

regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is Steve Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau have participated in the preparation of this document, both in matters of substance and style.

#### List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Wine, Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.77 to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

9.77 Altus.

Par. 2. Subpart C of 27 CFR Part 9 is amended by adding § 9.77, which reads as follows:

#### § 9.77 Altus.

(a) *Name.* The name of the viticultural area described in this section is "Altus."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Altus viticultural area are five U.S.G.S. maps in the 7.5 minute series. They are titled:

- (1) Ozark Quadrangle, 1966.
- (2) Coal Hill Quadrangle, 1961.
- (3) Hartman Quadrangle, 1961.
- (4) Hunt Quadrangle, 1963.
- (5) Watalula Quadrangle, 1973.

(c) *Boundary*—(1) *General.* The Altus viticultural area is located in Arkansas. The starting point of the following boundary description is the crossing of the Missouri Pacific Railroad over Gar Creek, near the Arkansas River at the southeast corner of the city of Ozark, Arkansas (on the Ozark Quadrangle map.)

(2) *Boundary Description:*

(i) From the crossing of the Missouri Pacific Railroad over Gar Creek, following the railroad tracks eastward to the crossing over Horsehead Creek (on the Hartman Quadrangle map.)

(ii) From there northward along Horsehead Creek to the merger with Dirty Creek (on the Coal Hill Quadrangle map.)

(iii) From there generally northwestward along Dirty Creek to Arkansas Highway 352 (where Dirty Creek passes under the highway as a perennial stream—on the Hunt Quadrangle map.)

(iv) From there along Highway 352 westward to Arkansas Highway 219 (on the Watalula Quadrangle map.)

(v) Then southward along Highway 219 to Gar Creek (on the Ozark Quadrangle map.)

(vi) Then southeastward along Gar Creek to the beginning point.

Approved: May 2, 1983.

Stephen E. Higgins,

Director.

[FR Doc. 83-12853 Filed 5-13-83; 8:45 am]

BILLING CODE 4810-31-M

#### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR Part 117

[CGD 9-83-04]

#### Drawbridge Operations Regulations; Manitowoc River, WI; Correction

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule, correction.

**SUMMARY:** This document corrects a typographical error in FR 83-9138 appearing on page 15165 in the *Federal Register* of Thursday, April 7, 1983, relating to drawbridge operations on the Manitowoc River, Wisconsin.

In 33 CFR 117.650(b)(1) "4:30 p.m." on lines two and three should be corrected to read "4:30 a.m."

#### FOR FURTHER INFORMATION CONTACT:

Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199 (216-522-3993).

Dated: April 29, 1983.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 83-12857 Filed 5-13-83; 8:45 am]

BILLING CODE 4910-14-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[Docket No. NH-A-1-FRL 2351-4]

#### Approval and Promulgation of Air Quality Implementation Plans, New Hampshire; Group I VOC Source Compliance Schedules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** EPA is proposing to approve State Implementation Plan revisions submitted by the State of New Hampshire. These revisions will reduce emissions from major sources of volatile organic compounds (VOC's) in the State. The intended effect of this action is to satisfy conditions for Part D plan requirements for nonattainment areas under Section 172(b)(2) of the Clean Air Act.

**DATES:** Comments must be received on or before June 15, 1983.

**ADDRESSES:** Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2311, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2111, JFK Federal Building, Boston, MA 02203 and the New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

**FOR FURTHER INFORMATION CONTACT:** Alan E. Dion, (617) 223-5130.

**SUPPLEMENTARY INFORMATION:** On February 3, 1983 (48 FR 4972), EPA proposed to sanction the Southern New Hampshire Air Quality Control Region by imposing a moratorium on new construction, because the State had failed to meet all the requirements of its 1979 State Implementation Plan (SIP) for ozone (see 48 FR 5015). EPA proposed sanctions for two reasons.<sup>1</sup> First, the State had not yet satisfied the condition for approval of this SIP which required the submission of approvable compliance schedules for stationary sources of volatile organic compounds (VOC) (see 45 FR 24872, April 11, 1980). Second, the State had not submitted a fully approvable regulation for the Group II VOC source category of

<sup>1</sup> The reader is referred to 48 FR 4972 and the supporting documentation for a complete discussion of the reasons. This information is available for inspection at the location listed under ADDRESSES.

miscellaneous metal parts coaters (see 47 FR 58231, December 30, 1982).

