state gasoline volatility program, including any waivers that may be granted under the program by the state. In 1989, the control period will begin on June 30.

(i) *Incorporation by reference:* Subchapter 25 of Chapter 27, Title 7 of the New Jersey Administrative Code entitled "Control and Prohibition of Air Pollution by Vehicular Fuels," adopted on January 27, 1989 and effective on February 21, 1989.

(ii) *Additional material:* April 27, 1989 letter from Christopher Daggett, NJDEP, to William Muszynski, EPA Region II.

3. Section 52.1605 is amended by adding a new entry Subchapter 25 under Title 7, Chapter 27 in numerical order as follows:

§ 52.1605 EPA-approved New Jersey State regulations.

State regulation	State effective date	EPA approved date	Comments
* * * * *			
Title 7, Chapter 27	2/21/89	[FR date and citation of this document]	Effective date 6/30/89.
* * * * *			
Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels".			
* * * * *			

[FR Doc. 89-14227 Filed 6-15-89; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[SC-012b; FRL-3602-6]

Approval and Promulgation of Implementation Plans; South Carolina; Volatile Organic Compound (VOC) Emissions

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of final rule.

SUMMARY: On April 17, 1989 (54 FR 15181), EPA disapproved without prior proposal the May 24, 1985, version of revisions made by South Carolina in its Air Pollution Control Regulations and Standards. These revisions contained deficiencies within the Volatile Organic Compound (VOC) regulations. EPA subsequently received adverse comments on the action. Accordingly, the Agency is withdrawing its direct-final disapproval. Elsewhere in today's Federal Register, EPA is proposing to disapprove the May 24, 1985, version of revisions made by South Carolina and providing an opportunity to comment on the proposal.

DATE: This action is effective on June 16, 1989.

ADDRESSES: Copies of the materials submitted by South Carolina may be examined during normal business hours at the following locations:

Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Diane Altsman, EPA Region IV, Air Programs Branch, at the Atlanta address above or call 404/347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: On June 5, 1985, the South Carolina Department of Health and Environmental Control submitted to EPA for approval revisions to the volatile organic compound (VOC) provisions of the South Carolina Air Pollution Control Regulations and Standards. These revisions were adopted by the South Carolina Board of Health and Environmental Control on December 20, 1984, and were forwarded to the State Legislature for approval. The revisions became State-effective on May 24, 1985. Based on the information submitted, EPA found several of the revisions to be deficient and therefore disapproved them without prior proposal (54 FR 15181 April 17, 1989).

In the final rulemaking, EPA advised the public that the effective date of the action was deferred for 60 days (until June 16, 1989) to provide an opportunity to submit comments on it. EPA announced that if notice was received within 30 days of the publication of the final rule that someone wanted to submit adverse or critical comments, the final action would be withdrawn and a new rulemaking would be begun by proposing a 30-day comment period. EPA had earlier published a general notice explaining this special procedure (46 FR 44477, September 4, 1981).

EPA has received adverse comments on this action. Accordingly, the Agency is today withdrawing its disapproval.

Elsewhere in today's Federal Register, EPA is proposing disapproval of this plan and soliciting comments on the proposal.

EPA is withdrawing this action without providing prior notice and opportunity for comment. The Agency finds that it has good cause within the meaning of 5 U.S.C. 553(b) to proceed without notice and comment. Notice and comment would be impracticable in this case because EPA needs to withdraw its approval as quickly as possible in order to consider the comments which the public has submitted or may wish to submit. Moreover, further notice is not necessary because EPA has already informed the public that it would follow this procedure if it received a request for an opportunity to comment. For the same reasons, EPA finds that it has good cause under 5 U.S.C. 553(d) to make this withdrawal immediately effective.

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, Hydrocarbons, Intergovernmental relations, Ozone.

Authority: 42 U.S.C. 7401-7642.

Date: June 8, 1989.

Greer C. Tidwell,

Regional Administrator.

Therefore the addition of new § 52.2126 appearing at 54 FR 15182, April 17, 1989, which was to become effective on June 16, 1989, is withdrawn.

