

Section	Remove	Add
195.57(a)(4) .....	miles	kilometers (miles)
195.106(a) .....	pounds per square inch	kPa (p.s.i.g.)
195.120(b)(6) .....	inches (twice)	millimeters (inches)
195.208 .....	10 inches	254 millimeters (10 inches)
195.210(b) .....	100 p.s.i.g.	689 kPa (100 p.s.i.g.)
	50 feet	15.2 meters (50 feet)
	12 inches	305 millimeters (12 inches)
195.248(a) .....	inches	millimeters (inches)
	36 (4 times)	914 (36)
	30 (twice)	762 (30)
	48 (twice)	1219 (48)
	18 (3 times)	457 (18)
	24 (twice)	610 (24)
195.250 .....	12 inches (3 times)	305 millimeters (12 inches)
	2 inches	51 millimeters (2 inches)
195.260(e) .....	100 feet	30.48 meters (100 feet)
195.302(c)(2)(i)(A) .....	mileage	length (mileage)
195.302(c)(2)(i)(B) .....	mileage	length (mileage)
195.302(c)(2)(ii) .....	mileage	length (mileage)
195.306(b)(2) .....	300 feet	91 meters (300 feet)
195.306(c)(2) .....	300 feet	91 meters (300 feet)
195.310(b)(9) .....	100 feet	30 meters (100 feet)
195.410(a)(2)(i) .....	one inch	25.4 millimeters (1 inch)
	one-quarter inch	6.35 millimeters (1/4 inch)
195.413(b)(2) .....	500 yards	457 meters (500 yards)
	200 yards	183 meters (200 yards)
195.413(b)(3) .....	36 inches	914 millimeters (36 inches)
	18 inches	457 millimeters (18 inches)
195.424(b)(3)(ii) .....	50 p.s.i.g.	345 kPa (50 p.s.i.g.)

Issued in Washington, DC, on December 22, 1997.  
**Richard B. Felder,**  
*Associate for Pipeline Safety.*  
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**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Parts 192 and 195**

[Docket No. PS-94; Notice 9]

RIN 2137-AB38

**Qualification of Pipeline Personnel**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** This announces the next RSPA Negotiated Rulemaking Committee. This committee is conducting a negotiated rulemaking to develop a proposed rule on qualification of pipeline employees performing certain safety-related functions on pipelines subject to the pipeline safety regulations. The advisory committee is composed of persons who represent the interests that would be affected by the rule, such as gas pipeline operators, hazardous liquid pipeline operators,

representatives of state and federal governments, labor organizations, and other interested parties. The Committee hopes to conclude the development of this NPRM by the end of this meeting. OPS will then publish the NPRM in the **Federal Register** for public evaluation and comment.

**DATES:** The Committee will meet from 9:00 a.m. to 5:00 p.m. on January 27-29, 1997.

**ADDRESSES:** The Committee will meet at the American Gas Association, 1515 Wilson Boulevard, 11th floor, in Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Eben M. Wyman, (202) 366-0918, or by e-mail (eben.wyman@rspa.dot.gov) regarding the subject matter of this Notice; or the Dockets Unit, (202) 366-4453, for copies of this document or other material in the docket.

Issued in Washington, DC on December 19, 1997.

**Richard B. Felder,**  
*Associate Administrator for Pipeline Safety.*  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 600**

[Docket No. 970708168-7168-01; I.D. 061697B]

RIN 0648-AJ58

**Magnuson-Stevens Act Provisions; National Standard Guidelines**

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

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** On August 4, 1997, NMFS published a proposed rule to amend the national standard guidelines under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The public comment period for the proposed guidelines ended September 18, 1997. Because of remaining issues regarding interpretation of the Magnuson-Stevens Act's provisions relative to overfishing, NMFS is reopening the public comment period on national standard 1 for an additional 30 days.

**DATES:** The comment period reopens December 29, 1997; comments must be received on or before January 28, 1998.

**ADDRESSES:** Comments should be sent to Dr. Gary C. Matlock, Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** George H. Darcy, 301-713-2341.

**SUPPLEMENTARY INFORMATION:**

### Background

On August 4, 1997 (62 FR 41907), NMFS published a proposed rule to amend the guidelines interpreting the 10 national standards found in section 301(a) of the Magnuson-Stevens Act. Public comment received on the proposed rule indicated a broad range of views regarding interpretation of the provisions of the Magnuson-Stevens Act with respect to prevention of overfishing. Therefore, NMFS is reopening the comment period on the national standard 1 guidelines for an additional 30 days to obtain additional comment on specific issues regarding overfishing.