#### Group I Compliance Schedules

The State submitted permits with compliance schedules for the nine sources affected by the condition in 45 FR 24872 on May 2, 1980 and May 16, 1980. However, EPA found at that time that not all of these permits were approvable, because of the technique the State used to determine whether a control strategy was equivalent to reasonably available control technology (RACT).

We approved four compliance schedules which satisfied RACT in the December 17, 1982 Federal Register (47 FR 56497). New Hampshire submitted updated permits and more information to determine approvability for Markem Corp. and Oak Materials Group on December 23, 1982, for Nashua Corp.'s Merrimack facility on December 30, 1982, for Ideal Tape Co. on January 19, 1983, and for Essex Group on March 18, 1983.

The Ideal Tape, Markem, and Essex Group permits restrict total VOC emissions from the affected coating lines to less than 100 tons per year. Therefore, these facilities are no longer major sources, and under EPA rural nonattainment area policy RACT is no longer required on these sources. Markem's permit gives the company until September 30, 1983 to complete its conversion of certain products to water-based coatings, and limits VOC emissions to 90 tons for 1983 and to 65 TPY thereafter. The Markem compliance schedule is approvable. The Essex Group permits limit the total emissions from the facility to less than 100 TPY. The Essex Group permits are approvable. Therefore, EPA concurs that these sources are not major, not required to meet RACT and, therefore, are not subject to the condition that approvable compliance schedules be submitted into the federally approved SIP.

Oak Materials' permit requires 90 percent overall control of VOC emissions through use of an incinerator. The RACT emission limit of 2.9 lbs. VOC/gal. coating is based upon an 81 percent level of control of the VOC emissions generated by a source. Therefore, Oak Materials' compliance schedule is acceptable as RACT or better.

Nashua Corp.'s permit limits VOC emissions at its Merrimack facility to 106 TPY. Although this facility remains a major source and so must still meet the requirements of RACT, the company maintains that the controls now in place represent RACT. The information

submitted by Nashua shows that one coating line is achieving RACT through the use of a carbon adsorber and solvent recovery system with a daily total control efficiency of 85 percent, while the other line has converted almost entirely to water-based coatings which results in 100 percent control for all but approximately 6 percent of its operating days. The State has demonstrated that it is not reasonable on a technological or an economic basis to require the source to install further controls for this remaining 6 percent, considering the expense and efforts the source has already undergone and the amount of control already achieved. EPA concurs that the control program in place constitutes RACT for this source.

For a more detailed analysis of the compliance schedules for these sources, refer to the Technical Support Document available at the locations listed in the ADDRESSES section.

New Hampshire held a full public hearing on the Oak Materials, Essex Group and Markem permits on March 20, 1980. On May 15, 1980, the State held a hearing on the Ideal Tape and Nashua Corp. permits. No comments were received on the compliance schedules at these hearings. Of the revised permits only Markem was submitted to a public hearing on December 16, 1982 before the Air Resources Commission, because only Markem sought to extend its original compliance schedule beyond the December 31, 1982 deadline in New Hampshire Code of Administrative Rules—Air 1204.21(h), "Compliance Schedules." The permits for Oak Materials, Ideal Tape, Essex Group and Nashua Corp. were reissued by the Air Resources Agency without full proceedings (30 day notice, certification of notice, opportunity to comment), since under Air 205.02(a), "Public Notice of Application," the State found there were no significant increases or changes in stationary source emissions from those specified in the initial public notices. EPA agrees with the State that the control strategies and compliance deadlines in the present permits for Oak Materials and Nashua Corp. were put before the public in the 1980 hearings. In a permit for Ideal Tape dated April 15, 1982, and in a permit for Essex Group dated March 17, 1983, the State has limited emissions to less than 100 TPY VOC. As a result of these restrictions we feel that neither Ideal Tape nor Essex Group requires further hearings. Neither has to satisfy the April 11, 1980 condition to apply RACT as expeditiously as possible (45 FR 24872), and yet both have reduced their actual emissions. EPA is using this notice to provide an opportunity for the public to

offer comments on these compliance schedules, and upon EPA's processing of the permits involved.

*Proposed Action:* EPA is proposing to approve the emission limits and compliance schedules for Oak Materials Group, Ideal Tape Co., Markem Corp., Essex Group, and Nashua Corp.'s Merrimack facility, and to remove the condition at 52.1527(a)(2) to submit operating permits with compliance schedules for each existing major VOC source.

