

allow Oregon until June 1, 1984 to submit an application for final authorization. If Oregon fails to submit an application for final authorization by the above date, authorization of the State program will terminate and administration of the hazardous waste management program will revert to EPA.

List of Subjects in 40 CFR Part 271

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

Authority

This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926 and 6974(b).

Dated: May 1, 1984.

Gary L. O'Neal,

Acting Regional Administrator.

[FR Doc. 84-12615 Filed 5-9-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 83-1145; Phase I; FCC 84-188]

Investigation of Access and Divestiture Related Tariffs

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order; partial waiver of rules.

SUMMARY: In this Order, the FCC takes action on the Switched Access portion of tariffs filed by the National Exchange Carrier Association, the Bell Operating Companies and various independent telephone companies. This Order is part of the FCC's continuing investigation of regulations and rates for interstate and foreign access to local telephone exchange service facilities. The purpose of this Order is to give these carriers directions on revising their access tariffs.

EFFECTIVE DATE: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Dan Grosh, Common Carrier Bureau, Federal Communications Commission, (202) 632-6387.

Memorandum Opinion and Order

In the Matter of Investigation of Access and Divestiture Related Tariffs; CC Docket No. 83-1145 Phase I, FCC 84-188.

Adopted: April 27, 1984.

Released: April 27, 1984.

By the Commission:

1. The Commission's *ECA Tariff Order* (49 FR 9174, March 12, 1984). Investigation of Access and Divestiture Related Tariffs, CC Docket No. 83-1145, Phase I, FCC 84-51, released February 15, 1984, directed the National Exchange Carrier Association (NECA) to file revised tariffs in compliance with that order no later than March 15, 1984. That order (at para. 86) further provided that the policy decisions and specific corrections required of the NECA tariff also applied to all other access tariff provisions which are the same as or similar to the NECA's. The Common Carrier Bureau's *Non-ECA Tariff Order* (49 FR 13075, April 2, 1984), CC Docket 83-1145, Phase I, Mimeo No. 2802, released March 7, 1984, directed the seventy-four "non-NECA" local exchange carriers (Bell Operating Companies (BOCs) and independent telephone companies who are not participating in all ECA "pools") to file revised tariffs in compliance with that order no later than March 19, 1984. Except for a few of the smaller independent telephone companies, all of the revised tariffs, were timely filed.¹

2. In anticipation that the various concerns raised could be resolved quickly, the *ECA* and *Non-ECA Tariff Orders* proposed to allow these tariffs to become effective on April 3, 1984. In light of the potentially important remaining issues in the revised tariffs, significant related issues raised by AT&T's emergency petition,² several

¹ Pursuant to a Bureau order in this proceeding (*Waiver Order*, Mimeo No. 2964, released March 16, 1984) Matanuska, Orchard Farm, Walnut Hill, Citizens and Fidelity and Bourbeuse Telephone Companies, and Anchorage Telephone Utility were granted waivers to file revisions to their access service tariffs on dates after the March 19th date established for non-NECA carriers. These carriers are expected to meet their respective filing dates set forth in that order with an effective date of June 13, 1984. We will review these tariffs and any relevant pleadings filed as they are received. We have also received additional applications for Special Permission which will be handled separately.

² AT&T has filed an emergency petition for partial reconsideration of both the *ECA Tariff Order* and the Commission's recent decision in CC Docket 78-72, Phase I (*MTS and WATS Market Structure*, FCC 84-36, released February 15, 1984 (*Second Reconsideration Order*)). AT&T contends that the combined effect of these two decisions would unlawfully impose upon AT&T the exchange carriers' revenue loss occasioned by the Commission's prescription of a 55% discount rate for OCC access. We will address the issues raised by AT&T in a separate order.

petitions for reconsideration of the proposed schedule, and in order to assure adequate analysis and public comment, we extended the effective dates of all the access tariffs until June 13, 1984. We also established an extended bifurcated schedule for public comment separating Special Access issues from all "non-Special Access" issues.³ *Extension Order*, CC Docket 83-1145, Phase I, FCC 84-104, released March 27, 1984.

