

approving the August 25, 1982 Marion County open burning regulation.

EPA is approving the Marion County open burning regulation as a revision to the SIP because this regulation should lead to a reduction in particulate levels in Marion County over those levels predicted to be emitted under the present SIP. It should also lead to reductions in the hydrocarbon levels (precursors to ozone) and the carbon monoxide levels. While EPA conditionally approved the Marion County TSP plan without an open burning regulation as meeting the requirements of Part D of the Act, inclusion of an open burning regulation will assist Indiana in its goal of attaining the NAAQS in Marion County. EPA's approval today of the Marion County regulation supplements but does not replace the currently approved State regulation (325 IAC Article 4-1, which was formerly APC 2). The general State regulation will remain a part of the Marion County SIP. EPA will recognize variances to these regulations given by the State or the County only if they are submitted and approved as revisions to the SIP.

In response to the September 9, 1982, notice of proposed rulemaking (NPR), EPA received one comment from the State of Connecticut. The comment noted that, in Connecticut, no trash burning is allowed for homeowners and brush burning is severely restricted. The commenter believed that the Marion County open burning regulation is a relaxation from the existing SIP and wished to know what additional restrictions are being placed on Marion County sources in order to compensate for this relaxation.

Contrary to the commenter's contention, the Marion County open burning regulation is more stringent than the statewide regulation, 325 IAC Article 4-1, which was the only approved SIP regulation in Marion County. (As stated earlier, 325 IAC Article 4-1 remains applicable in Marion County.) Therefore, the SIP is not being relaxed.

EPA has previously reviewed Indiana's total TSP package of regulations for Marion County in relation to the Part D TSP SIP. Indiana's strategy is based on RACT plus further studies of nontraditional sources. EPA approved this package as sufficient on July 16, 1982. Because the new Marion County regulation is more stringent, today's action on this regulation should lead to more expeditious attainment of the NAAQS in Marion County.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

This notice is issued under authority of Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: May 11, 1983.

Lee L. Verstandig,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. Section 52.770 is amended by adding paragraph (c)(44) as follows:

§ 52.770 Identification of plan.

(c) * * *

(44) On June 28, 1982, Indiana submitted new open burning regulations for Marion County. An amendment was submitted on August 25, 1982.

[FR Doc. 83-13333 Filed 5-17-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 2323-4]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA announces final rulemaking action on revisions to the Indiana State Implementation Plan (SIP) for ozone and total suspended particulate (TSP). The revision pertains to source specific emission limitations contained in operating permits which have been issued by the State to Jeffboat, Incorporated, located in Jeffersonville, Indiana. The operating

permits set forth specific limitations on the total amount of hydrocarbon [also known as volatile organic compound (VOC)] and particulate emissions from certain paint spraying and metal cleaning operations at Jeffboat, Incorporated. The intent of today's rulemaking is to incorporate these emission limitations into the State's SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on June 17, 1983.

ADDRESSES: Copies of this revision to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: Environmental Protection Agency, Region V, Air Programs Branch 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Sharon Reinders (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Background

On November 24, 1981, the Indiana Air Pollution Control Board, submitted a revision to the Indiana SIP. The revision is in the form of two operating permits for Jeffboat, Incorporated, located in Jeffersonville, Indiana, a designated nonattainment area for the pollutants ozone and TSP. The permits set forth the following emission limitations.

Source	Operation	Pollutant	Emission limit
Plate shop	Paint spraying	Ozone ¹	110 lbs/hr, 2600 lbs/day, 340 t/yr.
	Metal Cleaning	TSP	5 lbs/hr, 15 t/yr.
Structural shop	Paint spraying	Ozone	88 lbs/hr, 2100 lbs/day, 274 t/yr.
	Metal Cleaning	TSP	14 lbs/hr, 43 t/yr.