EPA proposes to accept the permits for Ideal Tape Co., Essex Group and Markem Corp. as certification that these sources are no longer major, and so not subject to RACT. With final approval, the State will have satisfied the outstanding condition on its 1979 Ozone SIP. Therefore, this basis for sanctions proposed at 48 FR 4972 with respect to the Southern New Hampshire Air Quality Control Region will no longer apply.

#### Group II CTG Source Categories

In the December 30, 1982 Federal Register (47 FR 58231) EPA took no action on the Group II VOC source category of miscellaneous metal parts coaters because the State Regulation Air 1204.17 is not consistent with EPA guidance. In the February 3, 1983 Federal Register (48 FR 4872) this deficiency was noted as one of the reasons for proposing sanctions for the Southern New Hampshire Air Quality Control Region.

On March 8, 1983 the State of New Hampshire submitted a letter certifying that it has no major sources in this source category. Thus, the regulation is not necessary for inclusion in the federal SIP, and this basis for sanctions no longer applies.

*Proposed Action:* Remove the Part D—no action codified at 40 CFR 52.1527(c)(2) regarding miscellaneous metal parts coaters.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709). The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

The Administrator's decision to approve or disapprove the plan revision

will be based on whether it meets the requirements of Sections 110(a)(2) (A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Dated: April 8, 1983.

Lester A. Sutton, P.E.,

Regional Administrator, Region I.

[FR Doc. 83-13000 Filed 5-13-83; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 271

[SW-3-FRL 2363-4]

### Virginia's Application for Interim Authorization, Phase II, Components A and B, Hazardous Waste Management Program; Public Hearing and Comment Period

**AGENCY:** Environmental Protection Agency, Region III.

**ACTION:** Notice of Public Hearing and Public Comment Period.

**SUMMARY:** Today EPA is announcing the availability for public review of the Virginia Application for Phase II, Components A & B, Interim Authorization, inviting public comment, and giving notice of a public hearing to be held on the application. This is in accordance with agency regulations to protect human health and the environment from improper management of hazardous waste, including the provisions for authorization of State programs to operate in lieu of the Federal program and for a transitional stage in which States can be granted interim program authorization.

**DATES:** If significant public interest is expressed, a public hearing is scheduled for Thursday, June 16, 1983 at 7:30 p.m. EPA reserves the right to cancel the public hearing if significant public interest is not communicated by telephone or in writing by Monday, June 6, 1983. EPA will determine by Wednesday, June 8, 1983 whether there is significant interest to hold the public hearing. The Commonwealth of Virginia will participate in any public hearing held by EPA on this subject. Regardless of whether a public hearing is held, all written comments on the Virginia Phase II, Components A and B, Interim Authorization application must be received by the close of business on Friday, June 24, 1983.

**ADDRESSES:** To find out if EPA will hold a public hearing on Virginia's application based on EPA's decision

that there is significant public interest in such a hearing, write or telephone after June 8, 1983, the EPA contact person listed below. Copies of the Virginia Phase II, Components A and B, Interim Authorization application are available during normal business hours at the following addresses for inspection and copying: Virginia Department of Health, James Madison Building—9th Floor, 109 Governor Street, Richmond, Virginia 23219 (804) 786-5271 (contact: Dr. Wladimir Gulevich). U.S. EPA Headquarters Library (PM211A), 401 M Street SW., Washington DC 20460 (202) 382-5926 (contact: Gloris Butler). U.S. EPA, Region III, Library, 2nd Floor, 6th and Walnut Streets, Philadelphia, PA 19106 (215) 597-0580 (contact: Diane McCreary). Written comments should be sent to Patricia Corbett, State Programs Section (3AW31), U.S. EPA, Region III, 6th and Walnut Streets, Philadelphia, PA 19106 (215) 597-7938. If significant public interest is expressed, and EPA decides to hold the public hearing on Thursday, June 16th, 1983 at 7:30 p.m., it will be held in the Metropolitan Room, Best Western Executive Motor Hotel, 5215 West Broad Street, Richmond, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Patricia Corbett, State Programs Section (3AW31), U.S. EPA, Region III, 6th and Walnut Streets, Philadelphia, PA 19106 (215) 597-7938.

**SUPPLEMENTARY INFORMATION:** In the May 19, 1980 *Federal Register* (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified state programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. Phase I of the Federal program, published in the May 19, 1980 *Federal Register* (45 FR 33063), includes regulations pertaining to the identification and listing of hazardous wastes; standards applicable to generators and transporters of hazardous waste, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities

before they receive permits. The Commonwealth of Virginia received interim authorization for Phase I on November 3, 1981.

