

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 85**

RIN 1018-AC67

Clean Vessel Act Pumpout Symbol, Slogan and Program Crediting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule provides definitions for facilities open to the public and public versus private facilities, clarification on submitting proposals, points for education, and the requirements for a uniform pumpout symbol, slogan and program crediting for the Clean Vessel Act of 1992 as authorized in Fish and Wildlife Service regulations.

DATES: This rule becomes effective September 26, 1997.

ADDRESSES: Copies may be obtained by mailing a request to the Division of Federal Aid, Fish and Wildlife Service, U.S. Department of the Interior, 1849 C Street, NW, MS 140 ARLSQ, Washington, DC 20240, or obtained from the Division of Federal Aid, Fish and Wildlife Service, U.S. Department of the Interior, Room 140, 4401 North Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Robert D. Pacific, (703) 358-1845.

SUPPLEMENTARY INFORMATION:**Background**

Section 5604 of the Clean Vessel Act (Pub. L. 102-587, Title V, Subtitle F) authorizes the Director of the U.S. Fish and Wildlife Service (Service) to make grants to coastal States for constructing/renovating pumpout and portable toilet dump stations and for implementing associated education programs.

Developing a Pumpout Symbol

The Service consulted with Federal and State agencies, and with organizations and individuals within the marine industry and boating community in developing a pumpout symbol. A scoping meeting was held April 8, 1993, in Arlington, Virginia, to obtain input on a pumpout symbol.

States that presently have pumpout symbols were invited to attend, as well as others. Maryland and Virginia attended, as well as the following Federal agency representatives: National Oceanic and Atmospheric Administration (NOAA), Environmental Protection Agency (EPA), U.S. Coast Guard (USCG), and Federal Highway Administration (FHWA). Representatives from States Organization of Boating Access (SOBA), National Marine Manufacturers Association (NMMA), American League of Anglers and Boaters (ALAB), and the International Association of Fish and Wildlife Agencies (IAFWA) also attended. Oregon and the National Association of State Boating Law Administrators did not attend, but provided comments and examples of their current symbols and/or suggested symbols.

A draft scoping document encompassing the information in this rule was sent to nearly 250 individuals and organizations for review and comment on July 8, 1994. Comments were received from three Service Regions, EPA's Chesapeake Bay Program, FHWA, USCG (3 letters), Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement, Oregon State Marine Board, Maryland Department of Natural Resources Boating Administration, Florida Department of Environmental Protection, NMMA, Sealand Technology, Inc., Keco, Inc., and Neil Ross Consultants. A summary of comments received was published in the proposed rule in the **Federal Register** on September 19, 1995 (60 FR 48491).

Numerous consultations and scoping meetings were held with Federal, State and marine community staffs, groups and individuals throughout this period. Focus group meetings were held in Miami, Florida, Minneapolis, Minnesota, Seattle, Washington, and Annapolis, Maryland, between June 14 and 28, 1995, to obtain inputs on a symbol, slogan, and to determine boater attitudes toward pumping out their sewage. Each group was shown the suggested symbol and results show that "the symbol, as tested, is appropriate and easily understood. Boaters volunteered that this symbol can

become the 'universal' visual for pumpout stations."

Consultation occurred with the International Standards Organization, American National Standards Institute, American Boat and Yacht Council, Society of Automotive Engineers, American Institute of Graphic Arts, British Standards Institution, and Permanent International Association of Navigation Congresses. Input was obtained on several pumpout symbol designs at the following meetings: Eleven EPA-sponsored Regional Workshops in 1994 and 1995, through a grant with The International Marina Institute; at the University of Wisconsin-Madison Docks and Marina National Conference; and at several marine community conferences, workshops and meetings.

This rule requires that two proposals be submitted by coastal States when submitting projects in coastal and inland portions of the State. Without this differentiation, adequate evaluation of proposals is not possible since points are different for the two zones.