¹ Permit limits pertain to volatile organic compounds

As shown above, VOC emissions from paint spraying are limited to 198 pounds per hour, 4700 pounds per day, and 614 tons per year. TSP emissions from metal cleaning and spraying are limited to 19 pounds per hour and 58 tons per year. The technical support developed by the

State for the permits shows that these limitations represent status quo emissions.

On June 22, 1982, EPA announced direct final rulemaking action to incorporate the emission limitations contained in the permits into Indiana's SIP. EPA was subsequently advised that the Air Pollution Control District of Jefferson County, Louisville, Kentucky, wished to comment on the SIP revision. Therefore, on November 10, 1982, EPA withdrew its direct approval and began a new rulemaking action. (47 FR 50862 and 47 FR 50928). This new rulemaking action proposed to approve the revision and established a 30-day public comment period to December 10, 1982.

EPA's rationale for approving the limitations is that, under the present SIP, VOC emissions from marine vessel operations at facilities such as Jeffboat, Inc. are exempt from the control requirements of 325 Indiana Administrative Code (IAC) Article 8-2 and the federally approved Indiana SIP. Thus, "capping" the hourly, daily, and annual emissions is acceptable. With respect to TSP, EPA agrees with the State's technical analysis that the current SIP allows higher TSP emissions than the permit limitations. Thus, "capping" hourly and annual TSP emissions is also acceptable.

Public Comments

During the 30-day public comment period, EPA received one comment.

The commenter asked the following questions regarding EPA's proposed approval of the operating permits for Jeffboat, Inc. and requested that EPA include the information in response to the questions in the final approval action. Each question raised by the commenter and EPA's response are presented below.

Comment

The commenter requested that EPA identify which Reasonably Available Control Technology (RACT) Control Technique Guideline (CTG) has been applied in the determination of approval.

Response

EPA has not issued a CTG for the control of VOC emissions from the exterior surface coating of marine vessels.

Comment

The commenter requested that EPA identify what exemptions, if any, that were granted in the approval process and why.

Response

No exemptions from the SIP are being granted. Rule 325 IAC Article 8-2, which is included in Indiana's SIP strategy to control VOC emissions from surface coating operations, contains an exemption for surface coating the exterior of marine vessels. The State included this exemption in its SIP in accordance with EPA guidance. (See Guidance to State and Local Agencies in Preparing Regulations to Control VOC From 10 Stationary Source Categories, EPA-450/2-79-004). The guidance document concludes that surface coating the exterior of marine vessels may be exempted from control requirements because, "Exterior coatings on . . . marine vessels are high performance coatings which are applied under conditions that are not easily controlled". Thus, by issuing these operating permits, the State is limiting the hourly, daily, and annual VOC emissions from a source which was previously exempt from control requirements in the existing SIP.

Comment

The commenter requested that EPA identify the current emission rates, in RACT Control Technique Guideline (CTG) equivalent units, prior to the issuance of permits and the new emission rate, in RACT CTG equivalent units, being approved.

Response

This comment is not relevant because it refers to a RACT CTG which does not exist. However, as stated earlier, the limitations contained in the permits reflect status quo emissions. By issuing these permits, the State is setting enforceable VOC emissions limitation for a source which previously had no enforceable limit.

Comment

The commenter requested that EPA identify the compliance schedule to be implemented in achieving RACT control.

Response

The operating permits were issued by Indiana on April 21, 1981, and were effective on that date. With respect to VOC, EPA makes no judgment on whether the emission limitations contained in these permits represents RACT-level of control. The State of Indiana is required to include a schedule in its 1982 Ozone SIP revision for the application of RACT control to major non-CTG sources. EPA is reviewing the schedule as a part of its review of Indiana's 1982 Ozone SIP revision. EPA

recently proposed a determination on February 3, 1983 (48 FR 5106).

Comment

The commenter requested that EPA identify the specific EPA approved Indiana SIP regulation being used to enforce the permit(s).

Response

Regulation 325 IAC Article 2 requires the State to submit all discretionary actions, such as operating permits, to EPA as revisions to the SIP. EPA reviews each submittal from the State and, if items vary from the SIP, publishes notices of rulemaking actions in the Federal Register disapproving or approving the State's action as a SIP revision.