3. This order focuses on regulations contained in the access and special construction tariffs filed by the NECA and all other exchange carriers. It does not address the detailed and controversial rate and regulations related to Special Access services and facilities (which generally appear in Section 7 of the access tariffs). As our orders required substantial revisions to the Special Access sections, we established a longer pleading cycle with April 16th and April 30th deadlines for comments and reply comments, respectively. We have already received extensive comments which raise significant questions regarding the revised rates and rate structure for Special Access. A separate order addressing Special Access will be released after we have reviewed the reply comments. In addition, this order does not address cost and rate development issues associated with these tariffs. Our analysis and conclusions regarding these cost-related issues will appear in a separate order.

4. Like our earlier *ECA* and *Non-ECA Tariff Orders*, this order contains an appendix which includes a section-by-section review of the NECA tariff and the non-NECA tariffs.⁴ In our section-by-section analysis, which appears in Appendix B, we have reviewed all sections, but have not listed all necessary changes. Carriers are ultimately responsible for implementing the general directions we give here. In most instances the non-NECA access tariff provisions mirror the NECA provisions. In line with our instructions in the *ECA Tariff Order*, all access tariff provisions which are the same as or

³ Comments and replies directed to the "non-Special Access" issues have been received and reviewed. These commenters are listed in Appendix A of this order.

⁴ To avoid duplicative review of the essentially identical Central Telephone Company tariffs, we reviewed only those tariffs filed by Centel of Florida, Ohio, and Texas, and Merchants and Farmers Telephone Company. In the case of United Telephone Company we reviewed only United of Arkansas. All other Centel and United Companies with provisions similar to those discussed herein, however, should also modify those provisions in accordance with this order.

similar to NECA provisions discussed herein should be modified to comply with the directions regarding the NECA provisions.

Discussion

5. As we have maintained throughout this investigation, our goal is to resolve at least the major issues necessary to assure that access tariffs are generally reasonable and workable from the outset. In the six months that have elapsed since this investigation was begun, enormous efforts have been expended by this Commission, the carriers, and the public to assure that such workable tariffs could take effect at the earliest possible date. After careful review of the revised NECA and non-NECA access tariffs, carrier responses to our information requests, and the numerous comments and replies filed to date, we have concluded that, except for the tariff sections dealing with "Special Access", the revised tariffs, with certain changes as discussed herein, are functional vehicles for implementing our access charge plan. Although we are continuing to review the complex rates and provisions regarding Special Access services and facilities, we have determined that, if the changes mandated in this order and in the forthcoming cost order are made, we can allow the tariff sections other than those dealing with Special Access to become effective.

6. Throughout this investigation we have been keenly aware that unreasonable and unjust provisions could have profound effects on the changing telecommunications industry and on the public. Therefore, we have closely scrutinized these tariffs and carefully reviewed all pleadings filed by interested parties. We also realize, however, that because of the complexity, novelty and breadth of the issues raised by these tariffs, it is not possible to resolve all issues immediately. Moreover, we expect that actual implementation of these tariffs as well as changes in technology and market forces may bring additional issues to light. These issues may be addressed in our continuing investigation of the access and divestiture related tariffs.

7. In general, filing carriers appear to have complied with our directions in the *ECA* and *Non-ECA Tariff Orders*, however, some required changes were not made, or raised new issues. We have also reviewed provisions for which we sought further justification. Based on this review, additional changes and clarifications, as discussed here and detailed in Appendix B, are required before the tariffs can be allowed to take

effect. Certain matters warranting general discussion are addressed below. These findings, both in the overview and in the individual modules constitute our decisions and orders.