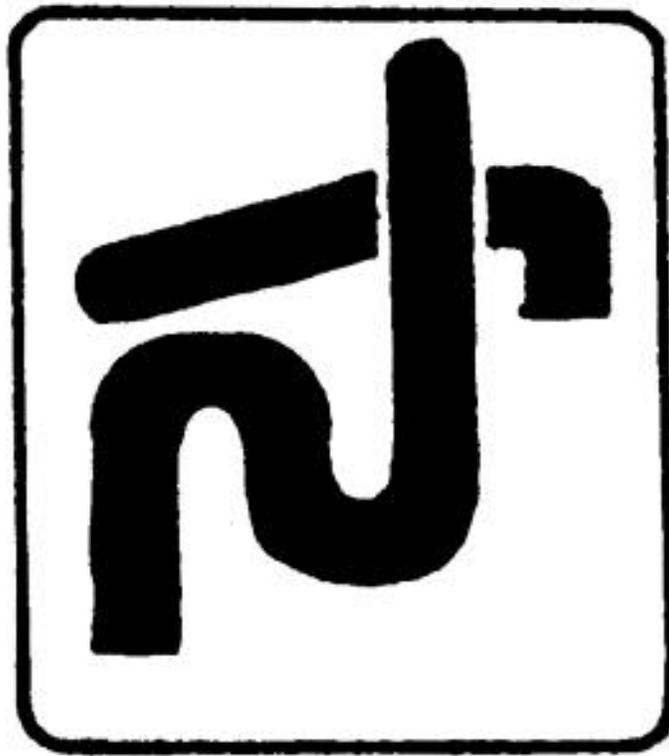
In the proposed rule, the Service clarified the use of points for education so that States could receive points for education if they had an active, ongoing education program and did not need additional funds in a particular year. Otherwise, States would be forced to request funds to get points even if they did not need the funds.

In response to a request from a State and the marine community, the definitions of facilities open to the public, and public versus private facilities were contained in the proposed rule. The definitions of public/private follows definitions developed earlier by the marine community for surveying marinas for pumpout and other information.

In order to increase public awareness of the program, the marine community recommended developing a pumpout symbol, slogan, and program crediting logo. This rule provides the requirements for that pumpout symbol, slogan, and crediting logo.

There has been an International Standards Organization (ISO) international symbol since 1972 (depicted below).

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

There is also a symbol (depicted below) which appears on National

Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS) nautical charts.

The letter "P" and the circle around the "P" are magenta-colored.

BILLING CODE 4310-55-M



Pump-out facilities

BILLING CODE 4310-55-C

The international symbol has been described by the marine community as not conveying a distinct meaning and is not understood by boaters. That symbol, therefore, has not been accepted by boaters and is not in general use in the United States. Likewise, the NOAA magenta "P" and circle on charts were not accepted as having a distinct message when presented to the marine community and have been deemed by Federal Highway Administration and marine community groups as possibly being in conflict with the symbol for "parking". Therefore, there is no nationally recognized pumpout symbol in general use to indicate to boaters traveling in different parts of the country where pumpout and portable toilet dump stations are located.

Likewise, there is no nationally recognized slogan. There are several

State and private pumpout and portable toilet dump station symbols and slogans in use. The image and words differ from State to State. In order to have a successful campaign nationwide to get boaters to use pumpouts, a single, coordinated message and symbol are needed.

Therefore, the Service developed a pumpout symbol and slogan to provide boaters with a single nationwide symbol of pumpout and portable toilet dump station locations, and to provide a consistent message about the program nationally in education materials produced by each State. Advertising the program with one widely accepted symbol and slogan will decrease confusion, better advertise the program, result in greater use of pumpout and portable toilet dump stations, improve the aquatic environment, and thus contribute to improve economic and

health conditions. The symbol and slogan contribute to environmental improvement goals of other Federal, State and local governmental agencies and have the support of boaters, the boating industry and the marine community.

Currently, 50 CFR 80.26 contains a crediting logo, and 50 CFR 85.47 contains suggested language to acknowledge that facilities were constructed with Clean Vessel Act funds. These sections also were reviewed and suggestions made for changes.

