cashes Ledge Closure Area; (6) reduce the daily GOM cod landing limit to 200 lb/day (90.7 kg/day); (7) authorize the Regional Administrator to reduce the GOM cod trip limit to between 5 and 100 lb (2.3–45.3 kg), when 30 percent of the GOM cod F_{max} target TAC is caught; (8) change the haddock trip daily limit to 2,000 lb/day (907.2 kg/day) with a 20,000-lb (9071.8-kg) trip limit, and authorize the Regional Administrator to adjust the haddock limit up or down based upon the likelihood of reaching the target TAC; (9) increase the minimum square-mesh size from 6 inches (15.24 cm) to 6.5 inches (16.51 cm) in the GOM/GB and SNE Regulated Mesh Areas; (10) eliminate the mesh restrictions in the Stellwagen Bank and Jeffreys Ledge Juvenile Protection Area; (11) limit the size of roller and rockhopper gear to a maximum diameter of 12 inches (30.48 cm) in a defined GOM inshore area; and (12) clarify the method of calculating the weight of fish parts, such as fillets and headed fish, for purposes of possession limits. In addition, this framework codifies a method of on-reel net stowage for vessels transiting the GOM Closure Areas. These measures are described in the following sections.

Area Closures and Exemptions

The closures proposed by Framework 27 would modify current GOM Inshore Closure Areas (now referred to as the GOM Rolling Closure Areas) by increasing their geographic size, primarily eastward and by increasing their duration from 1 to 2 months. In addition, this framework action would change the configuration and increase the duration (from 1 month to 4 months) of the Cashes Ledge Closure Area, add an additional 2-month closure encompassing portions of Massachusetts Bay from October 1 to November 30, and eliminate the 1-month multispecies Northeast Closure Area. The framework would maintain the existing year-round Western GOM Closure comprising parts of Stellwagen Bank, Jeffreys Ledge, and Wildcat Knoll. Exemptions to the GOM Rolling Closure Areas and Cashes Ledge Closure Area would remain the same, except that scallop dredge gear is proposed to be exempted gear in the newly closed areas when fishing under a scallop DAS or participating in the Scallop Dredge Fishery Exemption Area, provided that a vessel does not retain

any regulated multispecies during any part of a trip. At its February meeting, the Council clarified that "newly closed areas" refer only to the Rolling Closure Areas specified in Framework 27, as well as the Cashes Ledge Closure Area. It does not refer to Closed Areas I and II, the Nantucket Lightship Closed Area and the Western GOM Area Closure. Vessels may transit through any of the GOM Inshore Closure Areas, provided gear is stowed properly according to the regulations. This framework would also codify an additional method of on-reel net stowage for vessels transiting the GOM Rolling Closure Areas. For these areas, the requirement to remove the codend has been eliminated, provided that other requirements are met, including that the net is entirely covered, the towing wires are detached, and no containment rope or codend tripping device is attached to the codend.

GOM Cod Landing Limit

This action would reduce the GOM cod landing limit at the start of the fishing year to 200 lb/day (90.7 kg/day), or any part of a DAS. For instance, 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 400 lb (181.4 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). As is currently the case, however, vessels may allow their DAS clock to run in order to account for any cod overages, provided they report their haul weight to the Regional Administrator, as described in the multispecies regulations. When 30 percent of the GOM cod F_{MAX} TAC (886,000 lb (402 mt), in 1999) is landed, the Regional Administrator could reduce the trip limit to an amount in the range of between 5 lb (2.3 kg) and 100 lb (45.3 kg), depending upon an evaluation of the risk of exceeding the target TAC.

Haddock Landing Limit

This proposed action would change the haddock landing limit to 2,000 lb (907.2 kg) per day, or any part of a DAS, up to 20,000 lb (9071.8 kg) per trip. When 75 percent of the target TAC for Georges Bank haddock for the 1999 fishing year is reached (9.3 million lb (4,200 mt)), the Regional Administrator is authorized to reduce the trip limit either to a 1,000 lb (453.6 kg) per trip possession limit restriction, or to a landing limit restriction of 1,000 lb/day (453.6 kg/day), with a 10,000 lb (4536.0 kg) maximum per trip, based on a

determination of the risk of exceeding the target TAC. Beginning October 1, 1999, if the Regional Administrator projects that less than 75 percent of the target TAC will be harvested by April 30, 2000, NMFS may publish a notification in the **Federal Register** that, on a specific date, the limit shall be increased to an amount that the Regional Administrator projects will be sufficient to allow landings of at least 9.3 million lb (4,200 mt) by April 30, 2000.

Gear Restrictions

This proposed action contains two gear restrictions. The minimum square-mesh size for otter trawl vessels in the GOM/GB and SNE Regulated Mesh Areas would be increased from 6-inch (15.24 cm) square to 6.5-inch (16.51 cm) square. The diamond mesh size of 6 inches (15.24 cm) would remain unchanged. Concurrent with this change, the requirement to use a 6-inch (15.24 cm) square mesh only, in the Stellwagen Bank/Jeffreys Ledge Juvenile Protection Area, would be eliminated.

