

subchapter T of the Code of Federal Regulations is amended as set forth below.

PART 944—UTAH

1. The authority citation for part 944 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 944.15 is amended by adding a new paragraph (s) to read as follows:

§ 944.15 Approval of amendments to State regulatory programs.

(s) The recodification of the Utah Administrative Rules and revisions to the following Utah Administrative Rules pertaining to coal mining incidental to the mining of other minerals, as submitted to OSM on December 30, 1991, are approved effective May 11, 1992.

645-100-200 Definitions of "Cumulative Impact area," "Cumulative Measurement Period," "Cumulative Production," "Cumulative Revenue," "Mining Area," and "Other Minerals."

645-100-414 Applicability.

645-106-100 Scope.

645-106-200 through 262 Application Requirements and Procedures.

645-106-300 through 326 Contents of Application for Exemption.

645-106-400 through 430 Public Availability of Information.

645-106-500 through 522 Requirements for Exemption.

645-106-600 through 616 Conditions of Exemption and Right of Inspection and Entry.

645-106-700 through 724 Stockpiling of Minerals.

645-106-800 through 843 Revocation and Enforcement.

645-106-900 through 926 Reporting Requirements.

645-300-211 Administrative and Judicial Review of Decisions on Permits.

[FR Doc. 92-10932 Filed 5-8-92; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-92-11]

Special Local Regulations for Marine Events; Blue Angels Airshow; Severn River, Annapolis, MD

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special Local Regulations are being adopted for the Blue Angels airshow and practice sessions to be held on May 23, 24, and 25 1992, over the

Severn River, Annapolis, Maryland. The effect of these regulations will be to restrict general navigation in the regulated area for the safety of spectators and participants. These regulations are needed to provide for the safety of life, limb, and property on the navigable waters during the event.

EFFECTIVE DATES: The regulations are effective for the following periods: 1:45 p.m. to 6:45 p.m., May 23, 1992. 12 noon to 5 p.m., May 24, 1992. 12:30 p.m. to 5 p.m., May 25, 1992.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are QMI Kevin R. Connors, project officer, Boating Affairs Branch, Fifth Coast Guard District, and LT Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Background and Purpose

The U.S. Naval Academy submitted an application to hold the Blue Angels Airshow on May 23, 24, and 25, 1992. As part of the application, the Naval Academy requested that the Coast Guard provide control of spectator and commercial traffic within the regulated area.

Discussion of Regulations

The U.S. Naval Academy is sponsoring this event, which will consist of six high performance jet aircraft flying at low altitudes in various formations over the Severn River. Federal Aviation Administration regulations require closing the waterway to vessel traffic as a prerequisite to issuing a permit for this event. A meeting at the Naval Academy was held on April 18, 1991, and was attended by several organizations directly involved in the Airshow. The Federal Aviation Administration (FAA) meticulously reviewed all aspects of the Airshow for safety purposes and concluded that the regulated area used in past Airshows allowed small boats to approach too close to center point and the flight path of maneuvering aircraft. Therefore, the westward boundary of the regulated area was moved upriver from Horseshoe Point and Manresa Point to the U.S. Route 50/301 fixed highway bridge (New Severn River Bridge) to ensure the safety of spectator craft. Accordingly, the Commander, Fifth Coast Guard District, is issuing

these regulations to close a portion of the Severn River to vessel traffic during the airshow and practice sessions. Closure of the waterway for any extended period is not anticipated, and commercial traffic should not be severely disrupted.

Regulatory Evaluation

This final rule is not considered major under Executive Order 12291 and not significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for several hours each day, and the impacts on routine navigation are expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small Entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since the impact of this regulation of non-participating small entities is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this regulation, will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not raise sufficient federalism implications to warrant the preparation of the Federalism Assessment.

Environmental Assessment

This final rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and been placed in the rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35-T0511 is added to read as follows:

§ 100.35-T0511 Severn River, Annapolis, Maryland.

(a) *Definitions*—(1) *Regulated area*. The Severn River, shore to shore, bounded on the southeast by a line drawn from the quick flashing privately maintained light on the U.S. Naval Academy in position latitude 38°58'40.0" North, longitude 76°28'49.0" West, east to latitude 38°58'33.0" North, longitude 76°25'05.0" West, thence northeast to Carr Point, and bounded on the northwest by the U.S. Route 50/301 fixed highway bridge (New Severn River Bridge) centerpoint at latitude 39°00'23.0" North, longitude 76°30'15.0" West.