The Sustainable Fisheries Act (SFA), which amended the Magnuson-Stevens Act in 1996, contained several provisions that affected national standard 1, which was not itself amended. That standard requires that conservation and management measures "shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry." The SFA added a definition of "overfishing" and "overfished," changed the definition of "optimum," required that each fishery management plan specify objective and measurable criteria for identifying when a fishery is overfished (section 303(a)(10)), and added a section (304(e)) on identifying and rebuilding overfished fisheries.

### Issues

While NMFS received numerous comments on the proposed guidelines, it believes further comment on the national standard 1 guidelines would be useful. In particular, NMFS would like commenters to address the following issues:

1. Usage of "overfishing" and "overfished." The SFA adopted the regulatory definition of "overfishing" (at § 600.310(c)(1)), with two changes. The existing regulatory definition states: "Overfishing is a level or rate of fishing mortality that jeopardizes the long-term capacity of a stock or stock complex to produce MSY on a continuing basis." The statutory definition in the SFA

deleted the modifier "long-term" and substituted "fishery" for "stock or stock complex."

NMFS believes that the removal of "long-term" in the statutory language was intended to emphasize the need to address overfishing in the near term, and to rebuild overfished stocks to levels that would produce MSY (maximum sustainable yield) within a reasonably short period of time, rather than in some unspecified time frame. This interpretation is consistent with the fact that, taken as a whole, the SFA enacted several significant measures to address overfishing and rebuilding, including requiring specific time frames for action. Along with the amendment to the definition of "optimum," under which the optimum yield cannot be set above the MSY level, the addition of the definition of "overfishing" in the SFA (without reference to "long-term") seems to raise the standard to which conservation and management measures are held. Because NMFS understood deletion of the phrase "long-term" in the SFA to be significant, the proposed guidelines tie the meaning of "overfishing" to a rate or level of fishing mortality (i.e., removals of fish from the stock due to fishing) that jeopardizes the capacity of a stock to produce MSY, without regard to time frame.

The issue is whether NMFS has correctly interpreted the definition of overfishing, or whether it should adopt a more elastic guideline with MSY as only an eventual target.

2. "Fishery" versus "stock." As explained above, the statutory definition of "overfishing" uses the term "fishery" rather than "stock or stock complex." Both "fishery" and "stock" are defined in the Magnuson-Stevens Act; both are used in section 304(e) and elsewhere somewhat interchangeably.

The proposed guidelines, in large part, speak of "overfishing" and "overfished" in terms of a stock or stock complex. NMFS scientists who worked on the guidelines were concerned that a "fishery," in its most expansive sense, is not susceptible to being judged as overfished or not; only for a stock of fish can measurable, objective criteria of overfishing be established. The same applies to judging whether a fishery has been rebuilt; biologically, that can be determined only on a stock-by-stock basis.

Some commenters believe the requirement to prevent overfishing should apply only to fisheries in a broader sense, in order to provide the greatest benefit to the Nation. They believe that fishers may have to forego substantial economic value from a mixed-stock fishery if it must be

managed to restore the most depleted stock component (species) in the fishery to the level that would produce MSY. (See issue 4 below.)

The issue is whether NMFS should change its focus in the national standard 1 guidelines to a "fishery," which may be comprised of dozens of stocks, or retain the requirements to prevent overfishing of stocks and rebuild overfished stocks.

3. Rebuilding schedules. The proposed guidelines repeated the statutory requirement that overfished stocks must be rebuilt in a time period that is as short as possible, taking into account the status and biology of the stock, the needs of fishing communities, recommendations by international organizations, and the interaction of the overfished stock within the marine ecosystem. However, in no case may the rebuilding time exceed 10 years, except where the biology of the stock, other environmental conditions, or management measures under an international agreement dictate otherwise.

NMFS received comments requesting clarification of the statutory language. One interpretation is that "as short as possible" means the length of time in which a stock could be rebuilt in the absence of fishing mortality on that stock. If that period is less than 10 years, then the factors listed in section 304(e)(4)(A)(i) of the Magnuson-Stevens Act (i.e., the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem) could be used to lengthen the rebuilding period to as much as 10 years. If the stock cannot be rebuilt within 10 years in the absence of fishing mortality on that stock, the rebuilding period based on the absence of fishing mortality would automatically become the maximum time for rebuilding, unless management measures under an international agreement dictate otherwise. Under this interpretation, the biology of the stock and other environmental conditions are taken into account in determining the rebuilding period that would be required, based on the absence of fishing mortality, and those factors would not be used to further extend the rebuilding period. Therefore, under this scenario, for a rebuilding period that exceeds 10 years, the only exception to allow extension of the rebuilding period beyond that based on an absence of fishing mortality would be for those instances that are dictated by measures under an

international agreement to which the United States is a party.