8. Our review revealed that the NECA and non-NECA tariffs contained certain changes not specifically authorized by our two earlier orders or the recent *Waiver Order*. In some cases we have identified the unauthorized changes specifically, but we have not listed all necessary changes. All carriers should review their tariffs carefully and eliminate all unauthorized changes.

9. Additionally, it appears that several non-NECA tariff provisions which are similar to NECA provisions have not been conformed to changes required of all carriers in the *ECA Tariff Order*. All non-NECA carriers should review their tariffs to assure that provisions which are the same as or similar to NECA provisions are in compliance with directions regarding such provisions in our *ECA Tariff Order*.

10. One specific concern we have identified in the revised NECA tariff and several other tariffs regards the introduction of certain new and potentially confusing terms. Accordingly, we are directing that the following terms be eliminated from the tariffs: second dial tone, foreign dial tone, switched access line, dedicated access line, and resold access line. Where necessary we are requiring in our section-by-section review that these terms be replaced by more commonly understood terms.

11. A second important issue deals with proposed provisions which would allow local telcos to terminate a customer's local exchange service for nonpayment of its IC's service charges. In the *ECA Tariff Order* we required the NECA to submit technical justification for such "local service cut-off" provisions. We have reviewed the justification submitted and found it materially incomplete. Therefore, we are requiring that all provisions for "local service cut-offs" be deleted from the tariffs. In certain limited circumstances, however, temporary waivers of this prohibition may be granted provided that a complete technical showing can be made justifying the need for such provisions.

12. Finally, we have found that some of the tariffs have adopted different approaches to implementing our *ECA Tariff Order* instructions to continue all existing interconnection terms and conditions. In order to minimize confusion regarding these important interconnection provisions, all non-NECA carriers should adopt the

approach used by the NECA, i.e., carriers should reference a single technical publication which includes all relevant interconnection provisions in the manner required by our *ECA Tariff Order* at pages 2-65 through 2-68. Carriers should consider using the NECA Technical Publication A.S. No. 1 with the changes and conditions mandated in this order.

Directions to Filing Carriers

13. We expect that the information supplied with the new NECA filings and non-NECA filings and the specific rates and provisions will comply with this order, so that we may allow the designated portions of the revised tariffs to become effective. In any event, we will continue our investigation in CC Docket No. 83-1145 to monitor these filings and consider additional issues which we have not yet fully resolved and the new issues certain to arise.

14. In light of our tight time schedule, we are establishing a specific set of requirements for all revised access filings, essentially identical to those previously used in the first round of revisions. They are as follows:

- Filing carriers may make no revisions, corrections, alterations, or other changes in the rates, terms, or conditions of the access tariffs in the prescribed filing (other than to correct typographical errors such as spelling), except at expressly required or approved in this order or in our *Waiver Order*. These revisions shall conform to the applicable rule requirements of §§ 61.55(e), 61.94 and 61.118(a) of the Commission's Rules, 47 CFR 61.55(e), 61.94 and 61.118(a). The carriers need not, however, symbolize material reissued without change as is required by Section 61.118(b). To do so would result in symbolization that would be confusing. Specific instructions concerning the administrative details of filing these revisions can be found in Appendix A. Other changes which the filing carrier wishes to propose must be made in a separate filing pursuant to Part 61 of the Commission's Rules 47 CFR Part 61:

- Filing carriers shall file in a separate volume a report specifying all revisions on a section-by-section basis, listing the language now pending, the changed language and a reference to the Commission order, page and section, or paragraph number which is being implemented.

15. Carriers are directed to file tariffs conforming with this order no later than the date to be established in our forthcoming cost order. Carriers should carefully review their tariffs before

refiling to assure complete compliances with the directives in this order. Although we have attempted to review the tariffs thoroughly, the ultimate responsibility to implement the tariff changes required in the earlier orders and in this order lies with the filing carriers. Carriers are liable for forfeitures for failure or refusal to comply with a regulation or order issued by this Commission. 47 U.S.C 203(e), 503(b).

