

Dated: January 20, 1998.

Carol M. Browner,
Administrator.

References

1. General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, April 16, 1992, 57 FR 13498.

2. *Memorandum*, John S. Seitz, Director of the Office of Air Quality Planning and Standards, and Richard B. Ossias, Deputy Associate General Counsel to Regional Air Division Directors; "15 Percent VOC SIP Approvals and the 'As Soon As Practicable' Test;" February 12, 1997 including the attachment "Sample City Analysis Comparison of Enhanced I/M Reductions Versus Other 15 Percent ROP Plan Measures," E.H. Pechan and Associates, December 12, 1996.

3. *Note*, Margo Oge, Director Office of Mobile Sources and John Seitz, Director of OAPQS to Regional Division Directors; re: Date by which States Need to Achieve all the Reductions Needed for the 15% Plan from I/M and Guidance for Recalculation, August 13, 1996.

4. *Memorandum*, Gay MacGregor, Director Regional and State Programs Division, OMS and Sally Shaver, Director, Air Quality Strategies and Standards Division, OAQPS to Regional Air Division Directors; "Modeling 15% VOC Reduction(s) from I/M in 1999—Supplemental Guidance;" December 23, 1996.

5. *Memorandum*, Philip A. Lorang, Director, Emission Planning and Strategies Division, OMS to Regional Air Division Directors; "Release of MOBILE5a Emission Factor Model," March 29, 1993.

6. OAQPS, U.S. EPA. Guidance on the Adjusted Base Year Emissions Inventory and the 1996 Target for the 15 Percent Rate of Progress Plans. EPA-452/R-92-005. October 1992.

7. Letter, Nancy Wrona, Director, Air Quality Division, ADEQ; to David Howekamp, Director, Air and Toxics Division, EPA-Region 9; "Submittal of Additional Information in Support of Approval of 15% Rate of Progress Ozone Plan for Maricopa County;" September 11, 1997.

8. *Memorandum*, Philip A. Lorang, Director, Emission Planning and Strategies Division, OMS to Regional Air Division Directors; "Future Nonroad Emission Reduction Credits for Court-Ordered Nonroad Standards;" November 29, 1994.

9. *Memorandum*, John S. Seitz, Director, OAQPS to Regional Air Division Directors; "Regulatory Schedule for Consumer and Commercial

Products under Section 182(e) of the Clean Air Act;" June 22, 1995.

10. *Memoranda*, Mary Nichols, Assistant Administrator for Air and Radiation, U.S. EPA to Regional Administrators, Regions 1-10; "SIP Credits for Federal Nonroad Engine Emissions Standards and Certain Other Mobile Source Programs;" November 23, 1994 and January 30, 1996.

11. *Memorandum*, John S. Seitz, Director, OAQPS to Regional Air Division Directors; "Credit for the 15 Percent Rate-of-Progress Plans for Reductions from the Architectural and Industrial Maintenance Coating Rule and the Autobody Refinishing Rule;" November 29, 1994.

12. *Memorandum*, John S. Seitz, Director, OAQPS to Regional Air Division Directors; "Credit for the 15 Percent Rate-of-Progress Plans for Reductions from the Architectural and Industrial Maintenance (AIM) Coating Rule;" March 22, 1995.

[FR Doc. 98-1765 Filed 1-23-98; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL160-1b; AD-FRL-5951-7]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA proposes to approve a variance allowing a temporary increase in particulate matter emissions from the Marathon Oil refinery in Robinson, Illinois, to allow deferral of repairs of control equipment until the time of a scheduled maintenance period. In the Final Rules section of this **Federal Register**, USEPA is fully approving the State Implementation Plan revision as a direct final rule without prior proposal, because the USEPA views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse written comments are received in response to these actions, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse written comments, the direct final rule will be withdrawn and all public comments will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in

commenting on this action should do so at this time.

DATES: Written comments must be received on or before February 25, 1998.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the State submittal is available for inspection at: Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Summerhays, at (312) 886-6067.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**.

Authority: 42 U.S.C. 7401 et seq.

Dated: January 8, 1998.

Michelle D. Jordan,

Acting Regional Administrator, Region V.

[FR Doc. 98-1764 Filed 1-23-98; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 980113012-8012-01; 121197B]

RIN 0648-AK57

Pacific Halibut Fisheries; Catch Sharing Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed changes to catch sharing plan and sport fishing management; availability of draft environmental assessment and regulatory impact review.

SUMMARY: NMFS proposes to approve and implement changes to the Area 2A Pacific halibut Catch Sharing Plan (Plan): (1) To adjust the Washington sport allocation; (2) to provide for an incidental catch of halibut in the commercial sablefish fishery off Washington under certain circumstances; and (3) to adjust management of the sport fisheries off Oregon and Washington under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). NMFS also proposes

sport fishery regulations to implement the Plan in 1998. A draft environmental assessment and regulatory impact review (EA/RIR) on this action also is available for public comment.