Another possible interpretation for those situations in which the rebuilding period would exceed 10 years in the absence of fishing is to treat the 10-year limit as a guide in determining the length of a rebuilding program. In these cases, the question that immediately arises is, how long can the rebuilding program be? Must it be constrained, as in the scenario above, or can it be longer? If so, how much longer? NMFS believes that it is not desirable to have an unspecified time period for rebuilding and that such an indeterminate rebuilding period would be inconsistent with the other provisions of the Magnuson-Stevens Act. The guidelines could potentially use the factors in section 304(e)(4)(A)(i) to interpret "as short as possible" to limit the time period beyond 10 years, but NMFS believes that any rebuilding program that exceeded the period based on no fishing mortality would need to be justified and constrained by the life history characteristics of the stock.

The issue is the interpretation of the statutory language and how much flexibility the statutory language allows. NMFS is specifically seeking comment on whether or not it is correct in its interpretation that the duration of rebuilding programs should not be unspecified and, if so, what factors should be considered in determining that duration.

4. Mixed-stock exception. The proposed guidelines, at § 600.310(6), relied on the statute's use of the term "fishery" to justify retention of a limited exception to the requirement to prevent overfishing on all stocks. The exception would allow overfishing of one species in a mixed-stock complex, but only if certain stringent conditions are met (i.e., analysis demonstrates that it will result in long-term net benefits to the Nation and that a similar level of benefits cannot be achieved through other means; and the resulting rate of fishing mortality will not cause any species or ecologically significant unit thereof to require protection under the Endangered Species Act (ESA) or any stock or stock complex to fall below its minimum stock size threshold).

This proposed provision has been criticized by those who believe the Magnuson-Stevens Act allows no exceptions to the requirement to prevent overfishing, even in mixed-stock fisheries. Others have criticized the provision as too stringent and believe the Magnuson-Stevens Act allows overfishing on one or more stocks in mixed-stock fisheries, even if the result is to maintain, or reduce stocks to, an overfished status.

The issue is whether to delete or liberalize the limited exceptions, and whether to add other exceptions. One suggestion is that the recovery of stocks listed under the ESA should be handled under that statute, not under the Magnuson-Stevens Act. Another is that stocks whose rebuilding would not be assisted by cessation of fishing mortality in the exclusive economic zone should be exempt from the provisions of section 304(e)(4) of the Magnuson-Stevens Act.

NMFS will respond to comments received on national standard 1 during this 30-day comment period, and to all comments received on the proposed national standard guidelines during the comment period for the proposed rule, in the preamble to the final rule.

Dated: December 19, 1997.

**Gary C. Matlock,**

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

[FR Doc. 97-33643 Filed 12-22-97; 2:13 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 971208294-7294-01; I.D. 103097B]

RIN 0648-AJ20

#### **Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Restrictions on Frequency of Limited Entry Permit Transfers; Sorting Catch by Species; Retention of Fish Tickets**

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

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

**SUMMARY:** NMFS issues this proposed rule to implement management measures recommended by the Pacific Fishery Management Council (Council) that restrict the frequency of limited entry permit transfers to once every 12 months, with transfers taking effect on the first day of a cumulative landings limit period. This rule would also require the sorting of all groundfish species with trip limits, size limits, quotas, or harvest guidelines at the point of landing, and the retention of landings receipts on board the vessel that has made those landings. This proposed rule is intended to constrain the introduction of new fishing effort into the Pacific Coast groundfish

fisheries, and to improve the enforceability of Federal and state fisheries regulations. This action would be taken under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP), and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Comments must be submitted in writing by February 12, 1998.

**ADDRESSES:** Comments may be mailed to William Stelle, Jr., Administrator, Northwest Region, (Regional Administrator) NMFS, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115-0070; or to William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to this proposed rule is available for public review during business hours at the Office of the Administrator, Northwest Region, NMFS, and at the Office of the Administrator, Southwest Region, NMFS. Copies of the Environmental Assessments/Regulatory Impact Reviews (EA/RIRs) for these issues are available from Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140, or Svein Fougner at 562-980-4034, or the Pacific Fishery Management Council at 503-326-6352.

**SUPPLEMENTARY INFORMATION:** NMFS is proposing three separate regulatory changes: (1) Restricting the frequency of limited entry permit transfers to once every 12 months, with transfers taking effect only on the first day of a cumulative landings limit period; (2) providing Federal regulatory support for existing state requirements that require the sorting of all groundfish species with trip limits, size limits, quotas, or harvest guidelines; and (3) providing consistent regulatory requirements on the retention of landings receipts throughout the management area. These regulatory changes were recommended by the Council at its October 1996 and June 1995 meetings, respectively. The background and rationale for this proposed rule are summarized below. More details appear in the EA/RIRs for these actions.

#### **Restrictions on Permit Transfer Frequency**

Background. A license limitation program for the Pacific Coast groundfish