

**40 CFR Part 81**

[CT-22-1-7078b; A-1-FRL-5271-6]

**Clean Air Act Promulgation of Reclassification of PM10 Nonattainment Areas—Connecticut; Approval of 1-Year Extension of Attainment Date for New Haven****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing full approval of Connecticut's request for a 1-year extension of the attainment date for the New Haven PM10 nonattainment area. This action is based on monitored air quality data for the national ambient air quality standard for PM10 during the years 1992-94. This action is being taken under the Clean Air Act. In the Final Rules Section of this **Federal Register**, EPA is approving the Connecticut's extension request as a direct final rule without prior proposal because the Agency 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 comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA does receive adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

**DATES:** Comments must be received on or before October 11, 1995.**ADDRESSES:** Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, EPA-New England, JFK Federal Bldg (AAA), Boston, MA 02203-2211. Copies of Connecticut's submittal and EPA's technical support document are available for public inspection by appointment during normal business hours at the Air, Pesticides and Toxics Management Division, EPA-New England, One Congress Street, 10th floor, Boston, MA and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.**FOR FURTHER INFORMATION CONTACT:** Matthew B. Cairns, (617) 565-4982.**SUPPLEMENTARY INFORMATION:** For additional information, see the directfinal rule which is located in the Rules Section of this **Federal Register**.**Authority:** 42 USC 7401-7671q.

Dated: July 10, 1995.

**John P. DeVillars,***Regional Administrator, EPA-New England.*

[FR Doc. 95-22133 Filed 9-8-95; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 677**

[Docket No. 950822211-5211-01; I.D. 080395A]

**RIN 0648-AD80****North Pacific Fisheries Research Plan****AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.**ACTION:** Proposed rule; public hearing by teleconference.

**SUMMARY:** NMFS issues a proposed rule to implement Amendment 1 to the North Pacific Fisheries Research Plan (Research Plan). Regulations implementing this amendment would delay full implementation of the Research Plan until 1997 and establish 1996 observer coverage requirements for the Research Plan fisheries. This delay is necessary to provide the North Pacific Fishery Management Council (Council) additional time to address certain issues presented by implementation of the Research Plan. To remain consistent with the Council's intent, observer coverage requirements in regulations that implement Amendment 35 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area are proposed to be extended through 1996.

**DATES:** Comments on this proposed rule must be received by November 6, 1995. A public hearing on the proposed rule will be held by teleconference on Monday, September 18, 1995, at 1 p.m., Alaska local time.**ADDRESSES:** Comments on this proposed rule may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori J. Gravel. Copies of the Observer Plan may also be obtained from this address.

Copies of the Research Plan as revised by proposed Amendment 1, the

environmental assessment/regulatory impact review prepared for the Research Plan, and the final report "Establishing the Fee Percentage and Standard Exvessel Prices for 1995" may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

Locations where interested persons may participate in the September 18, 1995, public hearing by teleconference are as follows:

1. Anchorage—North Pacific Fishery Management Council, 600 West 4th Avenue, Anchorage, AK (907-271-2809);

2. Juneau—National Marine Fisheries Service, Alaska Region, 706 West 9th Street, Juneau, AK (907-271-7228);

3. Seattle—Alaska Fisheries Science Center, 7600 Sand Point Way Northeast, Building 4, Room 7600, Seattle, WA (206-526-4197);

4. Newport—Oregon Department of Fish and Wildlife, 2040 Southeast Marine Science Drive, Newport, OR (503-867-0300).

**FOR FURTHER INFORMATION CONTACT:** Susan Salvesson, 907-586-7228.**SUPPLEMENTARY INFORMATION:****Background**

Regulations implementing the Research Plan became effective October 6, 1994 (59 FR 46126, September 6, 1994). A regulatory amendment was published in the **Federal Register** on January 9, 1995 (60 FR 2344), that clarified 1995 observer coverage requirements and revised the definition of certain terms set out under § 677.2. Two additional rules have been published in the **Federal Register** that make other minor substantive changes to the regulations implementing the Research Plan. A final rule published on July 5, 1995 (60 FR 34904), and required vessels and shoreside processors to facilitate transmission of observer data. Finally, a proposed rule published on August 16, 1995 (60 FR 42470) revised 1995 observer coverage requirements for crab catcher vessels and exempted certain crab catcher vessels required to obtain observer coverage from paying 1995 Research Plan fees.

The Research Plan adopted by the Council at its December 1993 meeting established a two-phase implementation strategy for the Research Plan. The first phase is occurring in 1995 and serves to collect start-up funding for full implementation of the Research Plan. During 1995, NMFS is assessing and collecting Research Plan fees. Participants in the Research Plan fisheries are continuing independently to obtain required observer coverage

from NMFS-certified observer contractors. "Double payments" for observer services and the Research Plan fee liability are avoided in 1995 through either catcher vessel exemptions from the fee liability or processor credits up to each processor's Research Plan fee liability. Under the Research Plan adopted by the Council and NMFS, the Research Plan would be fully implemented starting in 1996, and observer coverage would be provided to participants in Research Plan fisheries through contractual arrangements between NMFS and companies awarded contracts to provide observer services for the Research Plan fisheries.