As noted in the Background section of this notice, the emission limitations contained in the operating permits for Jeffboat, Inc. vary from the SIP. The operating permits were issued on April 21, 1981 and, thus, are enforceable by the State. By incorporating the emission limitations into the SIP, the limitations also become enforceable at the Federal level.

In conclusion, having reviewed both the information submitted by the State and the public comment received, EPA today is approving the VOC and TSP emission limits for Jeffboat, Inc. as submitted by the State on November 24, 1981.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See Sec. 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

This notice is issued under authority of Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7502).

Dated: May 11, 1983.

Lee L. Verstandig,
Acting Administrator.

PART 52 APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52, Subpart P Indiana is amended as follows:

1. Section 52.770 is amended by adding paragraph (c)(40) as follows:

§ 52.770 Identification of Plan

(c) * * *

(40) On November 24, 1981, Indiana submitted site specific emission limitations for Jeffboat, Inc., Jeffersville.

[FR Doc. 83-13334 Filed 5-17-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[A-6-FRL 2336-4]

Approval and Promulgation of Implementation Plans; Oklahoma Regulation 1.4 Air Resources Management-Permits Required and Major Sources-Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice approves two parts of Regulation 1.4's revision to the Oklahoma State Implementation Plan. The revision to Air Resources Management-Permits Required (1.4.1-1.4.3) and Major Sources-Nonattainment Areas (1.4.5) was submitted by the Governor on April 12, 1982. The notice proposing approval was published in the Federal Register on November 3, 1982, at 47 FR 49872, and no comments were received. The section on Prevention of Significant Deterioration (PSD) Requirements (1.4.4) is being addressed in a separate Federal Register package.

The revision fulfills the provisions of Section 173 of the Act by incorporating the Permit requirements into the regulation. It also sets forth legally enforceable procedures for the review of new sources and modifications which would locate in a nonattainment area.

EFFECTIVE DATE: Effective on June 17, 1983.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

Environmental Protection Agency,
Public Information Reference Unit,

EPA Library, 401 M Street SW.,
Washington, D.C. 20460;
The Office of the Federal Register, Rm.
8401, 1100 L Street NW., Washington,
D.C. 20460;
Environmental Protection Agency,
Region 6, Air and Waste Management
Division, Air Branch, State
Implementation Plan Section, 1201
Elm Street, Dallas, Texas 75270;
Oklahoma State Dept. of Health, Air
Quality Service, N.E. 10th and
Stonewall, Oklahoma City, Oklahoma
73105.

FOR FURTHER INFORMATION CONTACT:

Kathryn M. Griffith, State
Implementation Plan Section,
Environmental Protection Agency,
Region 6, Air and Waste Management
Division, Air Branch, 1201 Elm Street,
Dallas, Texas 75270, (214) 767-9853.

SUPPLEMENTARY INFORMATION: On April 12, 1982, the Governor of Oklahoma submitted a SIP revision to Regulation 1.4. EPA reviewed the State's submittal and developed an evaluation report¹, which is based on the minimum criteria established in 40 CFR 51.18 Review of new sources and modifications. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 Office and the other addresses listed above.

Regulation 1.4's revision and the letter of commitment from the State dated April 30, 1982, adequately provides for the preconstruction review of a major new source or major modification which would locate in a nonattainment area. The State committed that:

1. Source proposing to locate in an attainment area where monitoring data indicates the area is in fact nonattainment (1.4.5(c)(1)(C)(ii)), will be required to apply LAER, demonstrate that all other sources are in compliance, and offset;

2. Section 1.4.5(d)(2) is interpreted to mean that only secondary emissions are exempt from the conditions of 1.4.5(c)(1)(C)(vi) and 1.4.5(e)(1) (A), (B) and (C) and not the source as a totality;

3. Copies of the public notification for permits will be sent to EPA and to all other local air pollution control agencies as required by 40 CFR 51.18(h)(4); and

4. Whenever the word "enforceable" appears in a definition (1.4.5(b)(1-20)), they will interpret it to include "federally enforceable."