DATES: Comments must be received by February 17, 1998.

ADDRESSES: Send comments or requests for a copy of the Plan to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: Joe Scordino, 206-526-6143.

SUPPLEMENTARY INFORMATION: The Halibut Act of 1982 at 16 U.S.C. 773c provides that the Secretary of Commerce (Secretary) shall have general responsibility to carry out the Halibut Convention between the United States and Canada and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) also authorizes the Regional Fishery Management Council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the International Pacific Halibut Commission (IPHC). Accordingly, catch sharing plans to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-Indian harvesters, and among non-Indian commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California) have been developed each year since 1988 by the Pacific Fishery Management Council (Council) in accordance with the Halibut Act. In 1995, NMFS implemented a Council-recommended long-term Plan (60 FR 14651, March 20, 1995) which was revised in 1996 (61 FR 11337, March 20, 1996) and 1997 (62 FR 12759, March 16, 1997). The Plan allocates 35 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A-1 and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into two sectors; a directed commercial fishery that is allocated 85 percent, and an incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial

fishery in Area 2A is confined to southern Washington (south of 46°53'18" N. lat.), Oregon and California. The Plan also divides the sport fisheries into seven geographic areas each with separate allocations, seasons, and bag limits.

Council Recommended Changes to the Plan

At its September 1997 public meeting, the Council adopted proposing for public comment, the following changes to the Plan: (1) Modifying the Washington sport subarea allocations and seasons at TACs in excess of recent years TACs and providing an allocation to an incidental catch commercial fishery off Washington at TACs greater than 900,000 lb (408.2 mt); and, (2) restructuring the Oregon sport fisheries to framework the opening dates for the May and August all-depth seasons, and modifying the management of the south coast subarea to provide a fixed season or to combine the central and south coast subareas into one subarea.

At its November 1997 public meeting, the Council considered the results of State sponsored workshops on the proposed changes to the Plan and public comment, and made final recommendations for eight modifications to the Plan as follows:

(1) Revise the distribution of the Washington sport allocation among the Washington sport fishery subareas when the Area 2A TAC is above 550,000 lb (249.5 mt) to facilitate expanded season lengths. When the Washington sport allocation is between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt), 32 percent of the amount between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) is distributed each to the Washington Inside Waters (Puget Sound) subarea, the Washington North Coast subarea, and the Washington South Coast subarea. The Columbia River subarea receives the remaining 4 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt). When the Washington sport allocation is above 224,110 lb (101.7 mt), 32 percent of the amount between 130,845 lb (59.4 mt) and 214,110 lb (97.1 mt) is distributed to each of the 3 Washington sport subareas described above and the remaining 4 percent is allocated to the Columbia River subarea.

(2) Revise the distribution of the Washington sport allocation when the Area 2A TAC is above 942,040 lb (427.3 mt) to provide for retention of incidentally caught halibut in the primary directed sablefish fishery north of Point Chehalis, WA. When the Washington sport allocation is above 224,110 lb (101.7 mt), any amount of

that allocation above 214,110 lb (97.1 mt) is allocated to this fishery. The area north of Point Chehalis has been closed to the directed commercial fishery in recent years and this revision allows commercial sablefish fishers operating in this area an opportunity to retain incidentally caught halibut in years when the Area 2A TAC is high.

(3) Revise the sport season structure priorities for the Washington north coast subarea to extend the season for 5 days per week through June after achieving priorities for a 5 day per week season in May and a July 1-4 opening.

(4) Revise the sport season structure for the Washington south coast subarea to have a 5 day per week season with closures on Friday and Saturday to extend the season and increase fishing opportunity.

(5) Establish a framework opening date for the May and August sport fisheries in Oregon south of Cape Falcon, OR to allow fishers to know in advance what day the fishery will open each year and allow fishers to better plan and schedule fishing trips.

(6) Establish a fixed season for the Oregon south coast subarea sport fishery in May (similar to the fixed season in the Oregon central coast sport fishery) to allow fishers to better plan and schedule fishing trips. Fixed season open dates would be established preseason based on projected catch per day and number of days to achievement of each subarea season subquota for the May and August fisheries in Oregon south of Cape Falcon.

(7) Revise the structuring of the August sport fishery off Oregon (Cape Falcon, OR to the Oregon/California border) to provide for a restricted fishery inside 30 fathoms if the remaining quota is insufficient to allow for one day of an all-depth fishery.