[FR Doc. 89-14384 Filed 6-15-89; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[FRL-3602-9]

Approval and Promulgation of Implementation Plan, State of Texas, Particulate Matter (PM_{10}) Group II Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This **Federal Register** notice approves a revision to the Texas State Implementation Plan (SIP) that commits the Texas Air Control Board (TACB) to conduct particulate matter ambient air monitoring, data analyses, reporting, and submittal of control strategies (if any necessary) for the areas which were identified as particulate matter (PM_{10}) Group II areas in the **Federal Register** notice of August 7, 1987 (52 FR 29383). This revision is partially in response to the requirements of the PM_{10} National Ambient Air Quality Standards that were promulgated by the EPA in the **Federal Register** notice of July 1, 1987 (52 FR 24634). This action today only approves the Texas PM_{10} Group II SIPs (committal SIPs) for the areas cited in this notice. The EPA will publish its action on the remaining PM_{10} including El Paso PM_{10} plan (Group I SIP) under separate notices at a later date.

Today's notice is published to advise the public that the EPA is approving the Texas State PM_{10} Group II SIPs. The rationale for this approval is contained in this notice.

DATE: This action will be effective on August 15, 1989. Unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least twenty-four hours before the visiting day.

SIP New Source Section, Air Programs Branch, Air, Pesticides and Toxics Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 655–7214.

Texas Air Control Board, Technical Support and Regulation Development, 6330 Highway 290 East, Austin, Texas 78723, Telephone: (512) 451–5711.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E.; SIP New Source Section, Air Programs Branch, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, telephone: (214) 655–7214.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act requires the EPA Administrator to set and periodically reexamine national ambient air quality standards. Section 108 of the Act directs the Administrator to identify widespread pollutants that endanger public health or welfare and to issue air quality criteria for them. The intent of these air quality criteria is to reflect the latest scientific information useful in indicating the kind and extent of all identifiable effects on public health or welfare that may be expected from the presence of a pollutant in the ambient air. In addition, section 109 requires the Administrator to establish "primary" standards to protect public health and "secondary" standards to protect public welfare for pollutants identified under section 108. Once the Federal standards have been set, section 110 of the Act requires that States submit State Implementation Plans (SIP), which contain control measures needed to attain the health based standards within specific statutory deadlines and to attain standards for welfare effects within a reasonable time.

Statutory Requirements

The Clean Air Act (amended August 1977) establishes a joint State and Federal program to control air pollution. Under sections 108 and 109 of the Act, the EPA is responsible for issuing air quality criteria and promulgating National Ambient Air Quality Standards (NAAQS). The States have primary responsibility for implementing the NAAQS. Under section 110 of the Act, each State must develop and submit to EPA a plan that provides for attainment and maintenance of each NAAQS as expeditiously as practicable within three years of the approved date of SIP. The State is required to adopt and submit a SIP revision to the EPA within nine months after the promulgation or revision of a primary NAAQS. The EPA must review each SIP and approve or disapprove its provisions. If the State fails to submit a plan, or the EPA finds the plan inadequate, a Federal program may be instituted in place.

In fulfilling the requirements of the Act, the EPA promulgated the particulate matter (PM_{10}) rules on July 1, 1987. The PM_{10} rules replaced the former standards for total suspended particulate matter (TSP) with a new indicator that includes particulate matters with the aerodynamic diameters less than or equal to a nominal 10 micrometers (PM_{10}) as measured by a reference method established by the EPA. The new 24-hour primary (health-based) standards limit PM_{10} to 150 micrograms per cubic meter of air. In addition to the 24-hour standard, a new annual standard is set at 50 micrograms per cubic meter.

PM_{10} SIP Requirements

The EPA implemented the PM_{10} NAAQS under section 110 of the Act. The States and EPA began developing a monitoring network in 1983 to determine the concentrations of PM_{10} at various locations. Initially, the network targeted areas with high concentrations of total suspended particulates (TSP). Since the quantity of good quality ambient PM_{10} data was limited, yet the States had a significant amount of TSP data, EPA developed a procedure for determining the probability that an area would violate the PM_{10} NAAQS. The EPA has placed all the counties in the nation into three groups based on their probability of violating the PM_{10} NAAQS. Under this scheme, the area of each state was classified as Group I, II, or III. The Group I areas are those areas with a high probability of not attaining the standards, Group II are those areas where existing air quality data are not sufficient to determine if they are attaining the standards, and Group III areas are those with a high probability of attaining the NAAQS without revisions to the existing control strategies. Under this scheme, the entire State of Texas was classified as Group III area except for Dallas, Harris, Lubbock, and Nueces Counties which were classified as Group II areas and El Paso County was identified as a Group I area. The list of PM_{10} Group I and Group II areas was published in the **Federal Register** notice of August 7, 1987 (52 FR 29383).