On August 7, 1980, at 45 FR 52728, EPA noted that many Part D SIP revisions based their attainment demonstrations on the actual emissions

of the sources in a nonattainment area rather than the sources allowable emissions. This means that to be consistent with RFP, sources must reduce their actual, rather than their allowable, emissions. Otherwise, sources could claim credit for offsets in situations where the offset would actually interfere with RFP.

On December 9, 1982, the State submitted a letter of clarification stating that because they use actual emissions to demonstrate reasonable further progress (RFP) towards attainment they also use actual emissions to determine credit for emission reductions. In the 1979 SIP, EPA approved Section 1.4.5(e)(1)(D)(ii) which enables a source to use the total allowable emissions in the region for offsets and to represent RFP toward attainment. But, under the States RFP reporting section (page 4-138, 1979 SIP), it states that "The report shall contain an updated emission inventory on an actual ton-per-year basis for the entire county or nonattainment area."

On August 17, 1982, the United States Court of Appeals for the District of Columbia Circuit held that EPA may not use the plantwide definition of source in programs regulating growth in nonattainment areas in the *Natural Resources Defense Council vs. Gorsuch* ruling, 685 F.2d 71 D.C. Cir. 1982. Oklahoma's revision to Regulation 1.4 retains the dual definition of source and therefore is not affected by the decision.

EPA is approving Regulation 1.4's revision because it fulfills the provisions of Section 173 of the Act and adequately provides for the preconstruction review of a major new source or major modification which would locate in a nonattainment area.

EPA is taking no action on Section 1.4.5(e)(1) (D) and (E), which was fully approved on November 28, 1980 (45 FR 79051).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 18, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See Sec. 307(b)(2).)

This notice of proposed approval is issued under the authority of Section 110 of the Clean Air Act as amended, 42 U.S.C. 7410.

¹ EPA Review of Oklahoma Regulation 1.4.1-1.4.3 (Air Resources Management-Permits Required) and 1.4.5 (Major Sources-Nonattainment Areas).

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by reference of the State Implementation Plan for the State of Oklahoma was approved by the Director of the Federal Register on July 1, 1982.

Dated: May 10, 1983.

Lee L. Verstandig,

Acting Administrator.

PART 52—[AMENDED]

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart LL—Oklahoma

1. Section 52.1920 is amended by adding paragraph (c)(25) as follows:

§ 52.1920 Identification of plan.

* * *

(c) * * *

(25) Revision to Oklahoma Regulation No. 1.4 Air Resources Management—Permits Required (1.4.1–1.4.3) and Major Sources—Nonattainment areas (1.4.5) was submitted by the Governor on April 12, 1982. A letter of commitment and a letter of clarification for Regulation 1.4 was submitted by the State on April 30, 1982 and December 9, 1982, respectively.

[FR Doc. 83-13332 Filed 5-17-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-10-FRL 2345-1]

Approval and Promulgation of State Implementation Plans; Revision to Oregon State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this Notice EPA approves the Oregon State Implementation Plan (SIP) for lead and the Oregon ambient air quality standard for lead. These revisions were adopted to satisfy Sections 110 and 116, respectively, of the Clean Air Act, as amended in 1977 (hereinafter referred to as the Act).

EFFECTIVE DATE: This action will be effective on July 18, 1983, unless notice is received before June 17, 1983, that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period on this action.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-83-3), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97207.

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT:

Richard F. White, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, M/S 532, Seattle, Washington 98101, Telephone: (206) 442-4016, FTS: 399-4016.

SUPPLEMENTARY INFORMATION: On December 3, 1982 the State of Oregon Department of Environmental Quality (DEQ) submitted a draft lead SIP for EPA's review prior to public hearing and adoption. EPA's review comments are contained in a technical evaluation document, which is available at the addresses shown earlier.