The other proposed gear restriction in this framework would limit the size of roller or rockhopper gear on trawl footropes to a maximum diameter of 12 inches (30.48 cm) within a newly established GOM/GB Inshore Restricted Roller Gear Area.

Calculation of the Weight of Fish Parts

Possession limits for regulated multispecies would be determined on the basis of the weight of whole, whole-gutted, or gilled fish. To provide clarification, this action would specify that the weight of parts of fish (including fillets and headed fish) will be multiplied by three to equate to the weight of whole, whole-gutted, or gilled fish.

Other Measures

This proposed rule also clarifies that measures concerning areas closed to gillnet gear to prevent right whale takes specified at § 648.87(b) apply to limited access multispecies permit holders using gillnet gear in the entire area described at § 648.87(b)(1) and (b)(2), including state waters.

Classification

This proposed rule has been determined to be significant for the purposes of E.O. 12866.

The Council prepared an IRFA that describes the impact of this proposed rule on small entities. It analyzed the impact of the measures (closed areas, trip limits, increased mesh size, restrictions on roller gear) on vessels. The analysis also examined impacts on

dealers and processors. It initially concluded that the proposed action will have a significant economic impact on a substantial number of small entities.

Based upon calendar year 1997, 1729 vessels held limited access multispecies permits. Of these vessels, 1287 actually participated in the multispecies fishery and, thereby, constitute the universe of vessels. Of these vessels, 601 (47 percent) would be impacted by the measures because they fished within one or more of the GOM rolling closures and/or would be affected by the proposed trip limits. Using estimated proportional reductions in gross revenues from 1997 (i.e., excluding measures enacted in fishing year 1998 by Frameworks 25 and 26), 456 vessels out of a universe of 1287 vessels (35 percent) would be affected by a reduction in gross revenues of more than 5 percent as a result of Framework 27. When Framework 25 and 26 measures are included, 32 additional vessels are impacted by a reduction in gross revenues of more than 5 percent.

The impact of the proposed measures on profitability and on the financial viability of vessels in the northeast multispecies fishery was also analyzed. Compared to the 1997 baseline, the cumulative profitability for the median vessel was estimated to decline 66 percent from \$21,409 to \$7,282. A total of 115 vessels were found to be operating below break even (i.e., zero profit) as a result of the combined measures implemented by Frameworks 25 and 26. Carrying those losses forward into Framework 27 and adding the accumulated debt under Frameworks 25, 26, and 27 result in a total of 155 vessels that were estimated to be below break-even profit. Therefore, 155 out of 1287 vessels (12 percent), may not be able to maintain their economic viability and may be forced to cease their operations.

In terms of absolute numbers, Framework 27 impacts the most vessels in Massachusetts (317) followed by Maine (82), New Hampshire (35), New York (7), and Rhode Island (1). As a proportion of total vessels in a state, New Hampshire had the highest proportion (90 percent) of impacted vessels, followed by Massachusetts (79 percent) and Maine (74 percent).

The economic impacts of the increase in square-mesh size are expected to be small because, with the elimination of the Stellwagen Bank/Jeffreys Ledge Juvenile Protection Area, vessels will still be able to use existing 6-inch (15.24-cm) diamond mesh wherever they fish, and the cost of 6.5-inch (16.51-cm) square mesh is likely to be

similar to that of 6-inch (15.24-cm) mesh.

Depending upon current gear usage and fishing patterns, the requirement to use roller gear of a maximum 12-inch (30.48 cm) diameter in a defined GOM inshore area may result in vessels spending money on gear changes. The cost of gear changes is difficult to estimate because gear configurations vary by vessel and existing data are inadequate to determine gear usage at such a fine degree of resolution. However, if a vessel does have to purchase a new footrope with rollers, the onetime cost could range from \$1,100 to \$2,500.

Compared to the 1997 baseline, 186 dealers were estimated to be affected by the Framework 27 measures. Using estimated proportional reductions in gross revenues from a 1997 baseline (i.e., excluding Frameworks 25 and 26), 77 dealers out of these 186 dealers (41 percent) would be affected by a reduction in gross revenues of more than 5 percent as a result of Framework 27. When Framework 25 and 26 measures are included, 4 additional dealers are impacted by a reduction in gross revenues of more than 5 percent. However, dealers may have some flexibility by marketing alternative product lines or by obtaining product from alternative sources.

The impacts of the Framework 27 measures on processors are difficult to predict because the extent to which domestic and foreign imports can adequately offset local supply shortages is unknown. Nevertheless, processors in Maine, Massachusetts, and New Hampshire who rely on a stable supply of fresh groundfish to meet demands will likely be disproportionately affected by Framework 27.

Using a no-displacement model (i.e., vessels stop fishing and do not fish in other open areas), the decline in total revenues of the proposed action is estimated at \$7.3 million. The impacts on net revenues (i.e., revenues minus costs), however, will be less than these levels since operating costs will also decline as effort is reduced by the closures under the no-displacement scenario. Assuming 50 percent displacement at 50 percent revenue per unit effort (i.e., 50 percent of vessels fish in other open areas and obtain 50 percent of the revenue they would have otherwise obtained in the closed area), the decline in total revenues of the proposed action is estimated at \$5.5 million.