16. We do not expect to modify or waive the requirements of this order before the effective date of conforming tariffs, absent exceptional circumstances. Reconsideration petitions or additional tariff filings should provide adequate opportunities to present any claims that revisions are needed. If a carrier wishes to request a waiver to allow a tariff provision which does not conform with this order to become effective immediately, it should present a full explanation and justification for all requests for immediate relief in the form of a single waiver request submitted no later than May 9, 1984.

Ordering Clauses

17. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 201, 202, 203, 204(a) and 205 of the Communications Act, 47 U.S.C 154(i), 154(j), 201, 202, 203, 204(a) and 205, that the tariff material submitted under the transmittals referenced above is unlawful to the extent indicated herein.

18. It is further ordered that the National Exchange Carrier Association, Bell Operating Companies and Independent Telephone Companies shall file revised tariff material in compliance with this order no later than the date to be established in our forthcoming cost order.

19. It is further ordered, that §§ 61.58, 61.59, 61.74 and 61.118(b) of the Commission's Rules, 47 CFR 61.58, 61.59, 61.74 and 61.118(b), are waived to the extent required to file tariff revisions implementing this order.

20. This order is exempt from the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* It involves a rule applicable to particular rates and to practices relating to such rates within the meaning of the exemption contained in 5 U.S.C. 601(2).

Note.—Because of the continuing effort to minimize publishing costs, Appendices A and B (Commenters, Filing Instructions, Summary List of Access Tariff Filings, and Section-by-Section Review) are filed as part of the original document and will not be printed herein. However, they may be reviewed in the FCC Dockets Branch, Rm. 239, and the FCC Library, Rm. 639, both located at 1919 M

Street, NW., Washington, D.C. 20554. Those interested in obtaining copies of this document in its entirety may contact the International Transcription Service, also located at 1919 M Street NW. Tel.: (202) 296-7322.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-12561 Filed 5-9-84; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Amdt. No. 48; Docket PS-78]

Transportation of Natural and Other Gas by Pipeline; Design of Pipeline Components, General Requirements

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Final rule.

SUMMARY: This rule revises existing requirements for design of components to allow designs based upon a pressure rating which is established by the manufacturer as a result of pressure testing. The current rule, which requires that components be designed on the basis of unit stresses, is technically inappropriate for many components.

EFFECTIVE DATE: June 11, 1984.

FOR FURTHER INFORMATION CONTACT: Paul Cory, 202-426-2082.

SUPPLEMENTARY INFORMATION:

American Society of Mechanical Engineers' Petition

The Gas Piping Technology Committee of the American Society of Mechanical Engineers (ASME), by letter of April 6, 1983, petitioned the MTB to revise § 192.143, General requirements, Subpart D of Part 192:

This section limiting the stress in components to "unit stresses equivalent to those allowed for comparable material in pipe in the same location and kind of service" in the context of "Each component of a pipeline . . ." is both impractical and technically inappropriate for valves, flanges, and some other components. These components achieve primary pressure containment through bolting, gaskets, elastomer seals, and sealing compounds. The basis for design of the metallic parts is unit strain (i.e., elastic deformation) at critical locations under rated pressure.

The ASME stated that the objective in designing such components is to limit the strain at critical locations so that the pressure seal will remain functional.

These components have an irregular contour and the stress levels at rated pressure vary from very low to very high in highly localized conditions that approach or may exceed the yield strength. Thus, the actual stress levels can only be determined by a finite element stress analysis.

The "unit stress" language in § 192.143 was based on paragraph 831 of the 1968 Edition of the B31.8 Code for Pressure Piping, Gas Transmission, and Distribution Piping Systems. In 1969, the B31.8 Committee recognized the error and revised paragraph 831 by replacing the "unit stress" language with a requirement that "components shall be selected that are designed to withstand the field test pressure to which they will be subjected without failure or leakage and without impairment of their serviceability." The revised paragraph 831 was published in the 1975 Edition.