The Council, at its April 1995 meeting, raised some concerns about proceeding with the Research Plan and requested NMFS to delay the solicitation process for awarding contracts to provide observers under the Research Plan during 1996. The Council also requested NMFS to initiate an amendment to the Research Plan that would delay full implementation of the Research Plan for at least 6 months.

NMFS informed the Council that the design and implementation of the Research Plan and its specification process are tied to an annual cycle. Mid-year implementation of the Research Plan would create significant administrative and operational problems. Therefore, NMFS suggested a 1-year delay of the full implementation of the Research Plan, rather than the 6-month delay requested by the Council. During a May 16, 1995, teleconference, the Council reaffirmed its desire to delay the Research Plan and agreed to extend the delay for a 1-year period. The Council sought a delay in full implementation of the Research Plan in order to provide additional time to reconsider certain elements of the Research Plan that were previously adopted by the Council. The Council's concerns are as follows: Minimum levels of observer insurance coverage, minimum number of contractors that will provide observer coverage, duration of contracts, notification requirements for obtaining observer coverage, allowances for emergency replacement of observers as well as transfer of observers among vessels, adequate monitoring and control of industry compliance with observer coverage requirements, and ability of supplemental or voluntary observer programs to meet increased compliance monitoring requirements of future management programs under consideration by the Council.

The Council also expressed its intent to continue the fee collection program implemented for 1995 for the remainder

of the year, so that adequate start-up funds may be collected for full implementation of the Research Plan in 1997. This means that NMFS will continue to assess fees through early 1996 for fish harvested and retained in the Research Plan fisheries during the last few months of 1995. Collected funds would continue to be held in an interest-bearing account and would be used to award contracts to provide observers under the Research Plan starting in 1997.

The current Research Plan allows a delay in the full implementation of the plan beyond 1995, only if insufficient funds exist to support contract awards for the first half of 1996. NMFS believes that the 1995 fee collection program will provide sufficient funds to support contract awards to initiate full implementation of the Research Plan.

Through mid-July 1995, NMFS had collected \$4.2 million in Research Plan fees. The final report "Establishing the Fee Percentage and Standard Exvessel Prices for 1995" (see ADDRESSES) estimates that \$4.8 million will be needed for start-up funding to support contractual arrangements for observer coverage during the first 6 months of full implementation of the Research Plan. NMFS anticipates that this amount will be collected in 1995 and that full implementation of the Research Plan can be pursued for 1997.

Therefore, the Council's request to delay full implementation of the Research Plan requires an amendment to the Research Plan. At its June 1995 meeting, the Council requested that the date for full implementation of the Research Plan be established by regulations rather than by the Research Plan. The intent of this request was to allow for a revision of this date through a regulatory amendment, rather than an amendment to the Research Plan.

Given that adequate start-up funds will be collected during 1995, no reason exists to continue the fee collection program during 1996. As a result, Research Plan fees will not be assessed for fish caught in 1996. The annual Research Plan specification process becomes unnecessary for 1996, because no reason exists to establish a 1996 fee percentage or standard exvessel prices on which to base fee assessments. The Council intends that 1996 observer coverage levels remain unchanged from 1995 levels. These observer coverage requirements for the groundfish and crab fisheries are set out at § 677.10(a). As in 1995, participants in the groundfish and crab Research Plan fisheries would be responsible for making their own arrangements and paying for required observer coverage.

As a result, specifications for observer embarkment/disembarkment ports for observers also are unnecessary for 1996.

The Council's intent to maintain 1995 observer coverage levels through 1996 would also apply to mothership processor vessel and shoreside processor observer coverage requirements set out in regulations implementing Amendment 35 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. Final regulations implementing Amendment 35, published on July 5, 1995 (60 FR 34904) and codified at 50 CFR 675.25(b), are effective through December 31, 1995. In keeping with the Council's intent to maintain 1995 observer coverage levels in 1996, NMFS proposes to extend the Amendment 35 requirements through 1996 by including them under regulations implementing 1996 Research Plan observer coverage requirements at § 677.10(a)(1). NMFS also proposes to clarify that the additional observer coverage requirements implemented under Amendment 35 are effective only through October 15 of the second pollock season defined under 50 CFR 675.23(e).

NMFS notes that regulations at § 677.10(g) set out vessel safety requirements applicable in 1996 and beyond. No changes to these requirements are proposed, however, the regulatory text would be revised to clarify that these requirements apply to vessels required to carry observers in 1996 under § 677.10(a).

NMFS further notes that the following sections of the Observer Plan still would be in effect until full implementation of the Research Plan in 1997: (1) Standards of observer conduct; and (2) Description, specifications, and work statement for certified domestic observer contractors, including conflict of interest standards for NMFS-certified observers and contractors and conditions for contractor and observer certification revocation. Copies of the Observer Plan dated May 1994 are available from NMFS (see ADDRESSES).