(8) Revise the inseason management measures to allow the transfer of allocations between sport fishery subareas north of Cape Falcon, OR that are projected to be unused as of September 30 of each year. This would allow unused allocations to be utilized by Washington sport subareas with short seasons.

NMFS is proposing to implement the eight changes to the Plan recommended by the Council as well as one addition to the Plan to better implement the Council's intent and several minor corrections to the Plan. The implementation provisions for the incidental catch of halibut in the salmon troll fishery would be clarified, as proposed below, to stipulate that the August season is closed unless notice of an opening is provided on the NMFS hotline. The term "Regional Director"

would be changed to "Regional Administrator" in several places in the Plan. The word "approximately" would be added to references to the percentages of the Area 2A TAC in the Plan where the percentage is rounded to the nearest tenth.

In addition, NMFS is proposing several changes to the Plan to eliminate reference to IPHC charterboat licenses because the IPHC is proposing to eliminate its license requirements for charterboats. The proposed changes to the Plan on charterboat licenses would not change the effect of the Plan of preventing commercial fishers from accessing the sport allocation (i.e., operating in the sport fisheries) and conversely preventing sport fishers from participating in the commercial fishery because the remaining commercial license requirements provide an adequate regulatory mechanism.

Proposed Changes to the Catch Sharing Plan

Accordingly, NMFS is proposing to approve the Council recommendations and proposes the following changes to the Plan:

Section (b) of the Plan would be modified to read as follows:

This Plan allocates 35 percent of the Area 2A TAC to U.S. treaty Indian tribes in the State of Washington in subarea 2A-1, and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. Allocations within the non-Indian commercial and sport fisheries are described in sections (e) and (f) of this Plan. These allocations may be changed if new information becomes available that indicates a change is necessary and/or the Pacific Fishery Management Council takes action to reconsider its allocation recommendations. Such changes will be made after appropriate rulemaking is completed and published in the **Federal Register**.

In section (e) Non-Indian Commercial Fisheries, the first paragraph would be revised to read as follows:

The non-Indian commercial fishery is allocated 31.7 percent of the non-Indian allocation for a directed halibut fishery and an incidental catch fishery during the salmon troll fishery. The non-Indian commercial allocation is approximately 20.6 percent of the Area 2A TAC. Incidental catch of halibut in the primary directed sablefish fishery north of Point Chehalis, WA will be

authorized if the Washington sport allocation exceeds 224,110 lb (101.7 mt) as described in section (e)(3) of this Plan. The structuring and management of these three fisheries is as follows."

In section (e) Non-Indian Commercial Fisheries, paragraph (3) would be renumbered (4), and would be revised to read as follows:

Commercial license restrictions/declarations. Commercial fishers must choose either (1) to operate in the directed halibut commercial fishery in Area 2A and/or retain halibut caught incidentally in the primary directed sablefish fishery north of Point Chehalis, WA or (2) to retain halibut caught incidentally during the salmon troll fishery. Commercial fishers operating in the directed halibut fishery and/or retaining halibut incidentally caught in the primary directed sablefish fishery must send their license application to the IPHC postmarked no later than April 30, or the first weekday in May, if April 30 falls on a weekend, in order to obtain a license to fish for halibut in Area 2A. Commercial fishers operating in the salmon troll fishery who seek to retain incidentally caught halibut must send their application for a license to the IPHC for the incidental catch of halibut in Area 2A postmarked no later than March 31, or the first weekday in April, if March 31 falls on a weekend. Fishing vessels licensed by IPHC to fish commercially in Area 2A are prohibited from operating in the sport fisheries in Area 2A.

In section (e) Non-Indian Commercial Fisheries, a new paragraph (3) would be added to read as follows:

Incidental catch in the sablefish fishery north of Point Chehalis. If the Area 2A TAC is greater than 900,000 lb (408.2 mt), the primary directed sablefish fishery north of Point Chehalis will be allocated the Washington sport allocation that is in excess of 214,110 lb (97.1 mt), provided a minimum of 10,000 lb (4.5 mt) is available (i.e., the Washington sport allocation is 224,110 lb (101.7 mt) or greater). If the amount above 214,110 lb (97.1 mt) is less than 10,000 lb (4.5 mt), then the excess will be allocated to the Washington sport subareas according to section (f) of this Plan. The Council will recommend landing restrictions at its spring public meeting each year to control the amount of halibut caught incidentally in this fishery. The landing restrictions will be based on the amount of the allocation and other pertinent factors, and may include catch or landing ratios, landing limits, or other means to control the rate of halibut landings. NMFS will publish the landing restrictions annually in the **Federal Register**.

In section (f) Sport Fisheries, the first paragraph would be revised to read as follows:

The non-Indian sport fisheries are allocated 68.3 percent of the non-Indian share, which is approximately 44.4 percent of the Area 2A TAC. The allocation is further divided as subquotas among seven geographic subareas.