The petitioner further pointed out that it has been common practice when an operator is designing pipelines, to limit operating pressure of valves, flanges, and similar components in accordance with a manufacturer's established pressure rating which is based upon pressure testing. For example, an American Standards Association ASA 150 fitting has a pressure rating of 275 psi. This practice is based upon sound engineering standards (see API 6D, MSS SP-70, ANSI B16.5, which are listed in Part 192, Appendix A—Incorporated by Reference) that have proven to provide a level of safety for components covered at least equal to that required for a pipeline in the same location and kind of service. This was the intent of the present wording in § 192.143. In addition, the specifications listed in various sections of Subpart D and Appendix A have been the basis for the pressure rating of some components based on pressure test rather than unit stress since Part 192 was first issued.

Notice and Comments

As a result of the ASME petition, on November 4, 1983, the MTB published a Notice of Proposed Rulemaking (NPRM) (48 FR 50908) which proposed to amend § 192.143 to read as follows:

§ 192.143 General requirements.

Each component of a pipeline must be able to withstand operating pressures and other anticipated loadings with unit stresses equivalent to those allowed for comparable material in pipe in the same location and kind of service or must be pressure rated in accordance with the requirements of the applicable specification listed in Appendix A or meet the requirements of § 192.144.

Note.—Proposed additional wording is printed in *italic*.

There were 18 comments in response to the NPRM. Eleven of these comments agreed with the proposed amendment. However, five commenters pointed out that the proposed wording would not cover many complex components that have no appropriate listed specification and no industry standard other than that of the manufacturer. These commenters also pointed out that such proprietary components that have been pressure rated on the basis of pressure tests conducted by or for the manufacturer have been used safely in gas pipelines for many years. Two commenters recommended that § 192.143 should be rewritten in performance language that would require only that each component be able to withstand operating pressures and other anticipated loadings without impairment of its serviceability.

Advisory Committee Review

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1673(b)), requires that each proposed amendment to a safety standard established under that statute be submitted to the Technical Pipeline Safety Standards Committee (TPSSC), a 15-member advisory committee, for its consideration. The committee, composed of persons knowledgeable about transportation of gas by pipeline, considered the proposed amendment to § 192.143 at a meeting in Washington, D.C., on December 13, 1983. One member of the committee recommended that a minimum test pressure be required for those components designed on a basis of pressure testing. It was pointed out by other members of the TPSSC and comments from the public that this was not appropriate because there were some components, such as compressor cylinders and seats of valves, that can only be tested up to the design pressure while such minimum test pressures would be inappropriately low for some other types of components or tests. Because of this, the recommendation was not adopted by the TPSSC. The TPSSC recommended adoption of revised wording that would provide a design standard for proprietary components that are not covered by a listed specification as well as those that are covered. That revision, which was substantially the same as set forth in the final rule, was found by the TPSSC to be technically feasible, practical, reasonable, and acceptable.

MTB Comment

MTB did not adopt the wording of paragraph 831 of the B31.8-1975 Edition,

or the recommendation to use only performance language in § 192.143, because components are an important integral part of each pipeline that justify greater specificity in design. MTB has used language similar to that proposed by these commenters and that contained in the B31.8 Code as general requirements for all components in the final rule with certain additional requirements.

Many components are still appropriately designed on a "unit stress" basis, which provides a high level of confidence in the safety of design. Thus the final rule requires design on a "unit stress" basis when practical. When design on a "unit stress" basis is impractical for a particular component, the design may be based upon a pressure rating established by the manufacturer by pressure testing of each component or a prototype of that component. The purpose of the petition was to have the regulations provide this alternative.

To clarify the intent of the regulation, it is appropriate to add the point made by the petitioner that a pressure rating of a component is that established by the manufacturer. MTB considers this appropriate because of the component manufacturer's own knowledge about his product and product liability concerns.