Public comments on the proposed amendment to the Research Plan and its implementing regulations are invited for 60 days. During this comment period, NMFS will conduct public hearings, as required by section 313(c)(2) of the Magnuson Act, in Alaska, Oregon, and Washington to receive public comments on the proposed regulations (see DATES and ADDRESSES for dates and locations). NMFS will consider the public comments received in preparing the final rule implementing the amendment.

**Classification**

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 this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. An effect of the proposed rule would be to eliminate the 1996 fee assessment program authorized under the Research Plan.

The vessel owners who will benefit from this delay are those owners whose vessels fall into the following categories: about 4,000 halibut vessels, 1,400 groundfish vessels less than 60 ft length overall (LOA), and approximately 270 crab catcher vessels; these owners will be relieved from having to pay the Research Plan fee and will not be required to have observer coverage. In addition, owners of all processors will benefit because they will pay the direct observer cost which is less than the Research Plan fee. Groundfish catcher vessels over 60 ft LOA will pay direct observer costs; these costs will equal or exceed the Research Plan fee. In general the direct observer costs are about 1.1 percent of the exvessel value of landings. About 30 crab catcher vessels are required to carry observers. Owners of most of these vessels will pay direct observer costs that may be 2 to 4 times higher than what they would pay in terms of Research Plan fees.

Thus, while the proposed rule would affect a substantial number of small entities during 1996, the effect would not be economically significant. As a result, a regulatory flexibility analysis was not prepared. This proposed rule has been determined to be not significant for purposes of E.O. 12866.

**List of Subjects in 50 CFR Part 677**

Fisheries, Reporting and recordkeeping requirements.

Dated: September 5, 1995

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 677 is proposed to be amended as follows:

**PART 677—NORTH PACIFIC FISHERIES RESEARCH PLAN**

1. The authority citation for part 677 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

2. In § 677.6, paragraph (b)(2) is redesignated as paragraph (b)(3), a new paragraph (b)(2) is added, and the heading to newly redesignated paragraph (b)(3) is revised to read as follows:

**§ 677.6 Research Plan fee.**

\* \* \* \* \*

(b) \* \* \*

(2) *Fee assessments during 1996.*

Processors of Research Plan fisheries will not be assessed fees based on catch from Research Plan fisheries that is retained during the 1996 calendar year.

(3) *Fee assessments applicable after December 31, 1996.* \* \* \*

\* \* \* \* \*

3. In § 677.10, the headings for paragraphs (a) and (b) and the introductory text to paragraph (g) are revised, paragraphs (a)(1)(i)(C) through (a)(1)(i)(F) are redesignated as paragraphs (a)(1)(i)(D) through (a)(1)(i)(G), respectively and paragraphs (a)(1)(i)(C) and (a)(2)(iii) are added to read as follows:

**§ 677.10 General requirements.**

(a) *Observer requirements applicable through December 31, 1996.* (1) \* \* \*

(i) \* \* \*

(C) Each mothership processor vessel that receives pollock harvested by catcher vessels in the catcher vessel operational area, defined at § 675.22(g) of this chapter, during the second pollock season that starts on August 15 under § 675.23(e) of this chapter, is required to have a second NMFS-certified observer aboard, in addition to the observer required under paragraphs (a)(1)(i)(A) and (B) of this section, for each day of the second pollock season until the chum salmon savings area is closed under § 675.22(h)(2) of this chapter, or October 15, 1996, whichever occurs first.

\* \* \* \* \*

(2) \* \* \*

(iii) Each shoreside processor that offloads pollock at more than one

location on the same dock and has distinct and separate equipment at each location to process those pollock and that receives pollock harvested by catcher vessels in the catcher vessel operational area, defined at § 675.22(g) of this chapter, during the second pollock season that starts on August 15, under § 675.23(e) of this chapter, is required to have a NMFS-certified observer, in addition to the observer required under paragraphs (a)(2)(i) and (ii) of this section, at each location where pollock is offloaded, for each day of the second pollock season until the chum salmon savings area is closed under § 675.22(h)(2) of this chapter, or October 15, 1996, whichever occurs first.

\* \* \* \* \*

(b) *Observer requirements applicable after December 31, 1996.* \* \* \*

\* \* \* \* \*

(g) *Vessel safety requirements applicable after December 31, 1995.*

Any vessel that is required to carry observers under paragraph (a) or (b)(1) of this section must have onboard either:

\* \* \* \* \*

4. In § 677.11, paragraph (a)(4) is revised to read as follows:

**§ 677.11 Annual Research Plan specifications.**

(a) \* \* \*

(4) *Observer coverage.* For the period January 1, 1995, through December 31, 1996, observer coverage levels in Research Plan fisheries will be as required by § 677.10(a). After December 31, 1996, the level of observer coverage will be determined annually by NMFS, after consultation with the Council and the State of Alaska, and may vary by fishery and vessel or processor size, depending upon the objectives to be met for the groundfish, halibut, and king and Tanner crab fisheries. The Regional Director may change observer coverage inseason pursuant to § 677.10(b)(2)(ii).

\* \* \* \* \*

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