The impacts of the alternatives that were analyzed for Framework 27 are expected to be more severe than those of the proposed action, except for the

GOMFA alternative. The proposed action considered these alternatives and their impacts, while attempting to reach the Amendment 7 rebuilding goals and minimizing the negative impacts on the fishing industry, to the extent practicable.

A copy of this analysis is available from the Council (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This proposed rule clarifies collection-of-information requirements subject to the PRA and which have been cleared by 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. 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).
3. The DAS call-in requirement for vessels under a DAS upon return to port (2 minutes/response).

This proposed rule also clarifies collection-of-information requirements subject to the PRA and which have been cleared by OMB, under OMB control number 0648-0351. The estimated response time includes marking of pelagic gillnet (1 minute/net).

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 NMF5 and to OMB (see ADDRESSES).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 24, 1999.

Andrew A. Rosenberg,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be 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 “Gillnet gear capable of catching multispecies” is revised, and the definition for “Rockhopper and roller gear” is added to read as follows:

§ 648.2 Definitions.

* * * * *

Gillnet gear capable of catching multispecies means all gillnet gear except pelagic gillnet gear specified at § 648.81(g)(2)(ii) and pelagic gillnet gear that is designed to fish for and is used to fish for or catch tunas, swordfish, and sharks.

* * * * *

Rockhopper and roller gear means trawl gear configured with disks, rollers, or other similar shaped devices that are attached to the bottom belly of the trawl, contact the sea bottom, and that are designed to raise the bottom panel of the trawl off the ocean bottom so as to enable the gear to be fished on hard bottom.

* * * * *

3. In § 648.10, paragraph (f)(3)(ii) is revised to read as follows:

§ 648.10 DAS notification requirements.

* * * * *

(f) * * *

(3) * * *

(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 and must report, upon entering port and before offloading, its hailed weight of cod under the separate call-in system 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), until sufficient time has elapsed to account for and justify the amount of cod on board in accordance with § 648.86(b)(1)(ii), and may not begin its next fishing trip until such time that the vessel has called-out of the multispecies DAS program to end its trip.

4. In § 648.14, paragraphs (a)(43), (a)(52), (a)(90), (a)(101), (a)(104), (a)(112), (c)(10), (c)(24) and (c)(25) are revised and (a)(114) is added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

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

(52) Enter, be on a fishing vessel in, or fail to remove gear from the EEZ portion of the areas described in § 648.81 (g)(1) through (i)(1) during the time periods specified, except as provided in § 648.81(d), (g)(2), (h)(2) and (i)(2).

(90) Use, set, haul back, fish with, possess on board a vessel, unless stowed in accordance with § 648.81(e)(4), or fail to remove, sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), in the areas and for the times specified in § 648.87(a) and (b), except as provided in § 648.81(g)(2)(ii) and 648.87(a) and (b), or unless otherwise authorized in writing by the Regional Administrator.

(101) Enter, fail to remove gear from, or be in the areas described in § 648.81(g)(1) through (i)(1) during the time period specified, except as provided in § 648.81(d), (g)(2), (h)(2), and (i)(2).

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

(112) Fish for, harvest, possess, or land in or from the EEZ, when fishing with trawl gear, any of the exempted species specified in § 648.80(a)(8)(i), unless such species were fished for or harvested by a vessel meeting the requirements specified in § 648.80(a)(3)(ii) or (a)(8)(ii).

(114) Fish for, harvest, possess, or land any species of fish in or from the GOM/GB Inshore Restricted Roller Gear Area described in § 648.80(a)(2)(iv) with trawl gear where the diameter of any part of the trawl footrope, including discs, rollers or rockhoppers, is greater than 12 inches (30.48 cm).

(10) Enter, fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from, or be in the areas, and for the times, described in § 648.87(a) and (b), except as provided in § 648.81(d) and (g)(2), and in § 648.87(a)(1)(ii).

(24) Enter port, while on a multispecies DAS trip, in possession of more than the allowable limit of cod specified in § 648.86(b)(1)(i) without reporting the cod haul weight, unless the vessel is fishing under the cod exemption specified in § 648.86(b)(2). Under no circumstances may such a trip exceed 14 days in length.

(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).

5. In § 648.23, paragraph (b)(4) is revised and paragraph (b)(5) is added to read as follows:

§ 648.23 Gear restrictions.

(4) *On-reel stowage for vessels transiting the GOM Rolling Closure Areas.* (i) The net is on a reel, and its entire surface is covered with canvas or other similar material that is securely bound; (ii) The towing wires are detached from the doors; and (iii) No containment rope, codend tripping device, or other mechanism to close off the codend is attached to the codend.

(5) *Other methods of stowage.* Any other method of stowage authorized in writing by the Regional Administrator and subsequently published in the **Federal Register**.