In section (f) Sport Fisheries, paragraphs (1)(i) through (vi) for each sport fishery subarea would be revised as follows:

The first sentence of paragraph (i) would be revised to read as follows:

Washington inside waters (Puget Sound) subarea. This sport fishery subarea is allocated 28.0 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan).

The first sentence of paragraph (ii) would be revised to read as follows:

Washington north coast subarea. This sport fishery subarea is allocated 57.7 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan)." Also, the third priority for the structuring of the season would be revised to read as follows:

If the preseason prediction indicates that these two goals can be met without utilizing the quota for this subarea, then the next priority is to extend the fishery into June and continue for 5 days per week (Tuesday through Saturday) for as long a period as possible.

The first sentence of paragraph (iii) would be revised to read as follows:

Washington south coast subarea. This sport fishery is allocated 12.3 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan)." Also, the opening of the fishery would be revised to read as follows: "The fishery will open on May 1 and continue five days per week (Sunday through Thursday) until 1,000 lb (0.45 mt) are projected to remain in the subarea quota. If May 1 falls on a Friday or Saturday, the fishery will open on the following Sunday.

The first sentence of paragraph (iv) would be revised to read as follows:

Columbia River subarea. This sport fishery subarea is allocated 2.0 percent

of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 4 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea also is allocated 2.0 percent of the Oregon/California sport allocation.

Paragraphs (v), (v)(A), (v)(B) and (v)(C) of the Plan for the Oregon central coast subarea are revised to read as follows:

Oregon central coast subarea. If the Area 2A TAC is 388,350 lb (176.2 mt) and above, this subarea extends from Cape Falcon to the Siuslaw River at the Florence north jetty (44°01'08" N. lat.) and is allocated 88.4 percent of the Oregon/California sport allocation, which is approximately 18.21 percent of the Area 2A TAC. If the Area 2A TAC is less than 388,350 lb (176.2 mt), this subarea extends from Cape Falcon to the California border and is allocated 95.4 percent of the Oregon/California sport allocation. The structuring objectives for this subarea are to provide two periods of fishing opportunity in May and in August in productive deeper water areas along the coast, principally for charterboat and larger private boat anglers, and provide a period of fishing opportunity in the summer for nearshore waters for small boat anglers. Fixed season dates will be established preseason for the May and August openings and will not be modified inseason except that the August openings may be modified inseason if the combined Oregon subarea quota is estimated to be achieved. Recent year catch rates will be used as a guideline for estimating the catch rate for the May and August fishery each year. The number of fixed season days established will be based on the projected catch per day with the intent of not exceeding the subarea season subquotas. ODFW will monitor landings and provide a post-season estimate of catch within 2 weeks of the end of the fixed season. If sufficient catch remains for an additional day of fishing after the May season or the August season, openings will be provided if possible in May and August respectively. Potential additional open dates for both the May and August seasons will be announced preseason. If a decision is made inseason to allow fishing on one or more of these additional dates, notice of the opening will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No all-depth halibut fishing will be allowed on the additional dates unless the opening date has been announced on the NMFS hotline. Any poundage remaining unharvested in the

subquotas from earlier seasons will be added to the next season. The daily bag limit for all seasons is two halibut per person, one with a minimum 32-inch (81.3-cm) size limit and the second with a minimum 50-inch (127.0 cm) size limit. ODFW will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the open dates for each season each year. The three seasons for this subarea are as follows.

(A) The first season is an all-depth fishery that begins on the second Thursday in May and is allocated 68 percent of the subarea quota. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the subquota for this first season. No inseason adjustments will be made, except that additional opening days (established preseason) may be allowed if any quota for this season remains unharvested. The fishery will be structured for 2 days per week (Friday and Saturday) if the season is for 4 or fewer fishing days. The fishery will be structured for 3 days per week (Thursday through Saturday) if the season is for 5 or more fishing days.

(B) The second season opens the day following closure of the first season, only in waters inside the 30-fathom (55 m) curve, and continues daily until 7 percent of the subarea quota is taken, or until the day before the first Friday in August, whichever is earlier.

(C) The last season is a coastwide (Cape Falcon, OR to Oregon/California border) all-depth fishery that begins on the first Friday in August and is allocated 25 percent of the subarea quota. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the combined Oregon subarea quotas south of Cape Falcon, OR. The all-depth fishery will be structured for 2 days per week (Friday and Saturday). No inseason adjustments will be made unless the combined Oregon subarea quota is estimated to be achieved. Additional openings of the all-depth fishery (established preseason) may be allowed if quota remains unharvested. If quota remains unharvested, but is insufficient for one day of an all-depth fishery, the sport fishery from Cape Falcon, OR to the Oregon/California border will be reopened in the area inside the 30-fathom (55 m) curve and will continue each day until the combined Oregon subarea quotas (south of Cape Falcon) are estimated to have been taken, or September 30, whichever is earlier.