Criteria Used To Develop the Symbol

The Service developed criteria to select the pumpout symbol after discussions with individuals involved in the marine community and State and Federal agencies, and review of the documents identified in this rule:

(1) How well the symbol represents the message (Many symbols must be learned before there is adequate recognition of the symbol, therefore, constant repetition of the symbol is more important than the style of drawing or appropriateness of concept.);

(2) The ease with which people learn the symbol (The simpler the symbol, the easier to learn.);

(3) How well the symbol relates to national standards;

(4) How well the symbol is reproducible on letters, etc.;

(5) How visible the sign is to viewers (The simpler the symbol, the easier to recognize it at greater distances and under all light and background conditions.); and

(6) How easy to reproduce, reduce and enlarge the symbol (The symbol must be legible when reduced significantly.).

The Selected Pumpout Symbol

The current international symbol was rejected by nearly all who commented as not being understood by boaters and not communicating a distinct meaning. According to comments made by people in the marine community, the NOAA NOS nautical magenta "P" and circle, although it may be suitable on the NOAA nautical charts, does not convey the pumpout message adequately on signs and may be in conflict with other symbols such as parking signs. The current symbols used by States and the suggested complex symbols did not fully comply with the criteria. A suggestion was made by members of the marine community to develop separate symbols for pumpout and portable toilet dump stations. Comments on this suggestion favored one single symbol encompassing both pumpout and portable toilet dump stations to decrease confusion and costs.

The selected symbol encompasses the one feature that invariably appeared in the 50 symbols: the "arrow" as well as the "holding tank" and "boat." The selected symbol, therefore, represents the core of current and suggested symbols:

(1) It is simple and should be easy to learn;

(2) It follows U.S. Coast Guard format and color standards for signs on waterways (Symbol is black, border is international orange, and background is white);

(3) It is easily reproducible on charts, etc., and should be easily recognizable to viewers at a great distance; and

(4) It is easily reduced or enlarged without losing legibility.

Developing a Pumpout Slogan

In addition to the pumpout symbol, the Service developed a slogan. Some States currently have a slogan, however, no national level slogan exists. The July 8, 1994, scoping document resulted in 52 suggested slogans that was reduced to 17 and presented to boaters at the focus group meetings. The slogan, "KEEP OUR WATER CLEAN—USE PUMPOUTS," was selected by the cooperating Federal agencies (FWS, NOAA, EPA, and USCG), based on the top four slogans recommended by the boaters. "Boaters prefer a short, straight-forward slogan" as identified during the focus group meetings.

Developing a Program Crediting Logo

Section 80.26 of 50 CFR part 80 contains the approved crediting logo for the Federal Aid in Sport Fish Restoration Act. Section 85.47 of 50 CFR part 85 contains examples of suggested language for crediting the Clean Vessel Act. The Service received no comments to replace the approved crediting logo. The Service received inputs on suggested language from the July 8, 1994, scoping document request, and subsequently from States and Fish and Wildlife Service Regions and selected suggested language based on these comments.

Summary of Comments and Recommendations

The Service requested, in the September 19, 1995, proposed rule for the Clean Vessel Act Pumpout Symbol, Slogan and Program Crediting, all interested parties to submit comments that might contribute to the development of a final rule within a 60-day period ending November 20, 1995. The Service also requested comments from about 1,000 people with appropriate State and Federal agencies, local governments, boaters and boating organizations, marina owners/operators, marine equipment manufacturers and retailers, conservation organizations, and other interested parties.

The Service received a total of three written comment letters on the proposed rule identifying six issues suggesting clarification and modification of some of the language in the guidelines.

The Service considered all suggestions and recommendations raised by the commenters, and those comments adopted are included in this final rule in the appropriate sections. The following is a discussion of the issues raised by the commenters, the Service's responses to those issues, and a summary of changes made to the proposed rule.

