

EEZ within the Maine mahogany quahog zone, except at a facility participating in an overall food safety program, operated by the official state agency having jurisdiction, that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with procedures used by the State of Maine for such purpose.

* * * * *

(x) * * *

(1) * * *

(ii) Surf clams or ocean quahogs landed from a trip for which notification was provided under § 648.15(b) or § 648.70(b) are deemed to have been harvested in the EEZ and count against the individual's annual allocation unless the vessel has a valid Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i) and is not fishing for an individual allocation under § 648.70.

(iii) Surf clams or ocean quahogs found in cages without a valid state tag are deemed to have been harvested in the EEZ and are deemed to be part of an individual's allocation, unless the vessel has a valid Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i) and is not fishing for an individual allocation under § 648.70; or, unless the preponderance of available evidence demonstrates that he/she has surrendered his/her surf clam and ocean quahog permit issued under § 648.4 and he/she conducted fishing operations exclusively within waters under the jurisdiction of any state. * * *

* * * * *

7. In § 648.15, paragraph (b)(4) is added to read as follows.

§ 648.15 Facilitation of enforcement.

* * * * *

(b) * * *

(4) *Suspension of notification requirements.* The Regional Administrator may suspend notification requirements for vessels fishing under a Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i) if he determines that such notification is not necessary to enforce effectively the management measures in the Maine mahogany quahog zone. The Regional Administrator may rescind such suspension if he concludes that the original determination is no longer valid. A suspension or rescission of suspension of the notification requirements by the Regional Administrator shall be published in the **Federal Register**.

* * * * *

8. In § 648.73, paragraph (d) is added to read as follows.

§ 648.73 Closed areas.

* * * * *

(d) *Areas closed due to the presence of paralytic shellfish poisoning toxin—*
(1) *Maine mahogany quahog zone.* The Maine mahogany quahog zone is closed to fishing for ocean quahogs except in those areas of the zone that are tested by the State of Maine and deemed to be within the requirements of the National Shellfish Sanitation Program and adopted by the Interstate Shellfish Sanitation Conference as acceptable limits for the toxin responsible for paralytic shellfish poisoning. Harvesting is allowed in such areas during the periods specified by the Maine Department of Marine Resources during which quahogs are safe for human consumption. For information regarding these areas contact the State of Maine Division of Marine Resources at (207-624-6550).

(2) [Reserved]

9. In § 648.75, introductory text is added to read as follows:

§ 648.75 Cage identification.

Except as provided in § 648.76, the following cage identification requirements apply to all vessels issued a Federal fishing permit for surf clams and ocean quahogs:

* * * * *

10. Section 648.76 is added to subpart E to read as follows.

§ 648.76 Maine mahogany quahog zone.

(a) *Landing requirements.* (1) A vessel issued a valid Maine mahogany quahog permit pursuant to § 648.4(a)(4)(i), and fishing for or possessing ocean quahogs within the Maine mahogany quahog zone, must land its catch in the State of Maine.

(2) A vessel fishing under an individual allocation permit, regardless of whether it has a Maine mahogany quahog permit, fishing for or possessing ocean quahogs within the zone, may land its catch in the State of Maine, or, consistent with applicable state law in any other state that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with those food safety-based procedures used by the State of Maine for such purpose, and must comply with all requirements in §§ 648.70 and 648.75. Documentation required by the state and other laws and regulations applicable to food safety-based procedures must be made available by federally-permitted dealers for inspection by NMFS.

(b) *Quota monitoring and closures—*
(1) *Catch quota.* (i) The annual quota for harvest of mahogany quahogs from within the Maine mahogany quahog

zone is 100,000 Maine bushels (35,150 hL). The quota may be revised annually within the range of 17,000 and 100,000 Maine bushels (5,975 and 35,150 hL) following the procedures set forth in § 648.71.

