

purposes of testing. The cell or battery must be individually packed in an inner packaging, surrounded by cushioning material that is non-combustible, and nonconductive.

(e) A lithium cell or battery that does not comply with the provisions of this section may be transported only under conditions approved by the Associate Administrator.

8. In § 173.220, paragraph (b)(5) would be added to read as follows:

**§ 173.220 Internal combustion engines, self-propelled vehicles, mechanical equipment containing internal combustion engines, and battery powered vehicles and equipment.**

\* \* \* \*

(b) \*

(5) *Lithium batteries.* Lithium batteries contained in vehicles or engines must be of a type that has successfully passed each test in the UN Manual of Tests and Criteria, Part III, subsection 38.3, be securely fastened in the battery holder of the vehicle or engine, and be protected in such a manner as to prevent damage and short circuits. Equipment, other than vehicles or engines, containing lithium batteries must be transported in accordance with § 173.185.

\* \* \* \*

**PART 175—CARRIAGE BY AIRCRAFT**

9. The authority citation for part 175 would continue to read as follows:

**Authority:** 49 U.S.C. 5101–5127; 49 CFR 1.53.

10. In § 175.10, paragraph (a)(27) would be added to read as follows:

**§ 175.10 Exceptions.**

(a) \*

(27) Consumer electronic devices (watches, calculating machines, cameras, cellular phones, lap-top computers, camcorders, etc.) containing lithium or lithium ion cells or batteries when carried by passengers or crew member for personal use. Each spare battery must be individually protected so as to prevent short circuits and carried in carry-on baggage only. In addition, each spare battery must not exceed the following:

(i) For a lithium metal or lithium alloy battery, a lithium content of not more than 2 grams per battery; or

(ii) For a lithium ion battery, an aggregate equivalent lithium content of not more than 8 grams per battery, except that up to two batteries with an aggregate equivalent lithium content of more than 8 grams but not more than 25 grams may be carried.

\* \* \* \*

Issued in Washington, DC, on March 28, 2002, under authority delegated in 49 CFR part 106.

**Robert A. McGuire,**  
*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 02-7959 Filed 4-1-02; 8:45 am]  
**BILLING CODE 4910-60-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 600**

[I.D. 031802B]

**Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)**

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

**ACTION:** Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

**SUMMARY:** The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Regional Administrator proposes to issue EFPs that would allow up to three vessels to conduct fishing operations otherwise restricted by the regulations governing the fisheries of the Northeastern United States. EFPs would allow for exemptions to the minimum fish size requirements of the FMP. The experiment proposes to collect approximately 50 lb (22.68 kg) of juvenile black sea bass smaller than the current 11-inch (27.94-cm) minimum commercial fish size from Federal waters during the winter months, while the commercial black sea bass fishing season is open. The samples would be obtained with commercial handline tackle during the course of regular commercial fishing activity. The samples would be used by researchers at

the Virginia Institute of Marine Science (VIMS) for population studies.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

**DATES:** Comments on this document must be received on or before April 17, 2002.

**ADDRESSES:** Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Black Sea BASS EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Pearson, Fishery Policy Analyst, 978-281-9279.

**SUPPLEMENTARY INFORMATION:** The Virginia Institute of Marine Science submitted an application for EFPs on January 18, 2002, with final revisions received on February 19, 2002. The EFPs would facilitate the collection of data on the age, growth, and population structure of the black sea bass (*Centropristes striata*) population in the Mid-Atlantic region.

The experiment proposes to collect approximately 50 lb (22.68 kg) per month of sublegal juvenile black sea bass (<11 inches (27.94 cm)). The collection of undersized black sea bass would occur within Federal waters off the coasts of Maryland, Virginia and North Carolina. All sample collections would be conducted while the commercial fishing season is open, principally during the winter months. There would not be observers or researchers on every participating vessel. The samples would be collected by three federally permitted commercial vessels during the course of regular commercial fishing activity and would consist of sublegal fish that would otherwise have to be discarded. The juvenile black sea bass would be obtained using commercial handline tackle and kept on ice until landed. Upon landing, VIMS personnel would retrieve the samples and take them to the VIMS laboratory for analysis. None of the juvenile black sea bass would be sold. The participating vessels would be required to report the landings in their Vessel Trip Reports. The catch levels of approximately 50 lb (22.67 kg) per month are expected to have very little detrimental impact on the black sea bass resource.