Issue 1. Maryland Department of Natural Resources and BOAT/U.S. Clean Water Trust: Fees under the definition of Equitable Fees, § 85.11, need not be equal for all pumpout users provided Federal/State laws regarding pricing are not violated and that the maximum amount allowable under the Clean Vessel Act (\$5.00) is not exceeded. A number of marinas in Maryland charge different categories of customers different fees. For example, some marinas charge a fee to transient boaters while pumpout service is provided either at a reduced cost or at no cost to slipholders/members. Other marinas charge boaters a fee for pumpouts but offer that service for free if fuel is purchased. A "prepay" pumpout fee also sounds reasonable provided the slipholder/member is ultimately not being charged more than \$5.00 per pumpout. Allowing a certain amount of flexibility in pricing may be both good for business and encourage pumpout usage. New wording was then suggested by the State. BOAT/U.S. Clean Water Trust also commented that a significant number of marinas offer different prices for slipholders and transients. The cost of the pumpout for slipholders is built into the slip lease agreement, and keeping track of pumpout use by individual slipholders is difficult. The definition should ensure that marina operators do not have to keep more records to track the equity of prepaid pumpouts for slipholders versus payment per pumpout for transients.

Response: The Service agrees and has substituted the language suggested by the State of Maryland.

Issue 2. BOAT/U.S. Clean Water Trust: For § 85.11 the definition of "Facility open to the public" is longer than is required. Delete the following: * * * at that public or private facility for pumping out, * * *

Response: The Service agrees and has deleted that part of the sentence.

Issue 3. United States Environmental Protection Agency: The definitions do not clearly indicate whether pumpout facilities at private marinas are open and available for public use.

Response: Pumpout facilities at private marinas are open for public use, and language has been added in § 85.11 under the definition of "Facility open to the public" to indicate such.

Issue 4. BOAT/U.S. Clean Water Trust: In § 85.43, the pumpout sign should be offered in 2 colors as well as the 3 colors for those with limited printing budgets for signage, publications, or other applications.

Response: The Service agrees. The final symbol is two-colored with a white

background. However, language has been added in § 85.43 (b)(6)(vi), and (c)(1)(i), to indicate that one color, black, may also be used when appropriate, both for the pumpout symbol and for the magenta P qualifying sign. Language also has been added in § 85.47 to indicate the colors that may be used for the crediting logo.

Issue 5. United States Environmental Protection Agency, and BOAT/U.S. Clean Water Trust: Will the number, sizes, etc., of logos, slogans, crediting language, and operation instructions placed on pumpouts confuse the average user? BOAT/U.S. Clean Water Trust suggested prioritizing this information so that the most important information can be included when there is limited space. Other possibilities include covering the cost of producing signs under grant funds, or the Service designing and mass producing a sign with all of the standard information satisfying these requirements. In addition, it will be difficult to control in what colors the symbol is printed if marinas individually are left to create their own signage for pumpout docks.

Response: Information has been added in § 85.43(e) to clarify when different symbols, slogans, and logos should be used so that signs do not become cluttered and confusing. Also, the cost of producing signs is an allowable cost of the program, as indicated in existing § 85.41(a). The Service also is exploring the possibility of providing a number of symbol signs to the States for distribution to marinas.

Issue 6. United States Environmental Protection Agency: The location and size of the Sport Fish Restoration logo required by the rule is not specified.

Response: Language has been added in § 85.47(b) to clarify the location and size of the logo and maintaining proportions for reduction and enlargement. In addition, language regarding maintaining proportions for reduction or enlargement of the symbol has been added to § 85.43 (b)(6)(ii) and (e).

In addition to the comments received, one change was made to 85.43(a), the addition of a specific telephone number, 1-800-ASK-FISH, to be placed on pumpout and dump stations. This number has been fully operational since March 1996 and can be called to find the location of pumpout and dump stations throughout the country and to report a problem with the operation of a particular pumpout or dump station.

Environmental Effects

Because this rule is an administrative action, the effects on the physical, biological and sociological environment

are too broad, speculative, and conjectural to be analyzed meaningfully. Therefore, the action is categorically excluded from any National Environmental Policy Act documentation pursuant to 516 DM 2.3 A(2). However, installation of symbol signs will be reviewed as part of the construction or renovation of pumpout and portable toilet dump stations which will require separate environmental consideration.