6. In § 648.80, paragraphs (a)(2)(i), (a)(6)(i), (a)(8), (a)(10) introductory text, (a)(10)(i)(C), (a)(12) and (a)(13) introductory text, (b)(2)(i), (d)(2), (e)(2), (h), and (i)(8) are revised, paragraph (a)(5) is removed and reserved, and paragraph (a)(2)(iv) is added to read as follows:

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

(a) * * *
(2) * * *
(i) *Minimum mesh size.* Except as provided in paragraphs (a)(2)(i) and (iii) of this section, and unless otherwise restricted under paragraph (a)(2)(ii) of this section, 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 fishing under a DAS in the NE multispecies DAS program in the GOM/GB Regulated Mesh Area is 6-inch (15.24-cm) diamond mesh or 6.5-inch (16.51 cm) square mesh throughout the entire net, or any combination thereof, provided the vessel complies with the requirements of paragraph (a)(iv) of this section. This restriction does not apply to nets or pieces of nets smaller than 3 ft (0.9 m) x 3 ft (0.9 m), (9 ft 2 (0.81 m 2)), or to vessels that have not been issued a multispecies permit and that are fishing exclusively in state waters.

(iv) *Rockhopper and roller gear restrictions.* For all trawl vessels fishing in the GOM/GB Inshore Restricted Roller Gear Area, the diameter of any part of the trawl footrope, including discs, rollers, or rockhoppers, must not exceed 12 inches (30.48 cm). Any gear on a vessel that does not meet the specifications in this paragraph must be stowed and not available for immediate use in accordance with one of the methods specified in § 648.23(b). The GOM/GB Inshore Restricted Roller Gear Area is defined by straight lines connecting the following points in the order stated:

Inshore Restricted Roller Gear Area

Point	N. lat.	W. long.
GM1	42°00'	1
GM2	42°00'	2
GM3	42°00'	3
GM23	42°00'	69°50'
GM24	43°00'	69°50'
GM11	43°00'	70°00'
GM17	43°30'	70°00'
GM18	43°30'	4

¹ Massachusetts shoreline.
² Cape Cod shoreline on Cape Cod Bay.
³ Cape Cod shoreline on the Atlantic Ocean.
⁴ Maine shoreline.

(5) [Reserved]
(6) * * * (i) Vessels fishing in the Small Mesh Northern Shrimp Fishery or the Small Mesh Area 1/Small Mesh Area 2 fishery, as specified in paragraphs (a)(3) and (a)(8) of this section, may transit through the Small Mesh Northern Shrimp Fishery Exemption Area as specified in paragraph (a)(3) of this section with nets

of mesh size smaller than the minimum mesh size specified in paragraph (a)(2) of this section, provided that the nets are stowed and not available for immediate use in accordance with one of the methods specified in § 648.23(b).

* * * * *

(8) *Small Mesh Area 1/Small Mesh Area 2.* (i) Unless otherwise prohibited in § 648.81, vessels subject to the minimum mesh size restrictions specified in paragraph (a)(2) of this section may fish with or possess nets with a mesh size smaller than the minimum size, provided the vessel complies with the requirements of paragraph (a)(8)(ii) or (a)(3)(ii) of this section, from July 15 through November 15 when fishing in Small Mesh Area 1 and from January 1 through June 30 when fishing in Small Mesh Area 2. A vessel may not fish for, possess on board, or land any species of fish other than: Butterfish, dogfish, herring, mackerel, ocean pout, scup, squid, silver hake, and red hake, except for the following allowable incidental species (bycatch as the term is used elsewhere in this part), with the restrictions noted: Longhorn sculpin; monkfish and monkfish parts—up to 10 percent, by weight, of all other species on board; and American lobster—up to 10 percent, by weight, of all other species on board or 200 lobsters, whichever is less. These areas are defined by straight lines connecting the following points in the order stated (copies of a chart depicting these areas are available from the Regional Administrator upon request (see Table 1 to § 600.502 of this chapter)):

SMALL MESH AREA 1

Point	N. lat.	W. long.
SM1	43°03'	70°27'
SM2	42°57'	70°22'
SM3	42°47'	70°32'
SM4	42°45'	70°29'
SM5	42°43'	70°32'
SM6	42°44'	70°39'
SM7	42°49'	70°43'
SM8	42°50'	70°41'
SM9	42°53'	70°43'
SM10	42°55'	70°40'
SM11	42°59'	70°32'
SM1	43°03'	70°27'

Small Mesh Area 2

Point	N. lat.	W. long.
SM13	43°05.6'	69°55.0'
SM14	43°10.1'	69°43.3'
SM15	42°49.5'	69°40.0'
SM16	42°41.5'	69°40.0'
SM17	42°36.6'	69°55.0'

Small Mesh Area 2—Continued

Point	N. lat.	W. long.
SM13	4° 05.6'	69°55.0'

(ii) *Raised footrope trawl.* Vessels fishing with trawl gear must configure it in such a way that, when towed, the gear is not in contact with the ocean bottom. Vessels are presumed to be fishing in such a manner if their trawl gear is designed as specified in paragraphs (a)(8)(ii)(A) through (D) of this section and is towed so that it does not come into contact with the ocean bottom:

(A) Eight inch (20.3 cm) diameter floats must be attached to the entire length of the headrope with a maximum spacing of 4 feet (12.2 cm) between floats;