(2) *Coast Guard Patrol Commander*. The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the commander, Coast Guard Group Baltimore.

(b) *Special Local Regulations*—(1) Except for vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Spectator vessels may anchor outside the regulated area specified in paragraph (a)(1) of these regulations, but may not block a navigable channel.

(c) *Effective periods*. The regulations are effective for the following periods: 1:45 p.m. to 6:45 p.m., May 23, 1992. 12 noon to 5 p.m., May 24, 1992. 12:30 p.m. to 5 p.m., May 25, 1992.

Dated: April 29, 1992.

W.T. Leland,

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

[FR Doc. 92-10840 Filed 5-8-92; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS**38 CFR Part 20**

RIN 2900-AE02

Appeals Regulations; Rules of Practice; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to Final Department of Veterans Affairs (VA) regulations published February 3, 1992, (57 FR 4088-4130). The regulations relate to appeals practice and procedure before the Department of Veterans Affairs.

EFFECTIVE DATE: March 4, 1992.

FOR FURTHER INFORMATION CONTACT:

Mr. Steven L. Keller, Counsel to the Chairman (01C), Board of Veterans' Appeals, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-2978.

SUPPLEMENTARY INFORMATION: The Final regulations that are the subject of these corrections revised the Board of Veterans' Appeals Regulations and Rules of Practice governing appeals practice and procedures within the Department of Veterans Affairs, and made conforming amendments to other related VA regulations. As published, the Final regulations contain errors in its reference to two Rules designations. This document will correct those errors.

The following corrections are made to 57 FR 4111, third column, § 20.102, paragraph (d): on line 4 remove "711(f)" and in its place add "711(h)"; on line 6, remove "20.711(f)" and in its place add "20.711(h)".

Dated: May 4, 1992.

B. Michael Berger,

Director, Records Management Service.

[FR Doc. 92-10869 Filed 5-8-92; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 271**

[FRL-4127-9]

Georgia; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Georgia has applied for final authorization for revisions to its hazardous waste program under the

Resource Conservation and Recovery Act (RCRA). Georgia's revisions consist of the Toxicity Characteristic provisions of HSWA Cluster II promulgated on March 29, 1990, and the correction promulgated on June 29, 1990. The Environmental Protection Agency (EPA) has reviewed Georgia's application and has made a decision, subject to public review and comment, that Georgia's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Georgia's application for program revisions. Georgia's application for program revisions is available for public review and comment.

DATES: Final authorization for Georgia's program revisions shall be effective July 10, 1992 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Georgia's program revision application must be received by the close of business June 10, 1992.

ADDRESSES: Copies of Georgia's program revision application are available during 8 a.m.-4 p.m. at the following addresses for inspection and copying: Georgia Department of Natural Resources, Land Protection Branch, room 1154, 205 Butler Street, SE., Floyd Towers East, Atlanta, Georgia 30334; (404) 656-2833; U.S. EPA Region IV, Library, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Narindar Kumar at the address listed below.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365; (404) 347-2234.

SUPPLEMENTARY INFORMATION:**A. Background**

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984, (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority.

States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-268, 124, and 270.

B. Georgia

Georgia initially received final authorization for its base RCRA program effective on August 21, 1984. Georgia received authorization for revisions to its program on September 18, 1986, (51 FR 31618), September 26, 1988, (53 FR 28383), September 24, 1990, (55 FR 30000), November 24, 1990, (55 FR 38997), and April 15, 1991, (56 FR 5656). On July 15, 1991, Georgia submitted a program revision application for additional program approval. Today, Georgia is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Georgia's application and has made an immediate final decision that Georgia's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Georgia. The public may submit written comments on EPA's immediate final decision until June 10, 1992. Copies of Georgia's application for program revisions are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Georgia's program revision shall become effective July 10, 1992 unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is

being authorized on the effective date of this authorization.

Georgia is today seeking authority to administer the Toxicity Characteristic (TC) Provisions of HSWA Cluster II promulgated on March 29, 1990, and June 29, 1990.