In the January 26, 1981 *Federal Register* (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of interim authorization. Phase II of the Federal program includes permitting procedures and standards for hazardous waste management facilities. Component A, published in the *Federal Register* January 12, 1981 (46 FR 2802), contains standards for permitting storage and treatment in containers, tanks, surface impoundments and waste piles. Component B published in the *Federal Register* January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators. Component C, published in the *Federal Register* July 26, 1982 (47 FR 32274), contains standards for permitting surface impoundments, waste piles, land treatment facilities and landfills. These Component C standards for permitting surface impoundments and waste piles superseded the Component A standards for permitting storage and treatment in surface impoundments and waste piles published on January 12, 1981. The Commonwealth of Virginia is applying for Phase II, Components A and B, Interim authorization which would enable them to permit storage and treatment in containers and tanks and to permit hazardous waste incinerators in lieu of the Federal program.

A full description of the requirements and procedures for state interim authorization is included in 40 CFR Part 271, Subpart F, as amended, by 47 FR 32377. As noted in the May 19, 1980 *Federal Register*, copies of complete state submittals for Phase II interim authorization are to be made available for public inspection and comment. In addition, if significant public interest exists, a public hearing is to be held on the submittal.

#### List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: May 9, 1983.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 83-13069 Filed 5-13-83; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 611

[Docket No. 30510-82]

## Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

**SUMMARY:** NOAA issues a proposed rule to implement Amendment 7 to the fishery management plan for the Groundfish Fishery of the Bering Sea/Aleutian Islands Area. The intended effects of this action are (1) to alleviate some of the restrictive measures placed on foreign longline fleets in order to provide them with ample opportunity to harvest their groundfish allocations, and (2) to provide an incentive to foreign longline vessels to minimize their incidental take of Pacific halibut, a prohibited species in the foreign groundfish fisheries.

**DATES:** Comments are invited until June 24, 1983.

**ADDRESSES:** Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Individual copies of the amendment and the environmental assessment may be requested from the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510, 907-274-4563.

**FOR FURTHER INFORMATION CONTACT:** Susan J. Salvesson (Regional Plan Coordinator), 907-586-7230.

**SUPPLEMENTARY INFORMATION:****Background**

The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) was implemented January 1, 1982 (46 FR 63295, December 31, 1981), by the NOAA Assistant Administrator for Fisheries (Assistant Administrator) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Eight amendments to the FMP have been adopted by the North Pacific Fishery Management Council (Council). The notice of final approval and implementation of Amendments 1a and 2 was published January 12, 1982 (47 FR 1295), and that for Amendment 4 is under review. Amendment 5 was approved by the Assistant Administrator on December 30, 1982,

and proposed rules are pending. Amendment 6 is being prepared by the Council for submission to the Secretary of Commerce (Secretary). Amendments 1 and 3 are currently undergoing Secretarial review.

Amendment 7 to the FMP is the subject of this action and was adopted by the Council at its September 1982 meeting. This amendment would modify current restrictions on foreign longline operations in the Winter Halibut Savings Area (WWSA). This proposed rule is published under section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 97-453, which requires the Secretary to publish regulations proposed by a Council within 30 days of receipt of the amendment and regulations. Consequently, publication of this proposed rule does not indicate that the amendment it would implement has been determined to be consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, is required to take into account the data, views, and comments received from interested persons during the 75-day comments period starting from receipt of the amendment on April 11, 1983.

The FMP currently forbids foreign longline vessels to fish landward of the 500 meter depth contour in the WWSA from December 1 through May 31. This provision was originally intended to protect Pacific halibut, a prohibited species in foreign groundfish operations, when juvenile Pacific halibut concentrate in the WWSA during winter months. Amendment 7 would alleviate this restriction on the foreign longline fishery until the total incidental catch of Pacific halibut by foreign longline vessels in the Bering Sea and Aleutian Islands area reached 105 metric tons (mt) during the 12-month period of June 1 through May 31. At that time, the restriction on the incidental catch of Pacific halibut by foreign longline vessels would be reimposed. Thus, if the incidental catch of Pacific halibut taken by foreign longline vessels in the Bering Sea and Aleutian Islands area reaches 105 metric tons (mt) between June 1 and November 30, the WWSA will be closed to foreign longline fishing landward of the 500 meter depth contour for the 6-month period December 1 through May 31. If the incidental catch limit of 105 mt is reached between December 1 and May 31, the restriction will be reimposed for whatever remains of that 6-month period.

