

(6) At the end of the one minute warning period, if no river traffic is approaching or under the drawspan, the remote bridge operator may begin lowering the drawspan. Navigation lights located at the center of the drawspan change from green to red when the drawspan is not in the fully open to navigation position. The drawspan takes approximately 90 seconds to lower.

(7) If the presence of a vessel or other obstruction is discovered approaching or under the drawspan, during the lowering sequence, before the drawspan is fully lowered and locked, the drawspan shall be stopped and raised to the fully open position. When the vessel or obstruction has cleared the drawspan, the remote operator shall confirm that the channel is clear and reinitiate the one minute warning cycle before lowering the drawspan.

(8) If no marine traffic is present the drawspan may be lowered and seated. When the drawspan is lowered and locked in the closed to navigation position, the remote bridge operator broadcasts, at least twice, via marine radio channel 16, that: "The drawspan of the EJ&E Railroad bridge is closed to navigation."

(9) Failure of the radar system, radio telephone system, infrared boat detectors or electronic motion sensors shall prevent lowering the drawspan from the remote location.

(10) When rail traffic has cleared the bridge, the remote bridge operator shall raise the drawspan to the fully open to navigation position. When the drawspan is raised and in the fully open to navigation position, the remote bridge operator broadcast, at least twice, via marine radio channel 16, that: "The drawspan of the EJ&E Railroad bridge is open to navigation." The center drawspan navigation lights change from red to green when the drawspan is fully open to navigation.

Dated: January 23, 1995.

Paul M. Blayney,

*Rear Admiral, U.S. Coast Guard Commander,
Second Coast Guard District.*

[FR Doc. 95-4408 Filed 2-23-95; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018-AB43

Subsistence Management Regulations for Public Lands in Alaska, Subparts C & D; Board Determinations and Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments

AGENCY: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Correcting amendments.

SUMMARY: These corrections amend the Subsistence Management Regulations for Public Lands in Alaska, published in the **Federal Register** on May 29, 1992, and June 3, 1994, implementing the subsistence priority for rural residents of Alaska under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. These corrections will allow rural Alaska residents to continue to harvest fish and wildlife resources on Federal public lands.

EFFECTIVE DATE: Effective July 1, 1994.

FOR FURTHER INFORMATION CONTACT: Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3447. For questions specific to National Forest System lands, contact Norman Howse, Assistant Director, Subsistence, USDA—Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802; telephone (907) 586-8890.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability which are consistent with ANILCA, and which provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the

Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell v. State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute, and therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114-27170). Consistent with Subparts A, B, and C of these regulations, a Federal Subsistence Board (Board) was established to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Area Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies have participated in development of regulations for Subparts A, B, and C, and the annual Subpart D regulations. All Board members have reviewed these corrections and agree with their substance. Because Subparts C and D relate to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical correcting text will be incorporated into 36 CFR Part 242 and 50 CFR Part 100.

Final Subpart C regulations were published on June 29, 1992, in the **Federal Register** (57 FR 22957-22964) and were amended on May 27, 1994 (59 FR 27462). Proposed Subpart D regulations for the 1994-1995 seasons and bag limits, and methods and means were published on September 2, 1993, in the **Federal Register** (58 FR 46678-46706). A 60-day comment period providing for public review of the proposed Subpart D rule was advertised by mail, radio, and newspaper. Subsequent to that 60-day review period, the Board prepared a booklet describing all proposals for change to

Subpart D. The public then had an additional 60 days in which to comment on the proposals for changes to the regulations. The Federal Subsistence Regional Advisory Councils (Regional Councils) met in regional centers, received public comments, and formulated recommendations to the Board on proposals for their respective regions. The final regulations, published on June 3, 1994, (59 FR 29032-29063) reflect Board review and consideration of Regional Council recommendations and public comments submitted to the Board during their April meeting. Additional Regional Council meetings were held during October 1994, and the Board heard public testimony and deliberated Requests for Reconsideration and Special Action in public forum on November 14, 1994. The sections dealing with shellfish were published on June 1, 1993, (58 FR 31252-31295) and their effective period was revised by an interim rule published on June 27, 1994, (59 FR 32923-32925).

These correcting amendments are a result of deferred proposal from the Board's April meeting. Requests for Reconsideration of some of the Board's decisions in April, some requests for Special Action as a result of resource concerns, and some administrative errors, omissions and typographical mistakes that have been brought to our attention. Below are summaries of each action.