(ii) All mahogany quahogs landed for sale in Maine by vessels issued a Maine mahogany quahog permit and not fishing for an individual allocation of ocean quahogs under § 648.70 shall be applied against the Maine mahogany quahog quota, regardless of where the mahogany quahogs are harvested.

(iii) All mahogany quahogs landed by vessels fishing in the Maine mahogany quahog zone for an individual allocation of quahogs under § 648.70 will be counted against the ocean quahog allocation for which the vessel is fishing.

(iv) The Regional Administrator will monitor the quota based on dealer reports and other available information and shall determine the date when the quota will be harvested. NMFS shall publish notification in the **Federal Register** advising the public that, effective upon a specific date, the Maine mahogany quahog quota has been harvested and notifying vessel and dealer permit holders that no Maine mahogany quahog quota is available for the remainder of the year.

(2) *Maine Mahogany Quahog Advisory Panel.* The Council shall establish a Maine Mahogany Quahog Advisory Panel consisting of representatives of harvesters, dealers, and the Maine Department of Marine Resources. The Advisory Panel shall make recommendations, through the Surf Clam and Ocean Quahog Committee of the Council, regarding revisions to the annual quota and other management measures.

[FR Doc. 98-13284 Filed 5-14-98; 4:41 pm]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 622

[Docket No. 980513127-8127-01;
I.D.050598A]

RIN 0648-AL15

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Data Collection

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Interim rule; request for comments.

SUMMARY: This interim rule requires vessels in the shrimp fishery of the Gulf of Mexico to maintain and submit fishing records, to carry a NMFS-approved observer, and/or to carry a vessel monitoring system unit (VMS unit), if selected by NMFS to do so. This rule also informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirements contained in this rule and publishes the OMB control numbers for these collections. The intended effect of this rule is to collect information on the operational effectiveness of bycatch reduction devices (BRDs) in shrimp trawls in reducing the mortality of juvenile red snapper, and, thereby, to determine management measures necessary to reduce overfishing of red snapper.

DATES: This rule is effective on May 14, 1998, through November 16, 1998. Comments must be received no later than June 18, 1998.

ADDRESSES: Comments on this interim rule must be sent to, and copies of documents supporting this rule may be obtained from, the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St Petersburg, FL 33702.

Comments regarding the collection-of-information requirements contained in this rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, phone: 813-570-5305 or fax: 813-570-5583.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Background

Shrimp trawls have a significant bycatch of non-target finfish and invertebrates, most of which are discarded dead. In particular, the shrimp fishery bycatch in the Gulf of Mexico includes a high mortality of juvenile (ages 0 and 1) red snapper, a

valuable reef fish species for commercial and recreational fisheries.

The red snapper stock of the Gulf of Mexico is overfished. Red snapper stock assessments prepared in 1995 and 1997 indicated that shrimp trawl bycatch of red snapper must be reduced to rebuild the red snapper resource to a spawning potential ratio (SPR) of 20 percent by the year 2019. The Council's Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico establishes the 20 percent SPR level as its goal for rebuilding the red snapper stock.

The Council developed FMP Amendment 9 to require the use of NMFS-certified BRDs in shrimp trawls towed in the Gulf of Mexico exclusive economic zone (EEZ), shoreward of the 100-fm (183-m) depth contour west of 85°30' W. long., the approximate longitude of Cape San Blas, Florida. To be certified, these BRDs must meet the FMP's bycatch reduction criterion requiring the reduction of shrimp trawl bycatch mortality of juvenile red snapper by a minimum of 44 percent from the average level of mortality of these age groups during 1984-89. Additional background on BRDs and the Council's rationale for requiring their use are contained in the preamble for the proposed and final rules implementing Amendment 9 (62 FR 35774, July 2, 1997; 63 FR 18139, April 14, 1998), and are not repeated here.