Information Collection Requirements

These final regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Required Determinations

Economic Effects

The purpose of this rule is to establish a universal symbol for use by marinas to assist customers in locating pumpout facilities for their boats. It is expected that all marinas would provide some form of customer guidance to the services provided by the marina. The only cost associated with this rule would be the re-painting of existing signs to add the new symbol. For those marinas adding pumpout stations after the adoption of this symbol, the cost of adding the symbol would be minimal. The addition of the symbol is voluntary and for the benefit of the marinas' customers. Any cost associated with the inclusion of the symbol on existing and new signs is expected to be minimal, therefore, it is not expected that any significant economic effects would be attributable to this rule. There are no indications that any competitive effects either positive or negative would be associated with this rule and there are no effects on prices charged for services at marinas. In addition, grants are available for private marinas to install pumpout stations provided they are available to the general public. The decision to accept grant funds, and, therefore, general public access to the pumpout station, is voluntary on the part of the private marina and, therefore, a part of usual and customary business decisions. No significant economic costs are expected to result from the grant program.

Other Effects

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The rule allows eligible States to make decisions regarding the use of the pumpout symbol, slogan and crediting logo. A review under the Regulatory Flexibility

Act of 1980 (5 U.S.C. 601 *et seq.*) has revealed that this rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations, or governmental jurisdictions. This voluntary program provides grant funds to small entities, with minor requirements, such as allowing the general public to use the facilities, therefore, this would have minimal effect on such entities. The effects of these rules will impact agencies in the States, Puerto Rico, Guam, the Virgin Islands, American Samoa, the District of Columbia and the Northern Mariana Islands. The Service has determined and certified pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The Department has determined that these final regulations meet the applicable requirements provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Intergovernmental Review of Federal Programs

This Clean Vessel Act Grant Program is covered under Executive Order 12372 "Intergovernmental Review of Federal Programs" and 43 CFR part 9 "Intergovernmental Review of the Department of the Interior Programs and Activities." Individual projects that are part of this grant program should comply with the provisions of 43 CFR 9.

Author: The primary author of this rule is Robert D. Pacific, U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 85

Coastal zone, Grant programs—natural resources, Reporting and recordkeeping requirements, Sewage disposal, Vessels.

Regulation Promulgation

For the reasons set out in the preamble, part 85 of subchapter F of chapter I, title 50 of the Code of Federal Regulations is amended as set forth below.

PART 85—CLEAN VESSEL ACT GRANT PROGRAM

1. The authority citation for part 85 is revised to read as follows:

Authority: 16 U.S.C. 777g(c).

Subpart A—General

2. Section 85.11 is amended by removing the paragraph designations and adding the following definitions, in alphabetical order, to read as follows:

§ 85.11 Definitions.

* * * * *

Equitable fees. The maximum charge per pumpout is \$5.00. Price modifications and discounts are subject to State/Federal laws concerning pricing.

* * * * *

Facility open to the public. (1) A Clean Vessel Act facility that is open and available to the public is one where the public has full and reasonable access to the pumpout/dump station, including:

- (i) Provision of signage visible from the water to direct boaters to pumpout/dump stations;
- (ii) Location of pumpouts to facilitate ease of use by all boats typical to that particular marina;
- (iii) Equitable fees; and
- (iv) Reasonable open periods.

(2) To be eligible for funding under this program, both public and private facilities must be open to the public.

* * * * *

Private facilities. Private facilities include those operated by the following:

- (1) For profit or non-profit private marinas, docks, etc.;
- (2) For profit or non-profit concessionaires, whether they are leased or private facilities, on public lands; or
- (3) Yacht or boating clubs, whether they are open to the public or members-only facilities.

Public facilities. Public facilities include municipal, county, port authority, State and Federal marinas, docks, etc., operated by those agencies.

* * * * *

Reasonable open periods. This part does not specify hours, days and seasons, however, some suggested examples, provided no other factors are involved, are presented:

- (1) Pumpout/dump stations may be open during the same period the fuel docks are normally open.
- (2) Pumpout stations may be open when the marina is open and staff is present to pump out boats.
- (3) Pumpout/dump stations may be open during the hours considered to be normal marina business hours as adjusted by seasonal differences.