Paragraphs (vi), (vi)(A), (vi)(B) and (vi)(C) of the Plan for the Oregon south

coast subarea would be revised to read as follows:

Oregon south coast subarea. If the Area 2A TAC is 388,350 lb (176.2 mt) and greater, this subarea extends from the Siuslaw River at the Florence north jetty (44°01'08" N. lat.) to the California border (42°00'00" N. lat.) and is allocated 7.0 percent of the Oregon/California sport allocation, which is approximately 1.44 percent of the Area 2A TAC. If the Area 2A TAC is less than 388,350 lb (176.2 mt), this subarea will be included in the Oregon central coast subarea. The structuring objective for this subarea is to create a south coast management zone that has the same objectives as the Oregon central coast subarea and is designed to accommodate the needs of both charterboat and private boat anglers in the south coast subarea where weather and bar crossing conditions very often do not allow scheduled fishing trips. Fixed season dates will be established preseason for the May and August openings and will not be modified inseason except that the August openings may be modified inseason if the combined Oregon subarea quota is estimated to be achieved. Recent year catch rates will be used as a guideline for estimating the catch rate for the May and August fishery each year. The number of fixed season days established will be based on the projected catch per day with the intent of not exceeding the subarea season subquotas. ODFW will monitor landings and provide a post-season estimate of catch within 2 weeks of the end of the fixed season. If sufficient quota remains for an additional day of fishing after the May season or the August season, openings will be provided in May and August respectively. Potential additional open dates for both the May and August seasons will be announced preseason. If a decision is made inseason to allow fishing on one or more of these additional dates, notice of the opening will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No all-depth halibut fishing will be allowed on the additional dates unless the opening date has been announced on the NMFS hotline. Any poundage remaining unharvested in the subquotas from earlier seasons will be added to the next season. The daily bag limit for all seasons is two halibut per person, one with a minimum 32-inch (81.3-cm) size limit and the second with a minimum 50-inch (127.0 cm) size limit. ODFW will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the open dates for each season each

year. The three seasons for this subarea are as follows.

(A) The first season is an all-depth fishery that begins on the second Thursday in May and is allocated 80 percent of the subarea quota. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the subquota for this first season. No inseason adjustments will be made, except that additional opening days (established preseason) may be allowed if any quota for this season remains unharvested. The fishery will be structured for 2 days per week (Friday and Saturday) if the season is for 4 or fewer fishing days. The fishery will be structured for 3 days per week (Thursday through Saturday) if the season is for 5 or more fishing days.

(B) The second season is a restricted area fishery that is allocated 20 percent of the subarea quota. The restricted season opens the day following closure of the first season, only in waters inside the 30-fathom (55 m) curve, and continues daily until the subarea quota is estimated to have been taken, or until the day before the first Friday in August, whichever is earlier.

(C) The last season is a coastwide (Cape Falcon, OR to Oregon/California border) all-depth fishery that begins on the first Friday in August. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the combined Oregon subarea quotas south of Cape Falcon, OR. The all-depth fishery will be structured for 2 days per week (Friday and Saturday). No inseason adjustments will be made unless the combined Oregon subarea quota is estimated to be achieved. Additional openings of the all-depth fishery (established preseason) may be allowed if quota remains unharvested. If quota remains unharvested, but is insufficient for one day of an all-depth fishery, the sport fishery from Cape Falcon, OR to the Oregon/California border will be reopened in the area inside the 30-fathom (55 m) curve and will continue each day until the combined Oregon subarea quotas is estimated to have been taken, or September 30, whichever is earlier.

Paragraph (f)(5)(i) on flexible inseason management provisions would be revised to read as follows:

The Regional Administrator, NMFS Northwest Region, after consultation with the Chairman of the Pacific Fishery Management Council, the IPHC Executive Director, and the Fisheries Director(s) of the affected state(s), is authorized to modify regulations during the season after making the following

determinations: (A) The action is necessary to allow allocation objectives to be met. (B) The action will not result in exceeding the catch limit for the area. (C) If any of the sport fishery subareas north of Cape Falcon, OR are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to a Washington sport subarea projected to have the fewest number of sport fishing days in the calendar year.

In section (f)(5)(ii) on flexible inseason management, a new paragraph (E) is added to read as follows:

Modification of subarea quotas north of Cape Falcon, OR consistent with the standards in section (f)(5)(i)(C) of this Plan.