NMFS published an interim rule (63 FR 18144, April 14, 1998) to reserve part of the 1998 Gulf of Mexico red snapper total allowable catch (TAC) and to establish a procedure for releasing all or part of the reserved part of the TAC to commercial and recreational red snapper fisheries on September 1, 1998, based on the results of an immediate and major research effort to evaluate the effectiveness of BRDs in reducing juvenile red snapper bycatch mortality. This rule establishes regulations to govern this research program; the research effort will begin with the issuance of this rule.

Description of Research Program

The focus of the research program is to determine the operational effectiveness of NMFS-certified BRDs in the shrimp trawl fishery and to improve the data used for assessing the status of the red snapper stock. This information will be obtained by evaluating BRD performance, BRD exclusion mortality (mortality of juvenile red snapper excluded by the BRD), and industry compliance with the BRD requirements. The information will be used by NMFS to determine what portion of the reserved red snapper TAC may be

released for harvest on September 1, 1998.

BRD performance will be measured by observers placed on as many as 100 shrimp vessels during the period May 14, 1998, through August 15, 1998. The observers will collect red snapper bycatch data (i.e., number of red snapper in the BRD-equipped net compared to the number in a control net) to determine the reduction in bycatch mortality on a tow-by-tow basis. Survival of red snapper after they leave the BRDs will also be examined. NMFS enforcement personnel will document the level of industry compliance with the BRD regulations during at-sea boardings and dock-side inspections.

The research program will also focus on improving estimates of shrimp fishing effort to be used in calculations of the shrimp fishery's total red snapper bycatch (i.e., improving scientific estimates of the total bycatch mortality of red snapper in the shrimp fishery). This will involve the use of interviews, logbooks, and VMS unit surveillance in the shrimp fleet. A vessel logbook will be used to collect data on shrimp fishing effort and location. Selected vessels will be required to report data on the number and average duration of tows, the number of nets used, the size of the trawl opening, the length of the head rope, the total pounds of shrimp caught, and the type of BRD used. VMS units aboard vessels will be used to transmit vessel position, course, and speed in encrypted form via satellite or cellular phone to a land-based data acquisition system. This information will be used to evaluate the accuracy of logbook reports.

The observer study will involve NMFS' random selection of approximately 100 offshore shrimp trawlers. Owners of vessels selected for observer coverage will be required to notify NMFS prior to their vessel's departure on a fishing trip. Required notification procedures will be specified in the notice of selection sent to the vessel owner. Costs associated with carrying the observers will be borne by NMFS, except for certain costs associated with a selected vessel's compliance with regulations at 50 CFR part 600 regarding observer health and safety. NMFS intends to issue a rule shortly amending regulations at 50 CFR 600.725 and 600.746 that require owners and operators of fishing vessels that carry observers to comply with guidelines, regulations, and conditions in order to ensure that the vessels are adequate and safe for the purposes of carrying an observer and allowing normal observer functions. These compliance costs are estimated at

\$6,960 in aggregate for approximately 83 vessels selected to carry observers that may not already be in compliance with U.S. Coast Guard (USCG) regulations regarding vessel safety and sanitation.

Approximately 310 shrimp vessels will be required to maintain and submit to NMFS logbooks, and approximately 50 will be required to have a VMS unit (transponder) installed by NMFS at a cost borne by NMFS. Up to 460 shrimp vessels will be selected to participate in the combined observer, logbook, and VMS unit programs. Participating vessel owners are expected to incur costs of \$14,080 in aggregate, or about \$30.61 each. These costs will be the value of the owners' time required to participate in the data gathering programs.

Other

The NMFS Southeast Fisheries Science Center has determined that this interim rule is based on the best available scientific information. NMFS has determined that this interim rule is consistent with the requirements of section 305(c) of the Magnuson-Stevens Act regarding the promulgation of interim measures necessary to reduce overfishing for a fishery; this rule addressed the overfishing of red snapper. Specifically, this rule is necessary to provide improved scientific information regarding the effectiveness of BRDs in reducing red snapper bycatch mortality in the Gulf shrimp fishery and regarding the total shrimp fishing effort. This information is required to calculate a more reliable estimate of the total bycatch mortality of red snapper in the shrimp fishery for 1998. Based on this estimate, an appropriate portion of the red snapper TAC will be released to the commercial and recreational fisheries on September 1. Any released portion of the TAC, based on the new scientific information and calculations resulting from this rule, should maintain the current red snapper stock rebuilding program and prevent overfishing of this resource.