(B) The ground gear must all be bare wire not larger than 1/2-inch (1.2 cm) for the top leg, not larger than 5/8-inch (1.6 cm) for the bottom leg, and not larger than 3/4-inch (1.9 cm) for the ground cables. The top and bottom legs must be equal in length with no extensions. The total length of ground cables and legs must not be greater than 40 fathoms from the doors to wingends;

(C) The footrope must be at least 20 feet (6.1 m) longer than the length of the headrope; and

(D) The sweep must be rigged so it is behind and below the footrope, and the footrope is off the bottom. This is accomplished by having the sweep longer than the footrope and having long dropper chains attaching the sweep to the footrope at regular intervals. The forward end of the sweep and footrope must be connected to the bottom leg at the same point. This attachment, in conjunction with the headrope flotation, keeps the footrope off the bottom. The sweep and its rigging must be made entirely of 5/16 inch (0.8 cm) diameter bare chain. No wrapping or cookies are allowed on the chain. The total length of the sweep must be at least 7 feet (2.1 m) longer than the total length of the footrope, or 3.5 feet (1.1 m) longer on each side. Drop chains must connect the footrope to the sweep chain, and the length of each drop chain must be at least 42 inches (106.7 cm). One drop chain must be hung from the center of the footrope to the center of the sweep, and one drop chain must be hung from each corner (the quarter or the junction of the bottom wing to the belly at the footrope). The attachment points of each drop chain on the sweep and the footrope must be the same distance from the center drop chain attachments. Drop chains must be hung at 8 foot (2.4 m) intervals from the corners toward the

wing ends. The distance of the drop chain that is nearest the wing end to the end of the footrope may differ from net to net. However, the sweep must be at least 3.5 feet (1.1 m) longer than the footrope between the drop chain closest to the wing ends and the end of the sweep that attaches to the wing end.

* * * * *

(10) *Scallop Dredge Fishery Exemption within the GOM Small Mesh Northern Shrimp Fishery Exemption Area.* Unless otherwise prohibited in § 648.81, 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 the same as the area defined in paragraph (a)(3) of this section and designated as the Small Mesh Northern Shrimp Fishery Exemption Area.

(i) * * *

(C) The exemption does not apply to the Western GOM Area Closure specified in § 648.81(i).

* * * * *

(12) *GOM/GB Monkfish Gillnet Exemption.* Unless otherwise prohibited in § 648.81, a vessel may fish with gillnets in the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(12)(i) of this section. The GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area is defined by straight lines connecting the following points in the order stated:

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

(1) Due north to Maine shoreline.

* * * * *

(13) *GOM/GB Dogfish Gillnet Exemption.* Unless otherwise prohibited in § 648.81, a vessel may fish with gillnets in the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(13)(i) of this section. The area coordinates of the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption

Area are specified in paragraph (a)(12) of this section.

* * * * *

(b) * * *

(2) * * *

(i) *Minimum mesh size.* Except as provided in paragraphs (b)(2)(i) and (iii) of this section, and unless otherwise restricted under paragraph (b)(2)(ii) of this section, the minimum mesh size for any trawl net, sink gillnet, Scottish seine, purse seine or midwater trawl, not stowed and not available for immediate use in accordance with § 648.23(b), by a vessel fishing under a DAS in the multispecies DAS program in the SNE regulated mesh area, is 6-inch (15.24-cm) diamond mesh or 6.5-inch (16.51 cm) square mesh throughout the entire net, or any combination thereof. This minimum mesh size restriction does not apply to vessels that have not been issued a multispecies permit and that are fishing exclusively in state waters.

* * * * *

(d) * * *

(2) When fishing under this exemption in the GOM/GB Regulated Mesh Area, and in the area described in § 648.81(c)(1), the vessel has on board a letter of authorization issued by the Regional Administrator, and complies with all restrictions and conditions thereof.

* * * * *

(e) * * *

(2) When fishing under this exemption in the GOM/GB Regulated Mesh Area, the vessel has on board a letter of authorization issued by the Regional Administrator;

* * * * *

(h) *Scallop vessels.* (1) Except as provided in paragraph (h)(2) of this section, a scallop vessel that possesses a limited access scallop permit and either a multispecies combination vessel permit or a scallop multispecies possession limit permit, and that is fishing under a scallop DAS allocated under § 648.53, may possess and land up to 300 lb (136.1 kg) of regulated species per trip, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(a)(2) and (b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and provided the vessel has at least one standard tote on board.

(2) Combination vessels fishing under a NE multispecies DAS are subject to the gear restrictions specified in § 648.80 and may possess and land unlimited amounts of regulated species, unless otherwise restricted by § 648.86(b). Such vessels may

simultaneously fish under a scallop DAS.

(i) * * *

(8) The vessel does not fish for, possess, or land any species of fish other than winter flounder and the exempted small mesh species specified under paragraphs (a)(3)(i), (a)(8)(i), (b)(3), and (c)(3) of this section when fishing in the areas specified under paragraphs (a)(3), (a)(8), (b)(1), and (c)(1) of this section, respectively. Vessels fishing under this exemption in New York and Connecticut state waters may also possess and retain skate as incidental take in this fishery.