In the final rule, MTB has deleted reference to Appendix A and § 192.144 which had been proposed in the NPRM. Reference to Appendix A was deleted because the standards, which relate only to specific types of components, are now referenced in the sections of Subpart D that are applicable to those components (e.g., valves, flanges, bottle type holders, and plastic fittings). Components having listed standards in Appendix A that are also covered by other sections of Subpart D would meet the requirements of the final rule. These standards are not appropriate for many other types of components which now have no established standard. Reference to § 192.144 was deleted because that section is already applicable to components that are manufactured in accordance with an edition not yet incorporated of a specification listed in Appendix A.

In the final rule MTB has adopted the phrase "without impairment of its serviceability" to clarify the intent of the term "withstand operating pressures and other anticipated loadings." Such clarifying wording is in the ASME B31.8-75 Code, paragraph 831, which was the basis for the petition for this rulemaking and was also recommended by two commenters.

MTB also adopted language in the final rule to permit certain proprietary components to be used that had their design based upon a pressure rating established by the manufacturer by pressure testing which would not have been permitted by the language proposed in the NPRM. It was pointed out by five commenters and also by members of the TPSSC that components designed in this manner have been used safely in gas systems for many years.

Classification

This rulemaking is not "major" under Executive Order 12291 because it will have a positive effect on the economy of less than \$100 million a year, and no adverse effects are anticipated. A full evaluation was not done because this rulemaking is only a technical correction of the regulations which recognizes the design procedure that has been successfully used for many years, and it will have no economic impact. Also, it is not "significant" under Department of Transportation Policies and Procedures (DOT Order 2100.5).

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires a review of certain rules proposed after January 1, 1981, for their effects on small businesses, organizations, and governmental bodies. I certify that the proposed rules will not have a significant economic impact on a substantial number of small entities because there will be no direct or indirect costs of compliance or other adverse effects and overall effects will be minimal.

List of Subjects in 49 CFR Part 192

Pipeline safety, Design of pipeline components.

PART 192—[AMENDED]

In view of the above, Part 192 of the Code of Federal Regulations is amended as follows:

By revising § 192.143 to read as follows:

§ 192.143 General requirements.

Each component of a pipeline must be able to withstand operating pressures and other anticipated loadings without impairment of its serviceability with unit stresses equivalent to those allowed for comparable material in pipe in the same location and kind of service. However, if design based upon unit stresses is impractical for a particular component, design may be based upon a pressure rating established by the manufacturer by pressure testing that component or a prototype of the component.

(49 U.S.C. 1672 and 1804; 49 CFR 1.53, and Appendix A of Part 1)

Issued in Washington, D.C., on May 7, 1984.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-12982 Filed 5-9-84; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 40446-4046]

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of fishing restrictions and request for comments.

SUMMARY: This notice establishes restrictions to reduce further the levels of fishing for widow rockfish and the *Sebastes* complex (all rockfish except Pacific ocean perch, widow, shortbelly, and *Sebastes* rockfishes) taken off the coasts of Washington, Oregon, and California, and seeks public comment. This action is authorized under regulations implementing the Pacific Coast Groundfish Fishery Management Plan and is necessary to help prevent harvest guidelines for these stocks from being reached before the end of 1984 under current measures. This action is intended to lower fishing rates, reduce the risk of biological stress, and reduce the probability of fishery closure before the end of the year.

EFFECTIVE DATE: This notice is effective from 0001 (Pacific Daylight Time) May 6, 1984, until modified, superseded, or rescinded. Comments will be accepted through May 21, 1984.

ADDRESSES: Send comments to Dr. T. E. Kruse, Acting Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115; or Mr. E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region, at the address above, during business hours until the end of the comment period.