EPA provided DEQ with written comments, which were considered at the public hearing on January 14, 1983. The SIP was adopted with all requested corrections on January 14, 1983 and submitted to EPA on January 24, 1983.

Technical Evaluation**Lead SIP**

The requirements for an approvable lead SIP are contained in 40 CFR Part 51 Subpart E. As described in the technical evaluation document, the Oregon SIP satisfies all requirements for standard attainment demonstration, emission data and projections and air quality data and projections. In addition, the SIP provides for statewide review of all new lead sources under its Air Contaminant Discharge Permit rules (OAR 340-20-140 to 185) previously approved by EPA (47 FR 35191).

Because the standard violations are caused by mobile source emissions, the only control strategy, the Federal program for reduction of lead in gasoline, demonstrates attainment of the standard by the end of 1983. Past

violations of the lead standards were recorded in the vicinity of the Gould Battery facility, in Portland, which has since closed. The site is being cleared and covered and will be monitored to assure continued attainment. The other major point source, Bergsøe Metal Corporation, a new secondary lead smelter in St. Helens, Oregon, has not caused and is not expected to cause violations of the ambient standard. This facility was reviewed and approved by EPA in 1979 under provisions of the Prevention of Significant Deterioration regulations, which call for use of best available control technology (BACT).

Ambient Air Quality Standard

In conjunction with developing a lead SIP which demonstrates attainment of the National Ambient Air Quality Standard for lead, DEQ revised their ambient air standard from 3.0 ug/m³ per calendar month to 1.5 ug/m³ average per calendar quarter. By this action DEQ's standard is now consistent with the National standard.

Air Quality Monitoring

The SIP also contains a description of the current statewide lead monitoring network. Discussions between EPA and DEQ are now underway to agree on a network to meet the requirements of 40 CFR Part 58 (Ambient Air Quality Surveillance). Because the network has not yet been finalized and submitted, EPA will take separate action on it at a later date.

Final EPA Action

Based on evaluation of DEQ's submittal, the Administrator has determined that the Oregon lead SIP revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Oregon SIP.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under Section 110 within the terms of the January 27, 1981 certification.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirements of regulatory impact analysis. This regulation is not judged to be major, since it merely approves actions taken by the State and does not establish any new requirements.

The Office of Management and Budget has exempted this rule from the

requirements of Section 3 of Executive Order 12291.

This notice of final rulemaking is issued under the authority of Section 110 and 116 of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7610).

List of Subjects in 40 CFR Part 52

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

Dated: May 10, 1983.

Lee L. Verstandig,

Acting Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register in July 1982.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

In § 52.1970, paragraph (c)(60) is added as follows:

§ 52.1970 Identification of plan.

(c) * * *

(60) On January 24, 1983 the State of Oregon Department of Environmental Quality submitted a revision to add a lead strategy to the Oregon Implementation Plan and revise the State lead ambient air quality standard to agree with the Federal standard.

[71 FR Doc. 83-12298 Filed 5-17-83; 6:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672, and 675

[Docket No. 30509-77]

Foreign Fishing, Groundfish of Gulf of Alaska, and Groundfish of Bering Sea and Aleutian Islands Area

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

ACTION: Rule-related notice; inseason adjustment.

SUMMARY: This document announces the apportionment of amounts of Alaska groundfish that were eligible in April 1983 for apportionment to the total allowable level of foreign fishing and to the domestic annual harvest, under provisions of the fishery management

plans for Groundfish of the Bering Sea and Aleutian Islands Area and for the Groundfish of the Gulf of Alaska. Apportionment is prescribed by regulations implementing those FMPs. The intended effect of this action is to assure optimum use of groundfish resources by allowing the foreign and domestic fisheries to proceed without interruption.

EFFECTIVE DATE: May 12, 1983.