* * * * *

Subpart B—Application for Grants

3. Section 85.21 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 85.21 Application procedures.

(a) Eligible applicants will submit their proposals to the appropriate

Regional Office of the U.S. Fish and Wildlife Service. Coastal States submitting proposals for both the coastal zone and the inland portion of their States, must submit two separate proposals. The Regional Office addresses follow:

* * * * *

Subpart C—Grant Selection

4. Section 85.30(f) is revised to read as follows:

§ 85.30 Grant selection criteria.

* * * * *

(f) Proposals that include an education/information component, or the State has an active, ongoing education program;

* * * * *

Subpart D—Conditions on Use/Acceptance of Funds

5. Section 85.43 is revised to read as follows:

§ 85.43 Signs and symbols.

(a) *Signs.* Facilities must display appropriate information signs at pumpout and portable toilet dump stations. Such information should indicate fees, restrictions, hours of operation, operating instructions, a contact name and 1-800-ASK-FISH telephone number for boaters to get additional information or to report an inoperable facility.

(b) *Pumpout symbol.* (1) At appropriate times, to increase public awareness of the Clean Vessel Act Pumpout Grant Program, use a pumpout symbol according to Service specifications. Use the pumpout symbol as follows:

- (i) As a sign at the entrance to a marina advertising the presence of a pumpout and/or portable toilet dump station;
- (ii) As a directional sign within a marina;
- (iii) As a sign at a pumpout and/or portable toilet dump station;
- (iv) As a symbol on educational and informational material; and
- (v) For other uses as appropriate to advance the purposes of the Clean Vessel Act.

(2) To avoid confusion with having two symbols, use the selected symbol both for pumpout stations and portable dump stations. The Service encourages the use of this symbol as it is not copyrighted. The NOAA NOS magenta "P" within a magenta circle will continue to be used on nautical charts to identify the location of pumpout and

portable toilet dump stations. NOAA will include information about the selected pumpout symbol in the U.S. Coast Pilots, a supplement to the charts, to relate this symbol to the NOAA Nautical Chart magenta "P" and circle.

(3) All recipients identified in § 85.11 should display the appropriate pumpout symbol on facilities, such as pumpout and portable toilet dump stations, or on printed material or other visual representations relating to project accomplishments or education/information, and should encourage others to do so. Sub-recipients also should display the symbol and should encourage use by others for the purposes stated in this paragraph (b)(3).

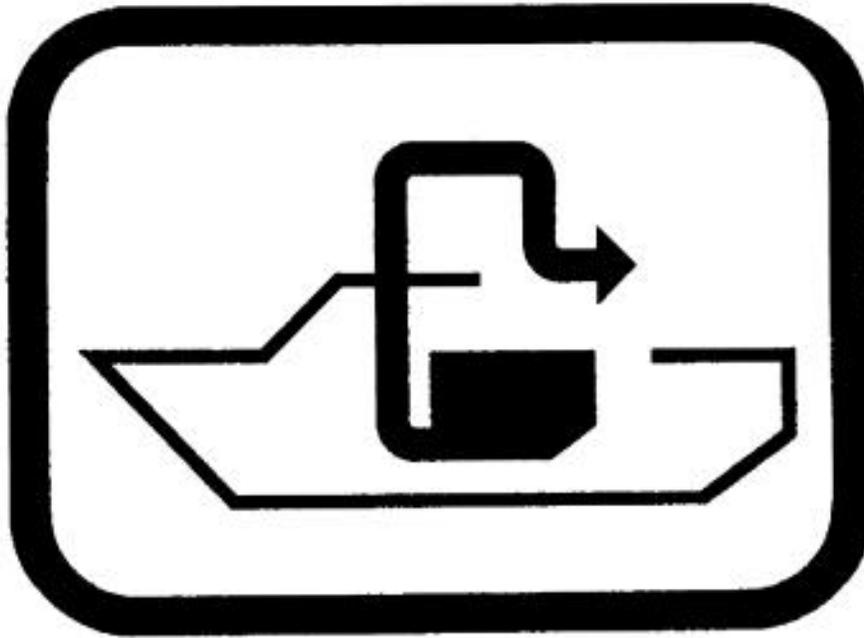
(4) The Service encourages other persons or organizations, such as marinas with pumpout stations not constructed with Clean Vessel Act funds, to use the symbol to advance the purposes of the Clean Vessel Act program.