The purpose of the VIMS study is to investigate the age, growth and

population structure of black sea bass. The study would determine the ages of the undersized black sea bass using otoliths and scales. Then, using those data, the age, size, and sex composition of the current population would be compared with historic population data (Mercer 1978) that were obtained before the Mid-Atlantic black sea bass population was declared overfished. In addition, the study would seek to define the composition of commercial black sea bass catches off the Mid-Atlantic coast and Essential Fish Habitat for black sea bass using the NMFS groundfish database for offshore areas and the VIMS survey trawl database for inshore nursery areas.

EFPs would exempt up to three vessels from the 11-inch (27.94- cm) minimum commercial black sea bass fish size specified in the FMP and found at 50 CFR part 648, subpart I.

Based on the results of this EFP, this action may lead to future rulemaking.

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

Dated: March 26, 2002.

**John H. Dunnigan,**

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

[FR Doc. 02-7931 Filed 4-1-02; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 011219306-1306-01; I.D. 110501A]

**RIN 0648 AM44**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Proposed Rule to Amend Regulations for Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues a proposed rule to amend regulations governing the North Pacific Groundfish Observer Program (Observer Program). This action is necessary to refine observer coverage requirements and improve support for observers. The proposed rule is intended to ensure continued collection of high quality observer data to support the management objectives of the Fishery Management Plan for the

Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). It is intended to promote the goals and objectives contained in those FMPs.

**DATES:** Comments on this proposed rule must be received by May 1, 2002.

**ADDRESSES:** Comments should be sent to Sue Salveson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) prepared for this proposed regulatory action and the Environmental Assessment (EA) prepared for the 1997 Extension of the Interim North Pacific Groundfish Observer Program may also be obtained from the same address.

#### FOR FURTHER INFORMATION CONTACT:

Bridget Mansfield, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

NMFS manages the U.S. groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands (BSAI) management areas in the exclusive economic zone (EEZ) under the FMPs for those areas. The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). General regulations that also pertain to U.S. fisheries appear at subpart H of 50 CFR part 600. Regulations implementing the interim Groundfish Observer Program were published November 1, 1996 (61 FR 56425), amended December 30, 1997 (62 FR 67755), and December 15, 1998 (63 FR 69024), and extended through 2002 under a final rule published December 21, 2000 (65 FR 80381). NMFS' Observer Program provides for the collection of observer data necessary to manage Alaska groundfish fisheries. Observers provide information on total catch estimation, discard, prohibited species bycatch, and biological samples that are used for stock assessment purposes.

At its June 1998 meeting, the Council requested that NMFS analyze alternatives to respond to several areas of concern that the Council believes detract from the overall achievement of the goals of the Observer Program. At its June 2000 meeting, the Council adopted remedial actions to address these concerns. The actions in this proposed rule are intended to address concerns about (1) shoreside processor observer coverage; (2) shoreside processor

observer logistics; and (3) observer coverage requirements for vessels fishing with groundfish pot gear. These issues are separate such that agency approval or disapproval of one proposed action would not affect the others.

The need, justification, and economic impacts for each of the actions in this proposed rule, as well as impacts of the alternatives considered, were analyzed in the RIR/IRFA prepared for this action (see **ADDRESSES**). A description for each proposed measure follows:

#### Shoreside Processor Observer Coverage

Current regulations at § 679.50(d) require each shoreside processor to project for each calendar month the amount, in metric tons (mt), of groundfish that is expected to be received or processed at that facility. Observer coverage requirements for each month are based on those projections. A shoreside processor that processes 1,000 mt or more in round weight equivalent of groundfish during a calendar month is required to have an observer present at the facility each day it receives or processes groundfish during that month. These processors are considered to have 100-percent coverage. A shoreside processor that processes 500 to 1,000 mt in round weight equivalent of groundfish during a calendar month is required to have an observer present at the facility at least 30 percent of the days it receives or processes groundfish during that month. These shoreside processors are considered to have 30-percent coverage. Some shoreside processors may alternate between 30-percent and 100-percent coverage from month to month.

The current monthly observer coverage regime can result in coverage in some shoreside processors during periods of a month when relatively small amounts of groundfish are received. This is experienced primarily by the shoreside processors with 100-percent coverage. For instance, if 1,000 mt of groundfish are received or processed by the end of the first or second week in a month, but the shoreside processor receives or processes very small amounts of groundfish for the remainder of the month, it would still be required to maintain 100-percent observer coverage for all delivery or processing days.

The proposed action would maintain the current monthly observer coverage periods at shoreside processors based on monthly landings projections. However, during a month when a directed fishery for pollock or Pacific cod closes, a shoreside processor with 100-percent coverage requirements that received