From 1977 through 1981, the foreign groundfish fishery in the Bering Sea and Aleutian Islands area was governed by

a preliminary fishery management plan for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific (PMP) prepared by the Secretary. The PMP contained no restriction on foreign longline operations in the WWSA. Under the PMP, foreign longline vessels caught an average of 140 mt of Pacific halibut annually during the 4-year period 1978-81.

Since the FMP was implemented in 1982, representatives for the Japanese longline industry have argued that the 500 meter depth restriction in the WWSA will hinder the harvest of the industry's Pacific cod allocations. They further argued that relative to trawl operations, the foreign longline fishery has little impact on the Pacific halibut resource and requested that the restriction be eliminated from the regulations implementing the FMP.

In considering their request, the Council noted current U.S. observer information which indicated the incidental catch rate of Pacific halibut in foreign groundfish operations (number of Pacific halibut per metric ton of groundfish caught) is generally highest in the longline fishery. In terms of total catch, however, more Pacific halibut is taken as incidental catch in foreign trawl operations than is taken by other methods. Further, the mortality rate of halibut caught on longline gear is only about 25 percent, compared to a 100 percent mortality of Pacific halibut caught in foreign trawl operations.

In view of the relatively small absolute catch of Pacific halibut by foreign longline vessels and the low mortality of those halibut that are caught, the Council decided that the current restriction on foreign longline operations in the WWSA should not be rescinded, but could be revised. The Council determined, therefore, that when the total incidental take of Pacific halibut by all foreign longline vessels in the Bering Sea and Aleutian Islands area reached 105 mt over the 12-month period of June 1 through May 31, the 500 meter depth restriction on longline operations in the WWSA would be reimposed for the remainder of the 6-month period December 1 through May 31. The 105 mt catch limit is 75 percent of the average 1978-81 take of Pacific halibut by foreign longline vessels. The 500 meter depth restriction was retained by the Council because the incidence of Pacific halibut per metric ton of groundfish is much higher in waters shallower than 500 meters.

In order to avoid grounds preemption problems and gear conflicts, foreign longliners have historically fished in the WWSA during winter months when

foreign trawl operations are excluded. The limit on Pacific halibut interceptions proposed by this amendment should provide an incentive to foreign longline vessels to keep their Pacific halibut catch below the 105 mt level so they may continue their longline operations in the WHSA throughout the December 1 through May 31 period.

Representatives for the Japanese longline industry have indicated that the 105 mt catch limit for Pacific halibut should not be so burdensome as to prevent foreign longline fleets from catching their groundfish allocations.

Apportionment of the 105 mt limit on Pacific halibut among those foreign nations which conduct longline operations in the Bering Sea and Aleutian Islands area is not feasible. As a result, a nation's longline fleet could be excluded from fishing landward of the 500 meter depth contour in the WHSA under this proposal because of a high incidental take of Pacific halibut by longline vessels from other nations. Further, although this amendment would not likely be effective until August 1983, foreign nations would be held accountable for their total Pacific halibut catch in the entire management area as of June 1, 1983. Comments on whether this issue should be of particular concern are also requested. Comments should be submitted to the Alaska Regional Director at the address noted above.

#### Classification

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act as amended by Pub. L. 97-453, require the Secretary to publish this proposed rule 30 days after its receipt. Consequently, publication of these proposed rules does not indicate that the amendment they would implement has been determined to be consistent with the national standards, other provisions of the Magnuson Act and other applicable law. The Secretary, in making that determination, is required to take into account the data, views, and comments received from interested persons during the 75-day comment period running from receipt of the amendment. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow procedures of the order.

The Assistant Administrator has determined that Amendment 7 will not significantly affect the quality of the human environment. This determination was based on an environmental assessment which will be filed with the Environmental Protection Agency on

May 12, 1983. Accordingly, a supplement to the environmental impact statement for the FMP is not required. You may obtain a copy of the environmental assessment at the address above. The Council has determined that the rule to implement Amendment 7 will be consistent, to the maximum extent practicable, with the approved Coastal Zone Management Program of Alaska. The determination has been submitted for review by the responsible State agencies under Section 307 of the Coastal Zone Management Act.