(5) The following specifications shall apply: The symbol is black, the background is white, and the border is international orange. There is no standard for the black and white, but use black and white colors, not shades. The standards for the international orange color is as follows: For day boards (signs), use retroreflective international orange film. For paint, use international orange conforming to FED-STD 595B, chip number 12197 in daylight conditions. For inks, use Pantone Matching System color chart 179C. In order to ensure visibility after dark, use reflectorized film or paint, and/or artificial illumination. Pumpout symbol technical specifications to construct signs and for other purposes are available upon request.

(6) The following rules govern the graphic reproduction of the symbol:

- (i) Do not use a smaller than legible symbol.
- (ii) If you reduce or enlarge the symbol, maintain the same proportions.
- (iii) Do not obscure the symbol by overprinting.
- (iv) Do not place the symbol where it will be split by unlike backgrounds.
- (v) Do not place the symbol on a background that is highly textured or patterned.
- (vi) When appropriate, for economical reasons, depict the symbol in one-color (black) with a white background, rather than two-color (international orange and black) with white background.

(7) The pumpout symbol follows:



(c) *Qualifying signs.*

BILLING CODE 4310-55-C

(1) In conjunction with the symbol, you may use other qualifying signs below the symbol, either on the same sign or on a separate sign.

(i) You may place the message “**P** PUMP OUT”, “**P** PUMPOUT STATION”, “**P** PORTABLE TOILET DUMP STATION”, or other appropriate qualifier, beneath the symbol. Place the magenta-colored “P” and circle in front of the message to relate the pumpout symbol to the NOAA NOS nautical charts. Messages may be appropriate for several years until the symbol is understood without the message. When appropriate, substitute a black “P” and circle for economical reasons.

(ii) You may place directional arrows beneath the symbol to indicate the direction of pumpout or portable toilet dump station facilities.

(2) The following specifications shall apply: Symbols, such as directional arrows, and letters, are black, and the background is white. For using inks to create the magenta color, use PMS color chart 259U. Letters and black and white colors shall follow the Federal Highway Administration’s Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), FHWA, 1988. The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, provides for sale copies of the 1988 MUTCD, including Revision No. 3, dated September 3, 1993, Stock No. 050-001-00308-2.

(3) The same rules governing the graphic reproduction of the pumpout symbol, as described in paragraph (b)(6)

of this section, shall apply to qualifying signs.

(d) *Pumpout slogan.* (1) Use the pumpout slogan according to Service specifications to help increase boater awareness of the need to use pumpout and dump stations to properly dispose of their boat sewage. Use the slogan in conjunction with the pumpout symbol, on educational/informational material, and for other uses as appropriate to advance the purposes of the Clean Vessel Act. The slogan is not copyrighted, and the Service encourages its appropriate use.

(2) All recipients identified in § 85.11 should display the pumpout slogan on facilities, such as pumpout and portable toilet dump stations as appropriate, and on printed material or other visual representations relating to project accomplishments or education/information, and should encourage others to do so. Sub-recipients should display the slogan for purposes as stated above and should encourage others to do so.

(3) The Service encourages other persons or organizations, such as marinas with pumpout stations not constructed with Clean Vessel Act funds, to use the slogan to advance the purposes of the Clean Vessel Act program.

(4) The following specifications shall apply: Letters are black and background is white. The same reference under specifications for Qualifying Signs in paragraph (c)(2) of this section shall apply.

(5) The same rules governing the graphic reproduction of the pumpout

symbol, as described in paragraph (b)(6) of this section, shall apply to the pumpout slogan.