* * * * *

7. In § 648.81, paragraphs (d), (g), (h) and (i)(2) are revised, paragraph (f) is removed and reserved, and paragraphs (n) and (o) are removed to read as follows:

§ 648.81 Closed areas.

* * * * *

(d) *Transiting.* Vessels may transit Closed Area I, the Nantucket Lightship Closed Area, the GOM Rolling Closure Areas, the Cashes Ledge Closure Area, and the Western GOM Closure Area, as defined in paragraphs (a)(1), (c)(1), (f)(1), (g)(1), (h)(1), and (i)(1), respectively, of this section, provided that their gear is stowed in accordance with the provisions of paragraph (e) of this section.

* * * * *

(f) [Reserved]

(g) *GOM Rolling Closure Areas.* (1) No fishing vessel or person on a fishing vessel may enter, fish in, or be in, and no fishing gear capable of catching NE multispecies, unless otherwise allowed in this part, may be in, or on board a vessel in, GOM Rolling Closure Areas I through V, as described in paragraphs (g)(1)(i) through (v) of this section, for the times specified in those paragraphs, except as specified in paragraphs (d), and (g)(2) of this section. A chart depicting these areas is available from the Regional Administrator upon request (see Table 1 to § 600.502 of this chapter).

(i) *Rolling Closure Area I.* From March 1 through March 31, the restrictions specified in paragraph (g)(1) of this section apply to Rolling Closure Area I, which is the area bounded by straight lines connecting the following points in the order stated:

ROLLING CLOSURE AREA I

[March 1–March 31]

Point	N. lat.	W. long.
GM1	42°00'	(1)
GM2	42°00'	(2)

ROLLING CLOSURE AREA I—

Continued

[March 1–March 31]

Point	N. lat.	W. long.
GM3	42°00'	(3)
GM5	42°00'	68°30'
GM6	42°30'	68°30'
GM9	42°30'	(1)

- (1) Massachusetts shoreline.
- (2) Cape Cod shoreline on Cape Cod Bay.
- (3) Cape Cod shoreline on the Atlantic Ocean.

(ii) *Rolling Closure Area II.* From April 1 through April 30, the restrictions specified in paragraph (g)(1) of this section apply to Rolling Closure Area II, which is the area bounded by straight lines connecting the following points in the order stated:

ROLLING CLOSURE AREA II

[April 1–April 30]

Point	N. lat.	W. long.
GM1	42°00'	(1)
GM2	42°00'	(2)
GM3	42°00'	(3)
GM5	42°00'	68°30'
GM13	43°00'	68°30'
GM10	43°00'	(4)

- (1) Massachusetts shoreline.
- (2) Cape Cod shoreline on Cape Cod Bay.
- (3) Cape Cod shoreline on the Atlantic Ocean.
- (4) New Hampshire shoreline.

(iii) *Rolling Closure Area III.* From May 1 through May 31, the restrictions specified in paragraph (g)(1) of this section apply to Rolling Closure Area III, which is the area bounded by straight lines connecting the following points in the order stated:

ROLLING CLOSURE AREA III

[May 1–May 31]

Point	N. lat.	W. long.
GM9	42°30'	(1)
GM6	42°30'	68°30'
GM14	43°30'	68°30'
GM18	43°30'	(2)

- (1) Massachusetts shoreline.
- (2) Maine shoreline.

(iv) *Rolling Closure Area IV.* From June 1 through June 30, the restrictions specified in paragraph (g)(1) of this section apply to Rolling Closure Area IV, which is the area bounded by straight lines connecting the following points in the order stated:

ROLLING CLOSURE AREA IV

[June 1–June 30]

Point	N. lat.	W. long.
GM10	43°00'	(1)
GM11	43°00'	70°00'
GM17	43°30'	70°00'
GM19	43°30'	67°32.0' or (2)
GM20	44°00'	67°21.0' or (2)
GM21	44°00'	69°00'
GM22	(3)	69°00'

- (1) New Hampshire shoreline.
- (2) U.S.-Canada maritime boundary.
- (3) Maine shoreline.

(v) *Rolling Closure Area V*. From October 1 through November 30, the restrictions specified in paragraph (g)(1) of this section apply to Rolling Closure Area V, which is the area bounded by straight lines connecting the following points in the order stated:

ROLLING CLOSURE AREA V

[October 1–November 30]

Point	N. lat.	W. long.
GM1	42°00'	(1)
GM2	42°00'	(2)
GM3	42°00'	(3)
GM4	42°00'	70°00'
GM8	42°30'	70°00'
GM9	42°30'	(1)

- (1) Massachusetts shoreline.
- (2) Cape Cod shoreline on Cape Cod Bay.
- (3) Cape Cod shoreline on the Atlantic Ocean.

(2) Paragraph (g)(1) of this section does not apply to persons aboard fishing vessels or fishing vessels:

(i) That have not been issued a multispecies permit and that are fishing exclusively in state waters;

(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 for vessels fishing 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;

(iii) That are classified as charter, party, or recreational; or

(iv) That are fishing with or using scallop dredge gear when fishing under a scallop DAS or when lawfully fishing in the Scallop Dredge Fishery Exemption Area as described in § 648.80(a)(10), provided the vessel does not retain any regulated multispecies during a trip, or on any part of a trip.