The States are required to submit SIPs for all areas in Group II within nine months of NAAQS promulgation, but these SIPs need not contain full control strategies and demonstrations of attainment and maintenance. Instead, States may submit "committal" SIPs that supplement the existing SIPs with enforceable commitments to: (a) Gather ambient PM_{10} data, at least to an extent consistent with minimum EPA requirements and guidance; (b) Analyze and verify the ambient PM_{10} data and report 24-hour PM_{10} NAAQS exceedances to the Regional Office within 45 days of each exceedance; (c) When an appropriate number of verifiable 24-hour NAAQS exceedances becomes available or when an annual arithmetic mean above the level of the annual PM_{10} NAAQS becomes available, acknowledge that a nonattainment problem exists and immediately notify the Regional Office; (d) Within 30 days of the notification referred to in (c) above, or within 37 months of promulgation, whichever comes first, determine whether the measures in the existing SIP will assure timely attainment and maintenance of the primary PM_{10} standards, and immediately notify the Regional Office;

and (e) Within 6 months of the notification referred to in (d) above, adopt and submit to EPA a PM_{10} control strategy that assures attainment as expeditiously as practicable but no later than three years from approval of the committal SIP.

State Submission

The EPA has identified four Group II areas in the State of Texas; namely, Dallas, Harris, Lubbock, and Nueces counties. On July 18, 1988, the Governor of Texas submitted a comprehensive SIP revision for meeting the requirements of the PM_{10} program (52 FR 24634) including the four Group II areas. Before the Governor's submission, the TACB adopted the PM_{10} Group II plan revision on May 13, 1988. The PM_{10} Group II SIP revision contained (1) area description including boundaries of the Group II areas within each county, (2) monitoring and quality assurance plan, (3) commitments on the procedures and milestones for meeting the Federal mandate, and (4) a letter from the Governor that commits the TACB for carrying out the requirements of PM_{10} Group II SIPs. The Governor's letter fully commits the State to comply with the PM_{10} Group II requirements, and the content of this letter is stated below:

* * * In the July 1, 1987 issue of the **Federal Register**, the U.S. Environmental Protection Agency announced the requirement that each state submit a committal SIP for PM_{10} Group II areas instead of full control strategies. States were also required to submit demonstrations of attainment and maintenance of the PM_{10} National Ambient Air Quality Standards. The TACB is committed to carrying out the activities contained in the enclosed proposed SIP to satisfy those requirements * * *

The specific commitments for monitoring, data analysis, and reporting of the PM_{10} Group II areas are given in the SIP and quoted as follow:

* * * with regard to the four PM_{10} Group II areas in Texas discussed above, the TACB makes these commitments.

(1) The TACB will gather ambient PM_{10} data, at least to an extent consistent with minimum EPA requirements and guidance specified in 40 CFR Parts 50, 51, 52, 53, 58, *PM_{10} SIP Development Guidance*, and other applicable EPA guidance documents.

(2) The state will analyze and verify the ambient PM_{10} and report 24-hour PM_{10} NAAQS exceedances to the Region 6 Office within 45 days of each exceedance.

(3) When an appropriate number of verifiable 24-hour NAAQS exceedances becomes available (see § 2.0 of the *PM_{10} SIP Development Guidance*) or when an annual arithmetic mean (AAM) above the level of the annual PM_{10} NAAQS becomes available, the TACB will acknowledge that a nonattainment problem exists and immediately notify the Region 6 Office.

(4) Within 30 days of the notification referred to in (3) above, or within 37 months of promulgation, whichever comes first, the TACB will determine whether the measures in the existing SIP assure timely attainment and maintenance of the primary PM_{10} standards, and will notify the Region 6 Office.

(5) In addressing the requirements in (4) above, the TACB shall consider the following factors in determining the adequacy of the existing SIPs:

(a) Air quality data—Time is allotted for up to 3 years of PM_{10} data to be collected if an NAAQS is not violated sooner. At the end of that time, the available PM_{10} data shall be examined to determine if attainment can be demonstrated in accordance with Appendix K of 40 CFR Part 50 or the *Guideline on Exceptions to Data Requirements for Determining Attainment of Particulate Matter Standards* in the absence of adequate PM_{10} data.

(b) The present control strategy—The existing control strategy shall be evaluated to determine if it is fully implemented; if it is adequately enforced; if start-up, shutdown, and malfunction regulations are adequate to prevent circumvention of the emission limitations, and it can adequately attain and maintain the PM_{10} NAAQS if the above conditions are met. The evaluation shall include the use of dispersion and receptor modeling techniques where appropriate.