Subpart C

Unit 12—Sheep—A transcription error from State records was made in the Customary and Traditional use eligibility determination for sheep in Unit 12. This document corrects that error.

Unit 18—Caribou—The Board acted on a request for Special Action for a season on caribou north of the Yukon River in Unit 18. Preliminary data indicates that a number of villages have traditionally harvested caribou in that area. Therefore, the Board has made an interim finding of customary and traditional use eligibility determination for the villages of Alakanuk, Andreafsky, Emmonak, Kotlik, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Mary's, St. Michael, Sheldon Point, and Stebbins for caribou in Unit 18 north of the Yukon River. This action was supported by the affected Regional Council.

Subpart D

Units 7 and 15—Black Bear—A typographic error is being corrected identifying the Units in which sealing is

required for the hide and skull of black bears.

Unit 6(D)—Goat—A typographical error identifying a harvest area is being corrected.

Units 6, 11-14, 16, 20 and 25(C)—Lynx—The Board acted on a request from the Alaska Department of Fish and Game (ADF&G) to close the trapping season for lynx in Units 6, 14 and 16, lengthen the season in Units 11 and 13, and shorten the season in Units 12, 20 and 25(C). This follows the Board's previous agreement to follow a harvest tracking strategy where possible. The strategy calls for shortening or closing trapping seasons when lynx numbers are low and lengthening or opening seasons when lynx are abundant. The Regional Councils affected supported this action to protect the viability of the lynx populations in those Units.

Unit 9(C)—Caribou—The Board received a request to close Federal lands to the non-subsistence hunting of caribou in order to ensure the continued viability of the North Alaska Peninsula caribou herd. The population of this herd has declined 20 percent over the last year. On the recommendation of the Regional Council, the Board acted to close the lands for the current regulatory year.

Unit 12—Sheep—The transcription error that was made in the customary and traditional use eligibility determination also incorrectly omitted a season for sheep in this Unit. This document inserts the correct season.

Unit 18—Caribou—Upon receipt of a request for Special Action, the Board, at its November 17, 1994, meeting deliberated the issue of opening Unit 18 north of the Yukon River to caribou hunting. There appears to be an influx of caribou into the area, primarily from the Western Arctic caribou herd which currently numbers about 500,000 animals. The Board opened a season to coincide with the State season. They also indicated that if large numbers of animals move into Unit 18, they will further increase the harvest limit.

Unit 19(A)—Moose—This proposal was a carry-over from the April 1994 Board meeting. One of the two Regional Councils that were affected by this 1994-95 proposal had not reviewed it prior to the April meeting, so the Board delayed action. During the October round of Regional Council meetings, the two Regional Councils reached consensus and the Board passed their compromise version that established a subarea and revised the season structure.

Unit 21(E)—Moose—This proposal was also a carry-over from the April 1994 Board meeting. One of the two

Regional Councils that were affected by this 1994-95 proposal had not reviewed it prior to the April meeting, so the Board delayed action. The proposal would prohibit hunting within one-half mile of the Yukon River during the February season. Although the two involved Regional Councils could not agree, data indicated that harvest by residents of one region was almost nonexistent in the affected area. The Board therefore adopted the recommendation of the region primarily impacted and instituted the one-half mile restriction.

Unit 26(A)—Moose—A typographic error is being corrected, identifying a subarea of Unit 26(A).

Kodiak Area—Shellfish—The Board received a Request for Reconsideration from the Alaska Department of Fish and Game (ADF&G) to institute a minimum shell size on king crabs taken for subsistence uses. A full review of the issue and a concern for the viability of the population led the Board to close Federal waters to the non-subsistence taking of king crab. This action was supported by the Regional Council.

Only the items described above are being changed; but for clarity, the entire table or text section for the pertinent species in each Unit is reproduced. The above actions were supported as indicated by the Regional Councils in the affected areas. Notice of the Board meeting and the subjects to be considered were widely circulated and the public had an opportunity to comment and participate.

The Board finds that additional public notice and comment requirements under the Administrative Procedures Act (APA) for this extension are impracticable, unnecessary, and contrary to the public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive the public notice and comment procedures prior to publication of this rule correction. The Board also finds good cause under 5 U.S.C. 553(d)(3) to make this rule correction effective July 1, 1994, the effective date of the Subsistence Management Regulations for Public Lands in Alaska.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance—A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through

public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940-22964) implements the Federal Subsistence Management Program and includes a framework for an annual cycle for subsistence hunting and fishing regulations.