Federal requirement	FR reference	Federal promulgation date	State authority
Toxicity	55 FR 11798	3/29/90	391-3-11-07
Characteristic	55 FR 26986	6/29/90	391-3-11-10
Revisions			391-3-11-16

During EPA's review of Georgia's application, a concern arose pertaining to the difference in the effective date of Georgia's rule (11/26/90) and the effective date of the Federal rule (9/25/90), and its impact on the regulated community. EPA was concerned that Georgia's later effective date could potentially allow facilities which do not qualify for interim status under the Federal rules to apply and obtain interim status under state rule once authorization is obtained. EPA considered it important that the State preserve the Federal date under State law. Due to the fact that TC is the first new waste under HSWA which requires a different procedure from past new waste codes, this problem may recur with any new waste codes promulgated under HSWA. EPA contacted the State and suggested language be inserted into their regulations to address this concern. The State has agreed to amend their rules at the next rulemaking to include the clarifying language. EPA is proceeding to authorize Georgia because no facilities to date have applied for interim status since the federal effective date of the TC Rule. In addition, EPA prefers to authorize the State rather than continue the dual regulatory scheme that presently exists.

Georgia is not authorized to operate the Federal program on Indian Lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Georgia's application for program revisions meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Georgia is granted final authorization to operate its hazardous waste program as revised.

Georgia now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA-

program, subject to the limitations of its program revision application and previously approved authorities. Georgia also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 604(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Georgia's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, 7004(b) of the Solid Waste Disposal Act as amended [42 U.S.C. 6912(a), 6926, 697(b)].

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 92-10232 Filed 5-8-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[FRL-4132-1]

Mississippi; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Mississippi has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Mississippi's revisions

consist of the provisions contained in Non-HSWA Cluster I for two corrections to the Definition of Solid Waste and Satellite Accumulation. These requirements are listed in section B of this notice. The Environmental Protection Agency (EPA) has reviewed Mississippi's application and has made a decision, subject to public review and comment, that Mississippi's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Mississippi's hazardous waste program revisions. Mississippi's application for program revisions is available for public review and comment.

DATES: Final authorization for Mississippi's program revisions shall be effective July 10, 1992 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Mississippi's program revision application must be received by the close of business, June 10, 1992.

ADDRESSES: Copies of Mississippi's program revision application are available during normal business hours at the following addresses for inspection and copying: Mississippi Department of Environmental Quality, 2380 Highway 80 West, P.O. Box 10385, Jackson, Mississippi 39209, (601) 961-5062; U.S. EPA Region IV, Library, 345 Courtland Street NE., Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Narinder Kumar at the address listed below.

FOR FURTHER INFORMATION CONTACT: Narinder Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365; (404) 347-2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the

HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268 and 124 and 270.

B. Mississippi

Mississippi initially received final authorization for its base RCRA program effective on June 27, 1984. Mississippi received authorization for revisions to its program on May 28, 1991, and August 27, 1991. On December 26, 1991, Mississippi submitted a program revision application for additional program approvals. Today, Mississippi is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Mississippi's application and has made an immediate final decision that Mississippi's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Mississippi. The public may submit written comments on EPA's immediate final decision up until June 11, 1992. Copies of Mississippi's application for these program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Mississippi's program revisions shall become effective July 10, 1992, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Mississippi is today seeking authority to administer the following Federal

requirements promulgated on July 1, 1984-June 30, 1985, for Non-HSWA Cluster I.

Federal requirement	FR reference	FR promulgation date
Satellite accumulation.	49 FR 49568	Dec. 20, 1984.
Definition of solid waste; correction.	50 FR 14216	Apr. 11, 1985.
Definition of solid waste; correction.	50 FR 33541	Aug. 20, 1985.

Mississippi incorporates the Federal regulations by reference. The Federal Requirements listed above were adopted on August 22, 1986, and became effective September 22, 1986. A copy of these regulations is available at the Mississippi Department of Environmental Quality as indicated in the **ADDRESSES** section of this notice.

Mississippi is not authorized to operate the Federal program on Indian Lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Mississippi's application for these program revisions meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Mississippi is granted final authorization to operate its hazardous waste program as revised.

Mississippi now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Mississippi also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 604(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal

regulations in favor of Mississippi's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 92-10975 Filed 5-8-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 910802-2036]

RIN 0648-AE09

Pacific Coast Groundfish Fishery

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

ACTION: Final rule.