(c) Emissions data—The emission inventories shall be evaluated to determine if emissions can increase significantly because actual emissions are far below allowable emissions for the area, if sources with operating permits are not operating or are operating at reduced capacity and if "banked" emissions could impact future air quality.

(6) Within 6 months of the notification referred to in (4) above, the TACB will adopt and submit to EPA a PM_{10} control strategy that assures attainment as expeditiously as practicable but no later than 3 years from approval of the committal SIP. As provided in section 110(e) of the FCAA, the TACB may request an additional 2 years to reach attainment for any Group II area where monitoring data has demonstrated a nonattainment situation.

Additionally, the TACB will collect and submit to EPA a PM_{10} emissions inventory from all Group II areas by August 31, 1990. This will provide both actual and allowable emissions in each area. A schedule of PM_{10} emissions inventory submittal is provided in Table 3. The existing control strategies for particulate matter in TACB Regulation I will be retained until a need for more stringent controls is indicated. Applications for new or modified sources of PM_{10} will be reviewed in accordance with PSD rules.

All the above referenced commitments will assure the maintenance of PM_{10} in the designated Group II areas * * *

The Governor's submission of July 18, 1988, also included the revisions required under the PM_{10} Group III, monitoring network, other regulatory changes, and a request for redesignation of the total suspended particulate matter nonattainment areas to the unclassifiable status; however, today's action only approves the PM_{10} Group II SIPs (committal SIPs) for the areas cited earlier in this notice. The EPA will publish its action on the remaining PM_{10} SIPs including El Paso Group I SIP under separate notices at a later date.

Final Action

The EPA has reviewed the State's submittal and determined that the State commitments and procedures are adequate for monitoring, data analysis, reporting, and subsequently submitting a SIP revision (if any required) for the PM_{10} Group II areas. The TACB has defined the Group II areas within the counties cited in this notice in accordance with the EPA PM_{10} SIP Development Guideline (June 1987), EPA 450/2-86-001. The area boundaries as defined in the SIP satisfy the requirements of the PM_{10} Group II committal SIPs. In addition, the EPA finds that the State commitments are in conformance with the specific requirements of the PM_{10} Group II areas of the July 1, 1987, **Federal Register** notice (52 FR 24634). However, the EPA wants to clarify paragraph number 6 of the State commitments, as quoted in this notice, that refers to the possibility of State requesting extension under section 110(e) of the Clean Air Act beyond the maximum three year period allowed in section 110(a)(2)(A) of the Act. Section 110(e) of the Act allows the Administrator of EPA to grant a two year extension to the State in certain cases if the requirements of this section of the Act are satisfied by the State. The Administrator can not grant any extension solely by a request unless the conditions specified under section 110(e) are completely and clearly supported by actual data, documentation, and other evidence that the area in question can not attain the PM_{10} NAAQS within the three year period. Therefore, the EPA, with clarification stated above, is approving the Texas PM_{10} Group II SIPs for the defined areas of Dallas, Harris, Lubbock, and Nueces counties.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of publication unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new

rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on August 15, 1989.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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 August 15, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Incorporation by reference of the Texas State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

This rulemaking is issued under the authority of section 110 of the Clean Air Act, 42 U.S.C. 7410.

List of Subjects in 40 CFR Part 52

Air pollution control and Particulate matter.

Date: June 5, 1989.

Joseph D. Winkle,

Acting Regional Administrator.

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

PART 52—[AMENDED]

Subpart SS—Texas

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. The table in § 52.2279 is revised to read as follows:

§ 52.2279 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant								
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone	Lead	PM_{10}
	Primary	Secondary	Primary	Secondary					
Abilene-Wichita Falls Intrastate (AQCR 210).	b	b	b	b	a	a	a	e	h
Amarillo-Lubbock Intrastate (AQCR 211):									
a. Lubbock County	b	b	b	b	a	a	a	e	h
b. Portion of Lubbock County	.....	.....	.....	.....	.....	.....	.....	.....	i
c. Remainder of AQCR	b	b	b	b	a	a	a	e	h
Austin-Waco Intrastate (AQCR 212)	b	b	a	a	a	a	5/31/77	e	h
Brownsville-Laredo Intrastate (AQCR 213):									
a. Cameron County	[1]c	[1]d	a	a	a	a	a	e	h
b. Remainder of AQCR	b	b	a	a	a	a	a	e	h
Corpus Christi-Victoria Intrastate (AQCR 214):									
a. Nueces County	[1]c	[1]d	b	b	a	a	c	e	h
b. Portion of Nueces County	.....	.....	.....	.....	.....	.....	.....	.....	i
c. Victoria County	b	b	b	b	a	a	c	e	h
d. Remainder of AQCR	b	b	b	b	a	a	5/31/77	e	h
Midland-Odessa-San Angelo Intrastate (AQCR 218):									
a. Ector County	b	b	b	b	a	a	c	e	h
b. Remainder of AQCR	b	b	b	b	a	a	a	e	h
Metropolitan Houston-Galveston Intrastate (AQCR 216):									
a. Brazoria County	b	b	b	b	a	a	c	e	h
b. Galveston County	b	b	b	b	a	a	c	e	h
c. Harris County	[1]c	[1]d	b	b	a	a	d	e	h
d. Portion of Harris County	.....	.....	.....	.....	.....	.....	.....	.....	i
e. Remainder of AQCR	b	b	b	b	a	a	5/31/77	e	h
Metropolitan Dallas/Fort Worth Intrastate (AQCR 215):									
a. Dallas County	[1]c	[1]d	a	a	a	a	c	6/30/85	h
b. Portion of Dallas County	.....	.....	.....	.....	.....	.....	.....	.....	i
c. Tarrant County	[1]c	[1]d	a	a	a	a	c	e	h
d. Remainder of AQCR	b	b	a	a	a	a	d	e	h
Metropolitan San Antonio Intrastate (AQCR 217).	b	b	a	a	a	a	c	e	h
Southern Louisiana-Southeast Texas Interstate (AQCR 106).	b	b	b	b	a	a	c	e	h
El Paso-Las Cruces-Alamogordo Interstate (AQCR 153):									
a. El Paso County	[1]c	[1]d	b	b	a	[1]c	c	f	h
b. In the City of El Paso, for an area immediately around ASARCO smelter, 0.5 km to the West and South, 2.0 km to the North and East, and 1.5 km to the Southeast from the smelter's copper stack.	.....	.....	.....	.....	.....	.....	.....	f	
c. Portion of El Paso County	.....	.....	.....	.....	.....	.....	.....	.....	g
d. Remainder of AQCR	b	b	b	b	a	b	5/31/77	e	h

Air quality control region	Pollutant								
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone	Lead	PM_{10}
	Primary	Secondary	Primary	Secondary					
Shreveport-Texarkana-Tyler Interstate (AQCR 022):									
a. Gregg County	b	b	a	a	a	a	c	e	h
b. Remainder of AQCR	b	b	a	a	a	a	a	e	h

Note 1: Dates or footnotes which are italicized are prescribed by the Administrator because the plan does not provide a specific date.
Note 2: Sources subject to plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2279 (1978).
[1] Portions of the county or counties.
a. Air quality levels presently below secondary standards.
b. July 1975.
c. December 31, 1982.
d. December 31, 1987.
e. November 5, 1982.
f. August 14, 1987.
g. No action taken.
h. Air quality levels presently below primary standards.
i. Three years from effective date of plan approval.

3. A new § 52.2306 is added to read as follows:

§ 52.2306 Particulate Matter (PM_{10}) Group II SIP Commitments.

On July 18, 1988, the Governor of Texas submitted a revision to the State Implementation Plan (SIP) that contained commitments for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM_{10} Group II SIPs. The Texas Air Control Board adopted these revisions on May 13, 1988. The State of Texas has committed to comply with the PM_{10} Group II SIP requirements, as articulated in the **Federal Register** notice of July 1, 1987 (52 FR 24670), for the defined areas of Dallas, Harris, Lubbock, and Nueces counties as provided in the Texas PM_{10} Group II SIPs. In addition to the SIP, a letter from the Governor of Texas, dated July 18, 1988, stated that:

* * * In the July 1, 1987 issue of the **Federal Register**, the U.S. Environmental Protection Agency announced the requirement that each state submit a committal SIP for PM_{10} Group II areas instead of full control strategies. States were also required to submit demonstrations of attainment and maintenance of the PM_{10} National Ambient Air Quality Standards. The TACB is committed to carrying out the activities contained in the enclosed proposed SIP to satisfy those requirements * * *.