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appears in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but it does

not appear that the program may significantly restrict subsistence uses.

Paperwork Reduction Act

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501-3520. They apply to the use of public lands in Alaska. The information collection requirements described above are approved by the OMB under 44 U.S.C. 3501 and have been assigned clearance number 1018-0075.

Public reporting burden for this form is estimated to average .1382 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0075), Washington, DC 20503. Additional information collection requirements may be imposed if Local Advisory Committees subject to the Federal Advisory Committee Act are established under Subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Economic Effects

This rule is not subject to OMB review under Executive Order 12866. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses

of public lands indicates that they will not be significant.

These regulations do not meet the threshold criteria of "Federalism Effects" as set forth in Executive Order 12612. Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no significant takings implication relating to any property rights as outlined by Executive Order 12630.

Drafting Information

These regulations were drafted under the guidance of Richard S. Pospahala, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Thomas H. Boyd, Alaska State Office, Bureau of Land Management; Lou Waller, Alaska Regional Office, National Park Service; John Borbridge, Alaska Area Office, Bureau of Indian Affairs; and Norman Howse, USDA-Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedures, Alaska, Fish, Public Lands, Reporting and recordkeeping requirements, Subsistence, Wildlife.

For the reasons set out in the preamble, Title 36, Part 242, and Title 50, Part 100, of the Code of Federal Regulations, are amended as set forth below.

PART ____ —SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101-3126; 18 U.S.C. 3551-3586; 43 U.S.C. 1733.

2. Section __.24(a)(1) is amended in the table under "Area," "Species," and "Determination" by removing the entry for "GMU 12" "Sheep" and adding two new entries in its place to read as follows:

§ __.24 Customary and traditional use determinations.

- (a) * * *
- (1) * * *

Harvest limits	Open season
Caribou: Unit 9(A) and (C)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Sept. 30 and no more than 1 caribou may be taken Oct. 1–Nov. 30. Public lands in Unit 9(C) are closed for the hunting of caribou except by qualified rural Alaska residents during the seasons identified above	Aug. 10–Mar. 31.
Unit 9(B)—5 caribou; however no more than 2 may be bulls	Aug. 1–Apr. 15.
Unit 9(D)	No open season.
Unit 9(E)—that portion south of Seal Cape on the Pacific side of the Alaska Peninsula divide—4 caribou; only bulls may be taken between July 1 and Aug. 9	July 1–Apr. 30.
Remainder of Unit 9(E)—4 caribou	Aug. 10–Apr. 30.

8. Section ____ .25(k)(11) is amended in the table under "Trapping" by revising the entry for Lynx to read as follows:

* * * * *

(k) * * *

(11) * * *

Harvest limits	Open season
Trapping: * * * * *	* * * * *
Lynx: No limit	Dec. 1–Jan. 15. * * * * *

9. Section ____ .25(k)(12) is amended in the table under "Hunting" by adding an entry for Sheep to read as follows:

* * * * *

(k) * * *

(12) * * *

Harvest limits	Open season
Hunting: * * * * *	* * * * *
Sheep: 1 ram with full curl horn or larger * * * * *	Aug. 10–Sept. 20. * * * * *

10. Section ____ .25(k)(12) is amended in the table under "Trapping" by revising the entry for Lynx to read as follows:

* * * * *

(k) * * *

(12) * * *

Harvest limits	Open season
Trapping: * * * * *	* * * * *
Lynx: No limit	Dec. 1–Jan. 15. * * * * *

11. Section ____ .25(k)(13)(iii) is amended in the table under "Trapping" by revising the entry for Lynx to read as follows:

* * * * *

(k) * * *

(13) * * *

(iii) * * *

Harvest limits	Open season
Trapping: * * * * *	* * * * *
Lynx: No limit	Dec. 1–Jan. 15. * * * * *

12. Section ____ .25(k)(14)(iii)(B) is amended in the table under "Trapping" by revising the entry for Lynx to read as follows:

* * * * *

(k) * * *

(14) * * *

(iii) * * *

(B) * * *

Harvest limits	Open season
Trapping: * * * * *	* * * * *
Lynx	No open season. * * * * *