SUPPLEMENTARY INFORMATION:

Background

The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved

on January 4, 1982, and final implementing regulations were published October 5, 1982 (47 FR 43964). This action supersedes the notices in the *Federal Register* at 49 FR 597 (January 5, 1984), which imposed trip limits and trip frequency restrictions for widow rockfish and the *Sebastes* complex, and at 49 FR 5932 (February 16, 1984), which clarified the fishing restrictions and redefined the areas for management of the *Sebastes* complex; the size and trip limits for sablefish imposed at 49 FR 597 remain in effect. The Pacific Fishery Management Council (Council) reviewed at its April meeting the progress of the groundfish fishery during the first three months of 1984. It determined that the conditions of biological stress of widow rockfish and the *Sebastes* complex documented at 48 FR 8283 (February 28, 1983) still exist. The Council examined current management measures with the intent to avoid overfishing and extend the fisheries as long as possible throughout the year. The best available data projected through the end of March, 1984, indicated that the rate of landings of widow rockfish and the *Sebastes* complex must be reduced to avoid exceeding the 1984 harvest goals for landings of these species. Therefore, this action supersedes the fishing restrictions for widow rockfish imposed on January 1, 1984, and for the *Sebastes* complex imposed on January 1, 1984, and modified on February 12, 1984.

Widow Rockfish

Council recommendation: The Council recommended that the present 50,000-pound coastwide trip limit be reduced to 40,000 pounds. The current provision allowing only one landing above 3,000 pounds of this species per vessel per week remains in effect.

Rationale: In 1984, the coastwide optimum yield (OY) quota for widow rockfish is 9,300 metric tons (mt). A coastwide trip limit of 50,000 pounds was implemented January 1, 1984, with only one landing above 3,000 pounds allowed per week. Under these restrictions, landings through the end of March were about 3,900 mt, 42 percent of the OY and eight percent above the levels experienced over the same months in 1983. At this rate, total landings for 1984 would be about 12,000 mt. The rate of landings needs to be reduced by about 40 percent to avoid reaching OY and causing a complete closure of this fishery before the end of 1984. Acknowledging that the projected landings for 1984 might be overestimated because the 1983 landing rate was applied (based on no restriction for trip frequency and

perhaps different fleet composition), the Council adopted a 40,000 pound weekly trip limit with the intention of reviewing and perhaps revising this action at its July meeting. This reduction does not guarantee that further reductions will not be needed before the end of the year.

Secretarial Action: The Secretary of Commerce (Secretary) concurs with the Council's decisions and hereby announces—

(1) No more than 40,000 pounds of widow rockfish may be taken and retained, or landed, per vessel per fishing trip in a one-week period. Only one landing of more than 3,000 pounds of widow rockfish may be made in that one-week period. "One-week period" means seven consecutive days beginning 0001 hours Sunday and ending 2400 hours Saturday, local time.

(2) These restrictions apply to all widow rockfish taken and retained in ocean waters offshore of, or landed in, Washington, Oregon, and California, regardless of the place of taking.

(3) Landings of widow rockfish in the pink shrimp and spot and ridgeback prawn fisheries are governed by the regulations at 50 CFR 663.28.

Sebastes Complex

Council recommendation: The Council confronted two issues relating to the *Sebastes* complex: reconsideration of size of trip limits, and whether these limits should apply to where the fish are caught, landed, or some combination of the two. The Council agreed to give fishermen the option of reducing their landing amounts or their trip frequencies, and to apply the restrictions only to the area of catch. Accordingly, fishermen may choose between landing the *Sebastes* complex caught north of Cape Blanco in one landing a week not to exceed 15,000 pounds, or one landing in two weeks not to exceed 30,000 pounds, regardless of the place of landing. A 40,000-pound trip limit, with no restriction on trip frequency, applies to fish caught south of Cape Blanco, regardless of the place of landing. Any landing over 3,000 pounds of the *Sebastes* complex must consist of fish caught in only one area, either north or south of Cape Blanco. The number of landings less than 3,000 pounds is not restricted regardless of where the fish are taken or landed.

Fisherman must give advance notice (to the fishery management agency of the State where the fish will be landed) of their intent with regard to the choice of options described above. State notification requirements are intended