SUMMARY: NMFS publishes this final rule to implement restrictions on the commercial and recreational harvests of black rockfish, *Sebastes melanops*, off the coast of Washington north of Leadbetter Point, Washington. This rule (1) reduces the recreational daily bag limit for all rockfish from 15 to 12 fish in the area between the U.S.-Canada border and Leadbetter Point; (2) imposes commercial black rockfish trip and possession limits on non-Indian hook-and-line fisheries of 100 pounds (45.4 kg) or 30 percent of the total catch of all species, whichever is greater, between the U.S.-Canada border and Cape Alava, and between Destruction Island and Leadbetter Point; and (3) establishes coastal treaty Indian commercial harvest guidelines for all rockfish between the U.S.-Canada border and Cape Alava, and between Destruction Island and Leadbetter Point. This rule is intended to reduce both commercial and recreational fishing effort on black rockfish in the Westport and Neah Bay

areas of the Washington coast, thereby reducing fishing mortality and ensuring a viable recreational harvest of black rockfish in the important recreational fishing areas adjacent to these coastal ports.

EFFECTIVE DATE: June 10, 1992.

FOR FURTHER INFORMATION CONTACT:

Rolland A. Schmitten, Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115; telephone 206-526-6140.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) in the Pacific Ocean off the coasts of Washington, Oregon, and California are managed by the Secretary of Commerce (Secretary) according to the Pacific Coast Groundfish Fishery Management Plan (FMP) prepared by the Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP is implemented by regulations for U.S. fishermen at 50 CFR part 663. General regulations that also pertain to U.S. fishermen are at 50 CFR part 620. Section III.B(c) of the Appendix to part 663 (the socioeconomic framework) provides the authority, guidelines, and criteria for the Council to recommend management measures to the NMFS Northwest Regional Director that address social and economic conditions within the fishery. These measures can be implemented by regulation, without further amending the FMP.

This rule implements restrictions on the recreational and commercial harvests of black rockfish recommended by the Council in accordance with the socioeconomic framework process. A complete discussion of the Council's recommendation, background on the proposed restrictions and analysis of the impacts of the proposed changes are contained in the preamble to the proposed rule which was published in the *Federal Register* on September 19, 1991 (56 FR 47441). Public comments were requested through October 16, 1991. This notice responds to public comments on the proposed rule and announces the final rule.

Comments and Responses

Comments were received from the Washington Trollers Association and three commercial fishermen. Their comments are summarized below with responses.

Comment: The requirement for commercial fishermen to release caught fish is wasteful; the regulations should allow for retention of incidental catch.

Response: The trip limit on black rockfish of 100 pounds or 30 percent (by weight) of all fish on board, whichever is greater, does allow for retention of incidental catch in the Neah Bay area (U.S.-Canada border to Cape Alava) and the Westport area (Destruction Island to Leadbetter Point). The trip limit is intended to prevent targeting on black rockfish by commercial hook-and-line fisheries, and to discourage fishing in areas of black rockfish aggregations while allowing retention of small amounts of incidental catches to prevent wasteful discards. These black rockfish trip and retention limits do not apply to the LA Push area (Cape Alava to Destruction Island), or south of Leadbetter Point, areas where the availability of black rockfish has not declined.

Comment: The 30 percent retention limit is not realistic as an incidental catch allowance.

Response: The 30 percent retention limit is the most liberal trip limit considered by the Council in developing its recommendations to reduce fishing pressure on black rockfish, and is not intended to allow unlimited incidental catches. The Council considered 10 and 20 percent retention limits to minimize potential targeting on black rockfish, but ultimately recommended 30 percent in response to concerns raised in its public meetings by salmon trollers. NMFS shares the Council's concern for potential targeting on black rockfish, and is promulgating the 30 percent retention limit because it achieves the goal of reducing fishing pressure while minimizing discards and impacts on salmon trollers.

Comment: The charterboat fishermen should also be restricted and not allowed unlimited access to black rockfish.

Response: Additional restrictions have been placed on the recreational fisheries. The daily bag limit for all species of rockfish is reduced from 15 to 12 in the entire area from the U.S.-Canada border to Leadbetter Point.

Comment: The declining availability of black rockfish was not caused by the commercial fishermen whose harvests are being restricted.

Response: The exact cause for the declining availability of black rockfish in the Neah Bay and Westport areas is not known, but fishing pressure must be restricted to prevent further declines. Accordingly, restrictions on fishing pressure have been applied to both recreational and commercial fishermen. Nonetheless, commercial fishermen may continue to target on black rockfish in