13. Section ____ .25(k)(16) is amended in the table under "Trapping" by revising the entry for Lynx to read as follows:

* * * * *

(k) * * *

(16) * * *

(iii) * * *

Harvest limits	Open season
Trapping: * * * * *	* * * * *
Lynx	No open season. * * * * *

* * * * *

14. Section ____ .25(k)(18)(iii) is amended in the table under "Hunting" by revising the entry for Caribou to read as follows:

* * * * *

(k) * * *

(18) * * *

(iii) * * *

Harvest limits	Open season
Hunting: * * * * *	* * * * *
Caribou: Unit 18—that portion south of the Yukon River—Kilbuck caribou herd; rural Alaska residents domiciled in Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaaskiak, Napakiak, Kasigiuk, Atmauthluak, Nunapitchuk, Tuntutuliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills, only. A Federal registration permit is required. The number of permits available for these hunts will be determined at a later date. The taking of caribou will be prohibited when a total Unit harvest of 130 bulls has been reached in either or both hunts administered by the Board or ADF&G.	Dec. 15–Jan. 9. Feb. 23–Mar. 15.
Unit 18—that portion north of the Yukon River—1 caribou.	Feb. 1–Mar. 31.
Remainder of Unit 18	No open season. * * * * *

* * * * *

15. Section ____ .25(k)(19)(iii) is amended in the table under "Hunting" by revising the entry for Moose to read as follows:

* * * * *

(k) * * *

(19) * * *

(iii) * * *

Harvest limits	Open season
Hunting: * * * * *	* * * * *

Harvest limits	Open season
Moose: Unit 19—Rural Alaska residents of Lime Village only—No individual harvest limit, but a village harvest quota of 40 moose (including those taken under the State Tier II system); either sex. Reporting will be by a community reporting system.	July 1—June 30.
Unit 19(A)—that portion north of the Kuskokwim River upstream from, but not including the Kolmakof River drainage and south of the Kuskokwim River upstream from, but not including the Holokuk River drainage—1 moose; however, antlerless moose may be taken only during the Feb. 1—Feb. 10 season.	Sept. 1—Sept. 20. Nov. 20—Nov. 30. Jan. 1—Jan. 10. Feb. 1—Feb. 10.
Unit 19(A)—remainder—1 bull.	Sept. 1—Sept. 20. Nov. 20—Nov. 30. Jan. 1—Jan. 10. Feb. 1—Feb. 10.
Unit 19(B)—1 antlered bull.	Sept. 1—Sept. 30.
Unit 19(C)—1 antlered bull.	Sept. 1—Oct. 10.
Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Sept. 1—Sept. 30.
Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull.	Sept. 1—Sept. 30. Dec. 1—Feb. 28.
Remainder of Unit 19(D)—1 antlered bull.	Sept. 1—Sept. 30. Dec. 1—Dec. 15.

16. Section _____.25(k)(20)(iii)(C) is amended in the table under "Trapping" by revising the entry for Lynx to read as follows:

(k) * * *

(20) * * *

(iii) * * *

(C) * * *

Harvest limits	Open season
Trapping: * * * * *	
Lynx: No limit	Dec. 1—Jan. 15.

17. Section _____.25(k)(21)(iii)(D) is amended in the table under "Hunting" by revising the entry for Moose to read as follows:

(k) * * *

(21) * * *

(iii) * * *

(D) * * *

Harvest limits	Open season
Hunting: * * * * *	
Moose: Unit 21(A)—1 antlered bull. Unit 21 (B) and (C)—1 antlerless moose. Unit 21(D)—1 moose; however, antlerless moose may be taken only from Sept. 21—Sept. 25 and Feb 1—Feb. 5; moose may not be taken within one-half mile of the Yukon River during the February season. Unit 21(E)—1 moose; however, only antlered bulls may be taken from Sept. 5—Sept. 25; moose may not be taken within one-half mile of the Yukon River during the February season.	Sept. 5—Sept. 30. Nov. 1—Nov. 30. Sept. 5—Sept. 25. Sept. 5—Sept. 25. Feb. 1—Feb. 5. Sept. 5—Sept. 25. Feb. 1—Feb. 10.

18. Section _____.25(k)(25)(iii)(b) is amended in the table under "Trapping" by revising the entry for Lynx to read as follows:

(k) * * *

(25) * * *

(iii) * * *

Harvest limits	Open season
Trapping: * * * * *	
Lynx: Unit 25(C)—No limit .	Dec. 1—Jan. 15.