The Administrator of NOAA (Administrator) has determined that this proposed rule is not a major rule requiring a regulatory impact analysis under Executive Order 12291, because the amount of Pacific halibut lost to foreign longline operations is too small for the proposed action to have a significant economic effect on the U.S. Pacific halibut industry. For purposes of this action, the environmental assessment was found to contain information adequate for this decision.

Based upon the environmental assessment, the General Counsel of the Department of Commerce has certified to the Small Business Administration that the rule to implement Amendment 7 will not have a significant economic impact upon a substantial number of small domestic entities for the purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The following is a summary of the analysis presented in the environmental assessment on the impacts of the proposed rule on the socioeconomic environment.

The net loss incurred by the U.S. Pacific halibut fishery as a result of the incidental take of Pacific halibut by foreign longline operations is not significant. The specific methodology employed in estimating the net loss is summarized in the environmental assessment. Under the proposed rule, the discounted real present value of the loss to the U.S. Pacific halibut industry in terms of gross ex-vessel earnings would be only \$44,378 per year. This loss becomes relatively minor when compared to the total ex-vessel value of recent U.S. Pacific halibut quotas in the Bering Sea and Aleutian Islands area [International Pacific Halibut Commission (IPHC) regulatory area 4] and distributed among the total number of U.S. vessels commercially fishing for Pacific halibut in this area. The 1983 quota of 2.6 million pounds for Pacific halibut in IPHC area 4 1983 is a 73 percent increase over the 1.5 million pound quota established for 1982, when approximately 105 U.S. vessels commercially fished for Pacific halibut

in this area. Assuming that at least 105 U.S. vessels would continue to commercially fish for Pacific halibut in IPHC area 4 during 1983, the ex-vessel discounted present value loss per vessel under the proposed rule may approach \$423. This loss per vessel would decrease if there is an increase in the number of U.S. vessels commercially fishing for Pacific halibut in IPHC area 4 during 1983. This loss is not significant when compared to the average gross ex-vessel earnings of \$19,129 per vessel that could be accrued if the entire 1983 Pacific halibut quota established for IPHC area 4 is harvested.

The Council approved Amendment 7 despite the resulting loss, albeit minor, to domestic fishermen because the amendment achieves an appropriate balance between the need to protect Pacific halibut while promoting the full use of Pacific cod. In adopting Amendment 7, the Council also considered the extent to which those foreign nations that engage in longline operations in the management area have (1) cooperated with the United States in contributing to, or fostering the growth of a sound and economic domestic groundfish fishing industry, including transferring harvesting technology that benefits the domestic industry, (2) made foreign markets available to domestic fish or fishing products, (3) advanced new opportunities for fisheries trade, particularly through the purchase of fish or fishery products from domestic fishermen, and (4) traditionally engaged in longline fishing for Pacific cod in the management area.

Because those foreign nations that would be affected by this amendment have cooperated with the United States in promoting development and growth of groundfish fishing through joint ventures, including transferring harvesting technology, and purchasing U.S.-caught groundfish for import to foreign nations, and have traditionally engaged in Pacific cod fishing in the management area, the Council judged that this amendment conveys an overall benefit to the United States in terms of international trade.

Finally, the proposed rule does not contain a collection of information requirement or involve any collection of information within the meaning of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

#### List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Dated: May 11, 1983.

Carmen J. Blondin,

Acting Assistant Administrator for Fisheries  
Resource Management, National Marine  
Fisheries Service.

#### PART 611—FOREIGN FISHING

For reasons set out in the preamble, 50  
CFR Part 611 is proposed to be amended  
as follows:

1. The authority citation for Part 611  
reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless  
otherwise noted.

2. Section 611.93 is amended by  
revising paragraph (c)(3)(ii) to read as  
follows:

§ 611.93 Bering Sea and Aleutian Islands  
groundfish fishery.

(c) \* \* \*

(3) \* \* \*

(ii) When U.S. observer information or  
other reliable reported statistics indicate

that foreign longline vessels have  
intercepted 105 metric tons of Pacific  
halibut in the entire management area  
during the 12-month period June 1  
through May 31, the Regional Director  
shall prohibit further longlining by  
foreign vessels for the remainder of the  
6-month period December 1 through  
May 31 in water less than 500 meters  
deep in the area designated under  
paragraph (c)(2)(ii)(C) of this section.

[FR Doc. 83-13087 Filed 5-12-83; 9:09 am]

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