FOR FURTHER INFORMATION CONTACT:

Robert W. McVey (Director, Alaska Region, National Marine Fisheries Service), 907-586-7221; or Janet Smoker (Fishery Biologist), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

Optimum yields (OY) for various groundfish species are established by the fishery management plan (FMP) for the Groundfish of the Bering Sea and Aleutian Islands Area and by the FMP for the Groundfish of the Gulf of Alaska. The FMPs were developed under the Magnuson Fishery Conservation and Management Act, and are implemented by rules appearing at 50 CFR 611.92 and 611.93 and 50 CFR 672 and 675. The OYs are apportioned initially to domestic annual harvest (DAH), reserve, and total allowable level of foreign fishing (TALFF). Each reserve amount, in turn, is to be apportioned to DAH and/or TALFF during the fishing year, under 50 CFR 611.92(c), 611.93(b), 672.20(c), and 675.20(b). In addition, surplus amounts of the three components of DAH (DAP—domestic processed fish, DNP—fish retained for bait or consumption, and JVP—foreign processed fish) may be apportioned to TALFF during the fishing year under those same regulations. The Director, Alaska Region, National Marine Fisheries Service, announces the apportionments described below under these authorities.

The first scheduled date for the apportionment of reserves in the Bering Sea and Aleutian Islands Area was in February 1983. At that time all reserves were retained as explained in a Federal Register notice published on March 15, 1983 (48 FR 10846). Amounts eligible at that time are added to the amounts eligible for the scheduled April 1983 apportionment.

This action apportions certain Bering Sea, Aleutian Islands, and Gulf of Alaska reserve amounts that became eligible for apportionment in April 1983.

1. *Bering Sea and Aleutian Islands.* Although there has been little activity to-date, U.S. fisheries in this area are expected to continue expanding in 1983. Expansion of shoreside and floating processing capacity is expected to

facilitate processing of DAP amounts. The execution of planned joint ventures is anticipated to result in harvests exceeding some JVP amounts. All DNP amounts are expected to be taken.

DAP: The stated capacity and intentions of domestic processors indicate the DAP amounts of sablefish in the Aleutian Islands Area, Pacific ocean perch, and Pacific cod may be insufficient. DAP amounts specified for all other species appear to be adequate.

DNP: DNP amounts for all species appear sufficient for projected U.S. harvests.

JVP: The stated intentions of U.S. fishermen planning to deliver to foreign processors indicate that JVP amounts of pollock, yellowfin sole, Pacific cod, Atka mackerel, turbot, and other rockfish are insufficient. JVP amounts specified for all other species appear to be adequate.

Reserves: Reserves of sablefish in the Aleutian Islands area and of pollock, Pacific ocean perch, yellowfin sole, Pacific cod and Atka mackerel are being retained to supplement DAP and JVP in subsequent apportionments if those amounts are insufficient as discussed above. The available reserves (50%) of all the other species are apportioned to TALFF (see Summary Table of Apportionments to TALFF). The remainders of the turbot and other rockfish reserves after this apportionment are sufficient to supplement any future shortfall in the JVP amounts of those species.

2. *Gulf of Alaska.* U.S. fisheries have already harvested large amounts of pollock in the Central Regulatory Area of the Gulf of Alaska. Additional activity by joint ventures and floating processors is expected in all three regulatory areas as are operations of shoreside processors. Apportionment of reserves is addressed by individual regulatory area.

Western Regulatory Area

DAP: The stated capacity and intentions of domestic processors indicate the DAP amounts of Pacific cod are insufficient. DAP amounts for all other species appear to be adequate.

DNP: The DNP amount for Pacific cod appears sufficient for projected U.S. harvests.

JVP: The stated intentions of U.S. fishermen planning to deliver to foreign processors indicate that JVP amounts of pollock, Pacific cod, and Atka mackerel may be insufficient. JVP amounts for all other species appear to be adequate.

Reserves: Reserves of pollock, Pacific cod, and Atka mackerel are being retained to supplement JVP in subsequent apportionments if the JVP