Proposed 1998 Sport Fishery Management Measures

NMFS also proposes sport fishery management measures necessary to implement the Plan in 1998. It is unknown at this time what the 1998 TAC will be, but information available from the IPHC indicates the TAC may be similar to 1997. The final TAC will be determined by the IPHC at its annual meeting in January 1998. The proposed 1998 sport fishery regulations based on the 1997 Area 2A TAC of 700,000 lb (317.5 mt) are as follows:

Washington Inside Waters Subarea (Puget Sound and Straits)

This subarea would be allocated 48,056 lb (21.8 mt) at an Area 2A TAC of 700,000 lb (317.5 mt) in accordance with the revised Plan. Although the allocation is 3 percent greater than 1997, the season length would be reduced from 59 days open in 1997 because of increased catch per day open (1,470 lb (0.7 mt) per day in 1997 compared to 844 lb (0.4 mt) per day in 1996). In accordance with the procedure developed with IPHC to project the catch in this subarea based on past catch per "fishing day equivalent" (FED), where a weekday is equal to 1 FED and a weekend/holiday is equal to 2.5 FEDs, a total of 76 FEDs were calculated (for a subarea quota of 48,056 lb (21.8 mt)) based on an average catch of 626 lb (0.3 mt) per FED in the past 3 years. The proposed number of open days for 1998 was then based on setting a season that opens in May and continues at least through July 4 in accordance with the Plan. If the season structuring is similar to 1997, then there would be a 47 day season that would open on May 21 (Thursday) and continue for 5 days per week (Thursday through Monday) through July 24 (Friday) when the season would close. The final

determination of the season dates that will be open would be based on the allowable harvest level, projected 1998 catch rates, and recommendations developed in a public workshop sponsored by Washington Department of Fish and Wildlife after the 1998 TAC is set by the IPHC. The daily bag limit would be one halibut of any size per day per person.

Washington North Coast Subarea (north of the Queets River)

This subarea would be allocated 86,917 lb (39.4 mt) at an Area 2A TAC of 700,000 lb (317.5 mt) in accordance with the revised Plan. The season would open on May 1 and continue for 5 days per week (Tuesday through Saturday) until the quota is taken. Based on the 1997 catch of 1,468 lb (0.7 mt) per day, it is anticipated that the season would extend past July 4 thereby achieving the three priorities for this subarea in the Plan. The daily bag limit would be one halibut of any size per day per person. A portion of this subarea located about 19 nm (35 km) southwest of Cape Flattery would be closed to sport fishing for halibut. The size of this closed area is described in the Plan, but may be modified preseason by NMFS to maximize the season length.

Washington South Coast Subarea

This subarea would be allocated 27,513 lb (12.5 mt) at an Area 2A TAC of 700,000 lb (317.5 mt) in accordance with the revised Plan. The fishery would open on May 3 (Sunday) and continue 5 days per week (Sunday through Thursday) until 1,000 lb (0.45 mt) remain in the quota, and then would reopen as a nearshore fishery for 7 days per week until the remaining subarea quota is taken, or September 30, whichever occurs first. The daily bag limit would be one halibut of any size per day per person. The northern offshore portion of this area west of 124°40'00" W. long. and north of 47°10'00" N. lat. would be closed to sport fishing for halibut.

Columbia River Subarea

This subarea would be allocated 6,929 lb (3.1 mt) at an Area 2A TAC of 700,000 lb (317.5 mt) in accordance with the revised Plan. The fishery would open on May 1 and continue 7-days per week until the quota is reached or September 30, whichever occurs first. The daily bag limit would be one halibut with a minimum overall size limit of 32 inches (81.3 cm).

Oregon Central Coast Subarea

This subarea would be allocated 127,504 lb (57.8 mt) at an Area 2A TAC

of 700,000 lb (317.5 mt) in accordance with the revised Plan. The May all-depth season would be allocated 86,703 lb (39.3 mt) and based on an observed increasing catch per day trend in this fishery, an estimated 15,600 lb to 18,400 lb (7.1 - 8.3 mt) would be caught per day in 1998 resulting in a 5 day fixed season. In accordance with the Plan, the season dates would be May 14, 15, 16, 21, and 22. Additional fishing days, if the quota is not taken, would be scheduled for early June. The restricted depth fishery inside 30-fathoms would be allocated 8,925 lb (4.1 mt) and would open on May 23 and continue until August 6 or attainment of quota for this season. The August coastwide all-depth fishery (Cape Falcon to Oregon/California border) would be allocated 31,876 lb (14.5 mt) which is only sufficient for a 1-day opening on August 7 based on past catch rates observed in this fishery. If sufficient quota remains after this season for additional days fishing, the dates for an all-depth fishery would be mid-August. The restricted depth fishery inside 30-fathoms would then re-open on August 8 and continue until September 30 or attainment of the quota. The final determination of the season dates will be based on the allowable harvest level, projected catch rates, and recommendations developed in a public workshop sponsored by ODFW after the 1998 TAC is set by the IPHC. The daily bag limit would be two halibut, one with a minimum overall size limit of 32 inches (81.3 cm) and the second with a minimum overall size limit of 50 inches (127.0 cm).