(h) *Cashes Ledge Closure Area*. (1) From July 1 through October 31, no fishing vessel or person on a fishing vessel may enter, fish in, or be in, and no fishing gear capable of catching NE multispecies, unless otherwise allowed in this part, may be in, or on board a vessel in, the area known as the Cashes Ledge Closure Area, as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (d) and (h)(2) of this section:

CASHES LEDGE CLOSURE AREA

[July 1–October 31]

Point	N. lat.	W. long.
CL1	43°07'	69°02'
CL2	42°49.5'	68°46'
CL3	42°46.5'	68°50.5'
CL4	42°43.5'	68°58.5'
CL5	42°42.5'	69°17.5'
CL6	42°49.5'	69°26'
CL1	43°07'	69°02'

A chart depicting this area is available from the Regional Administrator upon request (see Table 1 to § 600.502 of this chapter).

(2) Paragraph (h)(1) of this section does not apply to persons on fishing vessels or fishing vessels:

(i) That meet the criteria in paragraph (g)(2)(ii), (iii), or (iv) of this section.

(ii) [Reserved]

(i) * * * (2) Paragraph (i)(1) of this section does not apply to persons on fishing vessels or fishing vessels that meet the criteria in paragraph (g)(2)(ii), (iii) or (iv) of this section.

* * * * *

8. In § 648.82, paragraph (b)(3)(i) is revised to read as follows:

§ 648.82 Effort-control program for limited access vessels.

* * * * *

(b) * * *

(3) * * *

(i) *DAS allocation*. A vessel qualified and electing to fish under the small vessel category may retain up to 300 lb (136.1 kg) of cod, haddock, and yellowtail flounder, combined, per trip without being subject to DAS restrictions, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(a)(2) and (b), up to a maximum of 300 lb (136.1

kg) of cod for the entire trip. Such a vessel is not subject to a possession limit for other NE multispecies.

* * * * *

9. In § 648.83, paragraphs (a)(2) and (b)(1) are revised to read as follows:

§ 648.83 Minimum fish sizes.

(a) * * *

(2) The minimum fish size applies to whole fish or to any part of a fish while possessed on board a vessel, except as provided in paragraph (b) of this section, and to whole, whole-gutted or gilled fish only, after landing. For purposes of determining the possession limit restrictions in § 648.86, the weight of fillets and parts of fish, other than whole-gutted or gilled fish, will be multiplied by 3. Fish fillets, or parts of fish, must have skin on while possessed on board a vessel and at the time of landing in order to meet minimum size requirements. "Skin on" means the entire portion of the skin normally attached to the portion of the fish or to fish parts possessed is still attached.

(b) * * * (1) Each person aboard a vessel issued a multispecies limited access permit and fishing under the DAS program may possess up to 25 lb (11.3 kg) of fillets that measure less than the minimum size if such fillets are from legal-sized fish and are not offered or intended for sale, trade, or barter. For purposes of determining the possession limit restrictions specified in § 648.86, the weight of fillets and parts of fish, other than whole-gutted or gilled fish, will be multiplied by 3.

* * * * *

10. In § 648.86, the section heading, paragraphs (a)(1), (b)(1) heading, (b)(1)(i), (b)(1)(ii) introductory text, (b)(1)(ii)(A), (b)(3), and (c) are revised, paragraphs (b)(3)(ii) and (b)(4) are removed, and paragraph (d) is added to read as follows:

§ 648.86 Possession and landing restrictions.

* * * * *

(a) * * * (1) *NE multispecies DAS vessels*. (i) Except as provided in paragraphs (a)(ii) and (a)(iii) of this section, a vessel that fishes under a NE multispecies DAS may land up to 2,000 lb (907.2 kg) of haddock per DAS fished, or any part of a DAS fished, up to 20,000 lb (9071.8 kg) per trip, provided it has at least one standard tote on board. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) When the Regional Administrator projects that 75 percent of the target TAC will be harvested (9.3 million lb

(4,200 mt) for the 1999 fishing year), NMFS may publish a notification in the **Federal Register** that, as of a specific date, the limit specified in paragraph (a)(1)(i) of this section is reduced to either a 1,000 lb (453.6 kg) per trip possession limit restriction, or to a landing limit restriction of 1,000 lb (453.6 kg) per DAS fished, 10,000 lb (4,536.0 kg) maximum, depending on the risk of exceeding the target TAC. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection. Vessels subject to this landing limit must have at least one standard tote on board.

(iii) Paragraph (a)(1)(ii) of this section notwithstanding, beginning October 1, 1999, through April 30, 2000, if the Regional Administrator projects that less than 75 percent of the target TAC will be harvested (9.3 million lb (4,200 mt) for the 1999 fishing year) by April 30, 2000, NMFS may publish a notification in the **Federal Register** that, as of a specific date, the limit is increased to the amount that the Regional Administrator projects will be sufficient to allow harvesting of at least 9.3 million lb (4,200 mt) by April 30, 2000. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection. Vessels subject to this landing limit must have at least one standard tote on board.