Harvest limits	Open season
Remainder of Unit 25—No limit. * * * * *	Nov. 1—Feb. 28. * * * * *

19. Section _____.25(k)(26)(iii)(B) is amended in the table under "Hunting" by revising the entry for Moose to read as follows:

(k) * * *

(26) * * *

(iii) * * *

(B) * * *

Harvest limits	Open season
Hunting: * * * * *	* * * * *
Moose: Unit 26(A)—that portion of the Colville River drainage upstream from and including the Chandler River drainage—1 moose; however, no person may take a cow accompanied by a calf.. Remainder of Unit 26(A)—1 moose; however, no person may take a cow accompanied by a calf.. Unit 26(B)—that portion within two miles of the Dalton Highway. Unit 26(B) Remainder and (C)—1 moose.	Aug. 1—Mar. 31. Aug. 1—Dec. 31. No open season. Aug. 1—Dec. 31.

20. Section _____.27 is amended by adding a new paragraph (f)(3)(iv)(E) to read as follows:

§ _____.27 Subsistence taking of shellfish.

(f) * * *

(3) * * *

(iv) * * *

(E) the waters of the Pacific Ocean enclosed by the boundaries of Womans Bay, Gibson Cove, and an area defined by a line 1/2 mile on either side of the mouth of the Karluk River, and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shoreline of Afognak Island are closed to the harvest of king crab except by Federally-qualified rural Alaska residents;

Dated: December 19, 1994.

William L. Hensley,

Chair, Federal Subsistence Board.

Dated: December 29, 1994.

Phil Janik,

Regional Forester, USDA-Forest Service.

[FR Doc. 95-4359 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SC-27-1-6735a; FRL-5145-8]

Approval and Promulgation of Implementation Plans South Carolina: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the State Implementation Plan (SIP) submitted by the State of South Carolina through the South Carolina Department of Health and Environmental Control for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), which will be fully implemented by November 15, 1994. This implementation plan was submitted by the State on January 20, 1993, to satisfy the Federal mandate to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the Clean Air Act as amended in 1990 (CAA).

DATES: This final rule is effective April 25, 1995 unless notice is received March 27, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

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

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency,

401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

State of South Carolina Department of Health and Environmental Control, Environmental Quality Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 x4195.

SUPPLEMENTARY INFORMATION: Implementation of the CAA will require small businesses to comply with specific regulations in order for areas to attain and maintain the National ambient air quality standards (NAAQS) and reduce the emission of air toxics. In anticipation of the impact of these requirements on small businesses, the CAA requires that states adopt a PROGRAM, and submit this PROGRAM as a revision to the federally approved SIP. In addition, the CAA directs the EPA to oversee the small business assistance program and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of title V of the CAA and the EPA guidance document *Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments*. In order to gain full approval, the state submittal must provide for each of the following PROGRAM elements: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a state Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP. The plan must also determine the eligibility of small business stationary sources for assistance in the PROGRAM. The plan includes the duties, funding and schedule of implementation for the three PROGRAM components.

Section 507(a) and (e) of the CAA set forth requirements the State must meet to have an approvable PROGRAM. The State of South Carolina has addressed these requirements and established a PROGRAM as described below.

1. Small Business Assistance Program (SBAP)

South Carolina has established a mechanism to implement the following six requirements set forth in section 507 of title V of the CAA:

A. The establishment of adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources, and programs to encourage lawful cooperation among such sources and other persons to further comply with the CAA;

B. The establishment of adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution;

C. The development of a compliance and technical assistance program for small business stationary sources which assist small businesses in determining applicable permit requirements under the CAA in a timely and efficient manner;

D. The development of adequate mechanisms to assure that small business stationary sources receive notice of their rights under the CAA in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standards issued under the CAA;

E. The development of adequate mechanisms for informing small business stationary sources of their obligations under the CAA, including mechanisms for referring such sources to qualified auditors, or at the option of the State, for providing audits of the operations of such sources to determine compliance with the CAA; and

F. The development of procedures for consideration of requests from a small business stationary source for modification of: (A) Any work practice or technological method of compliance; or (B) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source.

The State of South Carolina acknowledges the heart of the PROGRAM is the Small Business Assistance Program (SBAP), which resides within the Department of Health and Environmental Control. The SBAP