Oregon South Coast Subarea

This subarea would be allocated 10,096 lb (4.6 mt) at an Area 2A TAC of 700,000 lb (317.5 mt) in accordance with the revised Plan. The May all-depth season would be allocated 8,077 lb (3.7 mt) and based on an observed increasing catch per day trend in this fishery, an estimated 1,630 lb (0.7 mt) would be caught per day in 1998 resulting in a 5 day fixed season. In accordance with the Plan, the season dates would be May 14, 15, 16, 21, and 22. Additional fishing days, if the quota is not taken, would be scheduled for early June. The restricted depth fishery inside 30-fathoms would be allocated 2,019 lb (0.9 mt) and would open on May 23 and continue until August 6 or attainment of quota for this season. The August coastwide all-depth fishery (Cape Falcon to Oregon/California border) would be open for 1-day on August 7. If sufficient quota remains after this season for additional days fishing, the dates for an all-depth fishery would be mid-August. The restricted

depth fishery inside 30-fathoms would open on August 8 and continue until September 30 or attainment of the quota. The final determination of the season dates would be based on the allowable harvest level, projected catch rates, and recommendations developed in a public workshop sponsored by ODFW after the 1998 TAC is set by the IPHC. The daily bag limit would be two halibut, one with a minimum overall size limit of 32 inches (81.3 cm) and the second with a minimum overall size limit of 50 inches (127.0 cm).

California Subarea

The proposed sport regulations for this subarea are the same as 1997 with a May 1 opening and continuing 7 days per week until September 30. The daily bag limit would be one halibut with a minimum overall size limit of 32 inches (81.3 cm).

NMFS requests public comments on the Council's recommended modifications to the Plan and the proposed sport fishing regulations. The Area 2A TAC will be set by the IPHC at its annual meeting on January 26-29, 1998 in Anchorage, AK. Comments are requested by February 17, 1998, after the IPHC annual meeting, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments on the proposed sport fishing regulations. The States of Washington and Oregon will conduct public workshops shortly after the IPHC meeting to obtain input on the sport season dates. After the Area 2A TAC is known, and after NMFS reviews public comments and comments from the States, NMFS will issue final rules for the Area 2A Pacific halibut sport fishery concurrent with the IPHC regulations for the 1998 Pacific halibut fisheries.

NMFS and the Council have prepared a draft environmental assessment and regulatory impact review on the proposed changes to the Plan. Copies of the "Draft Environmental Assessment and Regulatory Impact Review of Changes to the Catch Sharing Plan for Pacific Halibut in Area 2A" are available from NMFS (see ADDRESSES). Comments on the EA/RIR are requested by February 17, 1998.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the changes to the Plan would not have a significant economic impact on a substantial number of small entities.

In accordance with the Regulatory Flexibility Act, an assessment of the economic impacts of proposed changes to the Plan on small entities is presented in the EA/

RIR. The Regulatory Flexibility Act (RFA), 5 U.S.C. 603 *et seq.*, requires agencies to assess impacts of proposed regulatory actions on small entities and determine whether there will be a significant economic impact on a substantial number of small entities. There are various criteria used to determine whether a proposed action would have a significant economic impact on a substantial number of small entities, the only one that may be relevant here is whether the proposed action would result in a reduction in annual gross revenues of more than 5 percent, for 20 percent or more of the affected small entities. For the purposes of the RFA, NMFS has adopted a standard that a "substantial number" of small entities is more than 20 percent of those small entities affected by the proposed action. In determining the scope or universe of the entities to be considered in making the significance determination, the general approach used is to consider only those entities that can reasonably be expected to be directly or indirectly impacted by the proposed action. For the fishing industry, a small entity is a small business with receipts of up to \$3 million annually. Charterboats operating in Washington sport fisheries are viewed as small entities affected by the proposed changes to the Plan.

The proposed action involves three changes to the Plan that affect small businesses:

- (1) establishment of fixed opening dates and fixed seasons for Oregon sport fisheries;
- (2) a provision that at Area 2A TACs above 942,040 lbs (427.3 mt), the Washington sport fishery is capped at an allocation of 214,110 lb (97.1 mt) with the excess allocated to Washington commercial sablefish fishers to retain and sell incidentally caught halibut; and
- (3) a revision of the distribution of the Washington sport allocation among the Washington sport fishery subareas when the Area 2A TAC is above 550,000 lb (249.5 mt) to facilitate expanded season lengths. At TACs below 550,000 lb (249.5 mt), the proposed Plan does not differ from the Plan currently in place.