* * * * *

(b) * * * (1) *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 200 lb (90.7 kg) of cod per DAS, or any part of a DAS, unless otherwise specified in this paragraph. 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 200 lb (90.7 kg) 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 400 lb (181.4 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)). When the Regional Administrator projects

when 30 percent of the FMAX target TAC will be harvested (886,000 lb (402 mt) for the 1999 fishing year), NMFS will publish a notification in the **Federal Register** that, as of a specific date, the limit is reduced to a specified amount between 5 lb (2.3 kg) and 100 lb (45.3 kg) per DAS, depending on the risk of exceeding the target TAC. 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 subject to the landing limit restriction, described in paragraph (b)(1)(i) of this section, that has called-in to the multispecies DAS program at 3 p.m. on Monday and that fishes and comes back into port at 4 p.m. on Wednesday of that same week with 800 lb (362.9 kg) of cod to offload 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

* * * * *

(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 the requirement 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) 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.

(c) *Other possession restrictions.* Vessels are subject to all other applicable possession limit restrictions of this part, as specified under § 648.82(b)(3), § 648.83(b)(1), § 648.88(a) and (c), and § 648.89(c).

(d) *Calculation of weight of fillets or parts of fish.* Possession limits described under this part are based on the weight of whole, whole-gutted, or gilled fish. For purposes of determining possession limit restrictions specified in paragraphs (a), (b), or (c) of this section, the weight of fillets and parts of fish, other than whole-gutted or gilled fish, as allowed under § 648.83(a) and (b) will be multiplied by 3.

11. In § 648.87, introductory text for paragraphs (a) and (b) is revised, and paragraph (a)(4) is added to read as follows:

§ 648.87 Gillnet requirements to reduce or prevent marine mammal takes.

(a) *Areas closed to gillnet gear capable of catching multispecies to reduce harbor porpoise takes.* All persons owning or operating vessels in the EEZ portion of the areas and times specified in paragraphs (a)(1), (2), (3) and (4) of this section must remove all of their sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), and may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnet gear or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnet gear (as described in § 648.81(g)(2)(ii)) in the EEZ portion of the areas and for the times specified in paragraphs (a)(1) through (a)(4) of this section. Also, all persons owning or operating vessels issued a limited access multispecies permit must remove all of their sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), from the areas and for the times specified in paragraphs (a)(1) through (a)(4) of this section, and may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnets or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)) in the areas and for the times specified in paragraphs (a)(1) through (a)(4) of this section.

* * * * *

(4) *NE Closure Area.* (1) From August 15 through September 13, of each fishing year, the restrictions and requirements specified in paragraph (a) of this section apply to the NE Closure Area, which is the area bounded by straight lines connecting the following points in the order stated:

NORTHEAST CLOSURE AREA

Point	N. lat.	W. long.
NE1	(1)	68°55.0'
NE2	43°29.6'	68°55.0'
NE3	44°04.4'	67°48.7'
NE4	44°06.9'	67°52.8'
NE5	44°31.2'	67°02.7'
NE6	(1)	67°02.7'

¹ Maine shoreline.

Copies of a chart depicting this area are available from the Regional Administrator upon request.

(b) *Areas closed to gillnet gear capable of catching multispecies to prevent right whale takes.* All persons owning or operating vessels must remove all of their sink gillnet gear and gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), from the EEZ portion of the areas and for the times specified in paragraphs (b)(1) and (b)(2) of this section, and may not use, set, haul back, fish with, or possess on board, unless

stowed in accordance with the requirements of § 648.81(e)(4), sink gillnet gear or gillnet gear capable of catching multispecies, with the exception of single pelagic gillnet gear (as described in § 648.81(g)(2)(ii)) in the EEZ portion of the areas and for the times specified in paragraphs (b)(1) and (2) of this section. Also, all persons owning or operating vessels issued a limited access multispecies permit must remove all of their sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), from the areas and for the times specified in paragraphs (b)(1) and (b)(2) of this section, and, may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnet gear or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)) in the areas and for the times specified in paragraphs (b)(1) and (b)(2) of this section.

* * * * *

12. In § 648.88, paragraphs (a)(1) and (c) are revised to read as follows:

§ 648.88 Open access permit restrictions.

(a) * * *

(1) The vessel may possess and land up to 300 lb (136.1 kg) of cod, haddock, and yellowtail flounder, combined, per

trip, and unlimited amounts of the other NE multispecies, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(a)(2) and (b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and that the vessel does not use or possess on board gear other than rod and reel or handlines while in possession of, fishing for, or landing NE multispecies, and provided it has at least one standard tote on board.

* * * * *

(c) *Scallop multispecies possession limit permit.* Unless otherwise prohibited in § 648.86(b), a vessel that has been issued a valid open access scallop multispecies possession limit permit may possess and land up to 300 lb (136.1 kg) of regulated species per trip when fishing under a scallop DAS allocated under § 648.53, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(a)(2) and (b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and that the vessel does not fish for, possess, or land haddock from January 1 through June 30 as specified under § 648.86(a)(2)(i), and provided the vessel has at least one standard tote on board.

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