[FR Doc. 89–14386 Filed 6–15–89; 8:45 am]
BILLING CODE 6560–50–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 90515–9115]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of closure.

SUMMARY: NOAA announces the closure of two commercial salmon fisheries in the exclusive economic zone (EEZ) from the Queets River, Washington, to Cape Falcon, Oregon, and from Humbug Mountain, Oregon, to Punta Gorda, California, at midnight, June 8, 1989, to ensure that the chinook salmon quotas for each subarea are not exceeded. The Director, Northwest Region, NMFS (Regional Director), has determined that the commercial fishery quota of 39,500 chinook salmon for the subarea from the Queets River, Washington, to Cape Falcon, Oregon, and the commercial fishery quota of 17,700 chinook for the subarea from Humbug Mountain, Oregon, to Punta Gorda, California, will be reached by June 8, 1989. The closure is necessary to conform to the preseason announcement of 1989 management measures. This action is intended to ensure conservation of chinook salmon.

EFFECTIVE DATE: Closure of the EEZ from the Queets River, Washington, to Cape Falcon, Oregon, and from Humbug Mountain, Oregon, to Punta Gorda, California, to commercial salmon fishing was effective at 2400 hours local time, June 8, 1989. Actual notice to affected fishermen was given prior to that time through a special telephone hotline and U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.20, 661.21, and 661.23 (as amended May 1, 1989).

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, WA 98115–0070; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731–7415. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140, or Rodney R. McInnis at 213–514–6199.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR Part 661 specify at § 661.21(a)(1) that "When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by notice issued under § 661.23, close the commercial or recreational fishery, or both, for all

salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

Regulations implementing Amendment 9 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California were effective May 1, 1989, and modified notice procedures for inseason regulatory actions. These regulations amended 50 CFR 661.20, 661.21, and 661.23 to provide for immediate and actual notice to fishermen of such inseason actions through telephone hotlines and U.S. Coast Guard broadcasts and to establish the effective dates and times for these actions through the notices issued by telephone hotlines and U.S. Coast Guard broadcasts.

Management measures for 1989 were effective on May 1, 1989 (54 FR 19798, May 8, 1989). The 1989 commercial fishery for all salmon except coho in the subarea from the Queets River, Washington, to Cape Falcon, Oregon, commenced on May 1, 1989, and was scheduled to continue through the earlier of June 15, 1989 or the attainment of a subarea quota of 39,500 chinook salmon. The 1989 commercial fishery for all salmon species in the subarea from Humbug Mountain, Oregon, to Punta Gorda, California, commenced on June 5, 1989, and was scheduled to continue through the earlier of June 16, 1989 or the attainment of a subarea quota of 17,700 chinook salmon, an overall catch quota of 474,000 coho salmon south of Cape Falcon, Oregon, a catch ceiling of 349,000 coho salmon south of Cascade Head, Oregon, or a catch ceiling of 89,000 coho salmon south of Orford Reef Red Buoy, Oregon. Based on the best available information, the commercial fishery catch in the subareas from the Queets River, Washington, to Cape Falcon, Oregon, and from Humbug Mountain, Oregon, to Punta Gorda, California, are projected to reach their respective chinook salmon quotas of 39,500 and 17,700 fish by midnight, June 8, 1989. Therefore, the fishery in these two subareas must be closed to further fishing.

In accordance with the revised inseason notice procedures of 50 CFR 661.20, 661.21, and 661.23, actual notice to fishermen was given prior to 2400 hours local time, June 8, 1989, by telephone hotline number (206) 526-6667 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 KHz. NOAA issues this notice of the closure of the commercial salmon fisheries in the EEZ from the Queets River, Washington, to Cape Falcon, Oregon, and from Humbug Mountain, Oregon, to Punta Gorda, California, which was effective midnight, June 8, 1989. This notice does not apply to treaty Indian fisheries or to other fisheries which may be operating in other areas.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fisheries, the Oregon Department of Fish and Wildlife, and the California Department of Fish and Game regarding a closure of the commercial fisheries between the Queets River, Washington, and Cape Falcon, Oregon, and between Humbug Mountain, Oregon, and Punta Gorda, California. The States of Washington, Oregon, and California will manage the commercial fisheries in State waters adjacent to these areas of the EEZ in accordance with this federal action.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after filing with the Office of the Federal Register, through June 28, 1989.

Other Matters

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

(16 U.S.C. 1801 *et seq.*)

Dated: June 12, 1989.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management.

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