(6) The pumpout slogan follows:

KEEP OUR WATER CLEAN—USE PUMPOUTS

(e) All information signs, pumpout symbol, qualifying signs, and pumpout slogan identified in this section and the crediting logo identified in § 85.47, inform and educate boaters. Therefore, use the signs, symbol, slogan and logo as appropriate. For instance, a sign on the water directing boaters to a pumpout may only need the pumpout symbol, and a qualifying sign beneath, e.g., an arrow, and possibly the words “PUMPOUT STATION”. For pumpout and dump stations, the pumpout symbol, slogan, information signs, including all information in paragraph (a) of this section, and the crediting and State logo may be appropriate. If desirable, add qualifying signs. Position a legible sign, symbol and logo either on the pumpout/dump station, on a separate sign, or both, for the greatest effect in informing and educating boaters. For other products such as print and video public service announcements, brochures, etc., the placement of symbols, etc. depends on space availability. The following order of priority dictates the order of use under limited space conditions: the pumpout symbol, slogan, 1-800-ASK-FISH telephone number and Sport Fish Restoration crediting logo. Add other information as appropriate. Use judgement when placing information on signs so as not to confuse the reader.

Display the symbol, logo, slogan and information signs in the appropriate locations. To reduce wind drag when bolting signs on pilings, it was found helpful in the Northeast to make signs taller than wider. Symbol or logo size may vary. However, if you reduce or

enlarge the symbol, maintain the same proportions.

6. Section 85.47 is revised to read as follows:

§ 85.47 Program crediting.

(a) *Crediting logo.* As the source of funding for Clean Vessel Act facilities,

the Sport Fish Restoration program should get credit through use of the Sport Fish Restoration logo. Grant recipients may use the crediting logo identified in 50 CFR 80.26 to identify projects funded by the Clean Vessel Act. The Sport Fish Restoration logo follows:

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

(b) *Recipient logo display.* Grant recipients are authorized to display the Sport Fish Restoration logo. Section 85.11 identifies recipients eligible to display the appropriate logo according to 50 CFR 80.26. Display includes on pumpout and portable toilet dump stations that grantees acquire, develop, operate or maintain by these grants, or on printed material or other visual representations relating to project accomplishments or education/information. Display the logo in the appropriate location, according to § 85.43(e). Symbol or logo size may vary. However, if you reduce or enlarge the symbol, maintain the same proportions. Recipients may require sub-recipients to display the logo.

(c) *Other display of logo.* Other persons or organizations may use the logo for purposes related to the Federal Aid Clean Vessel Act program as authorized in 50 CFR 80.26.

(d) *Crediting language.* Suggested examples of language to use when crediting the Clean Vessel Act follow:

(1) *Example 1.* The Sport Fish Restoration Program funded this pumpout facility through your purchase of fishing equipment and motorboat fuels.

(2) *Example 2.* The Sport Fish Restoration Program funded this construction through your purchase of fishing equipment and motorboat fuels.

(3) *Example 3.* The Sport Fish Restoration Program funded the production of this pamphlet through your purchase of fishing equipment and motorboat fuels.

(e) *Logo colors.* Option 1 in paragraph (e)(1) of this section describes the preferred logo colors. Use Options 2 or 3 in paragraph (e)(2) or (e)(3) of this section when necessary or to reduce costs. Do not attempt to match these Pantone Matching Systems (PMS) colors with combinations of screened process colors.

(1) *Option 1.* When printed 100 percent on a white background, use PMS 348.

(2) *Option 2.* When using four-color process printing, print the symbol in 100 percent black on a white background.

(3) *Option 3.* When it is not possible to follow the specifications of Options 1 or 2 in paragraph (e)(1) or (e)(2) of this section, print the logo in any 100 percent solid dark color on a contrasting light background.

Dated: July 29, 1997.

Donald J. Barry,
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 97-22010 Filed 8-26-97; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970520120-7198-02; I.D. 040297A]

RIN 0648-AJ19

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; 1997 Management Measures for Nontrawl Sablefish

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement management measures for the 1997 limited entry, fixed gear