The first two changes yield, if anything, only positive economic impacts; and therefore, they are not a source of significant economic impacts on small entities. The establishment of fixed opening dates and fixed seasons in the Oregon sport fisheries will allow anglers and businesses to better plan for halibut fishery seasons with resulting benefits from more orderly fisheries, but otherwise does not change the allocations or conduct of the sport fishery. The reallocation of Washington sport allocation at high Area 2A TAC levels to commercial fishers in the Washington sablefish fishery provides direct benefits in allowing incidentally caught halibut, which otherwise must be discarded, to be retained and sold by commercial fishers. This measure will also have the effect of limiting future growth in the sports fishery. However, this impact is not considered significant because it will not result in losses as compared to the status quo (i.e., sport fishers will not suffer any reduction in their annual gross revenue as a result of this measure).

The third change to the Plan, revising the distribution of sport allocation among

subareas when TAC reaches a certain level, may yield negative impacts upon some small entities. The proposed changes to the Plan on the distribution by subarea of the Washington sport allocation at Area 2A TACs at or above 550,000 lb (249.5 mt) will directly affect charterboats that operate in Washington and indirectly affect small businesses, such as motels, restaurants, and tackle shops in the ports and nearby areas utilized by halibut anglers. In regard to direct effects of the proposed action, a total of 177 charterboats have been licensed by the International Pacific Halibut Commission over the past 3 years for halibut fishing, and only 13 to

15 of them (less than 9 percent) have operated out of ports affected by the proposed reduced allocation at higher Area 2A TAC levels.

Data on the actual number and type of small businesses utilized by halibut anglers (thereby indirectly affected by the proposed action) is not available. However, there are about 15 ports/access sites that are used by halibut anglers to access the halibut sport fishery subareas in Washington and most, if not all, of the affected small businesses are located in the ports from which halibut anglers depart for sport fishing trips. Therefore any reduction in halibut fishing opportunity in a given "halibut access" port, would be expected to affect small businesses that provide services to halibut anglers in those ports. NMFS considers the effects on ports used by halibut anglers as a proxy for determining whether the proposed action will have significant economic impacts on a substantial number of small entities. Of the 15 ports used by halibut anglers, 13 (87

percent) will have an increase or no changes in halibut sport fishing opportunity as a result of the proposed action. Only 2 ports (13 percent of affected ports and small entities supporting sport angling) would have a reduced allocation at higher Area 2A TACs. At a TAC of 700,000 lb (317.5 mt), the proposed change would result in a reduction of halibut fishing opportunity of 6 days (9 percent reduction in halibut fishing days), but would not affect sport fishing opportunity for bottomfish, salmon and other species that account for a much greater proportion of the sport fishing opportunity in Washington (for example, bottomfish sport fishing opportunity is available year-round from most ports). The proposed action has no effect on subarea sport allocations when the Area 2A TAC is 550,000 lb (249.5 mt) or less - the average TAC in recent past years (i.e., no effect on the status quo through 1996).

Overall, the net change in the reallocation of halibut quotas among the subareas at greater Area 2A TACs results in a small net increase in the number of sport halibut fishing days in Washington ports. At an Area 2A TAC of 700,000 lb (317.5 mt), which is the assumed TAC for 1998, the net increase based on 1997 catches would be 3 days overall (0.5 percent increase in all Washington subareas) with the WA Inside Waters and WA South Coast subareas increasing by 3 days (5 percent increase) and 6 days (26 percent increase) respectively, and the WA North Coast subarea decreasing by 6 days (9 percent decrease); the number of fishing days in the other subareas is not affected. In summary, the proposed changes to the Washington sport halibut fishery will

provide positive benefits to most charterboat operators in Washington and the sport fishery support businesses in most of the Washington ports used to access the halibut sport fishery, and should not cause a reduction in revenues for 20 percent or more of the small entities affected directly (charterboats) or indirectly (sport fishery support services in halibut access ports) by this action.

The proposed changes to the Plan will not have a significant economic impact on a substantial number of small entities because they will not result in a reduction in annual gross revenues of more than 5 percent, for 20 percent or more of the affected small entities. The proposed sport management measures for 1998 merely implement the Plan at the appropriate level of TAC; their impacts are within the scope of the impacts analyzed for the Plan. Therefore, a regulatory flexibility analysis was not prepared.

This action has been determined to be not significant for purposes of E.O. 12866.

Dated: January 20, 1998.

Gary C. Matlock,

*Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 98-1803 Filed 1-23-98; 8:45 am]

BILLING CODE 3510-22-F