NMFS finds that this regulatory action is needed to reduce overfishing of red snapper in the Gulf of Mexico. NMFS issues this interim rule, effective for no more than 180 days, as authorized by section 305(c) of the Magnuson-Stevens Act. This interim rule may be extended for an additional 180 days provided that the public has had an opportunity to comment on it. Public comments on this interim rule will be considered in determining whether to extend it.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere, Department of Commerce, has delegated authority to sign material

for publication in the **Federal Register** to the Assistant Administrator for Fisheries, NOAA.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to obtain estimates of the operational efficiencies of BRDs in reducing red snapper bycatch mortality, to improve estimates of red snapper bycatch mortality, and, thereby, to contribute to reducing overfishing of red snapper in the Gulf of Mexico. The AA has also determined that this rule is consistent with the Magnuson-Stevens Act and other applicable laws.

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

Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

NMFS prepared a Regulatory Impact Review (RIR) that describes the expected economic costs and benefits of this rule (see **ADDRESSES**). The RIR notes that most of the costs associated with this rule accrue to NMFS in terms of costs of conducting the observer program, the logbook program, the VMS unit program, and the allied research that will be used in combination with the information derived from observers, logbooks, and VMS unit programs. In addition, NMFS is expected to incur costs related to enforcing the rule and administrative costs of preparing and monitoring the rule. The total NMFS costs for the research program are estimated to be \$3,110,000. Up to 460 shrimpers will be selected for participation in the observer, logbook, and VMS programs together. In aggregate, these shrimpers will incur a cost of \$23,770. This cost includes an estimated \$6,960 in aggregate for compliance by vessels selected for observers with USCG regulations for vessel safety and sanitation required by 50 CFR 600.725 and 600.746, as amended by a separate rule NMFS intends to issue shortly. This estimate is based on the assumption that a maximum of 83 vessels would have to make special efforts to comply with USCG dockside safety inspection requirements as a prerequisite for carrying observers. The costs related to vessel safety and sanitation are not attributed to this interim rule, but rather to USCG regulations. The remainder of the total estimated cost is the value of the shrimpers' time required to

participate in these programs. Since the rule is not expected to have any effect on the status quo level of shrimp harvests or shrimp fishing effort patterns, no short-term changes in industry costs or benefits relative to status quo are expected. The benefits from this rule are those associated with providing better information for future management decisions regarding the Gulf shrimp and red snapper fisheries. These decisions are likely to affect net benefits related to the harvest of shrimp and red snapper in future years. However, there is no way to quantify these benefits at this time. Copies of the RIR are available (see **ADDRESSES**).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains two new collection-of-information requirements subject to the PRA—namely, the requirement that, if selected, the owner or operator of a vessel in the Gulf of Mexico shrimp fishery must (1) notify NMFS in advance of each trip so that a NMFS-approved observer may be embarked and (2) have a VMS unit installed and in use when at sea. The installation and use of a VMS unit includes five elements: Notification to the Special Agent-in-Charge, NMFS, Office of Enforcement, Southeast Region (SAC), or his designee as to when the vessel will next be in port so that NMFS may install the VMS unit; the installation of the unit; the automatic sending of position information by the unit; maintenance of the unit by NMFS; and its removal by NMFS. These two new requirements have been approved by OMB under OMB control number 0648-0343. The public reporting burdens for these collections of information are estimated at 5 minutes per response for the observer notification requirement and 6 hours per response for installation and use of a VMS unit. This rule also contains the collection-of-information requirement that, if selected, a vessel owner or operator must maintain and submit fishing records. Specifically, this rule extends to vessels in the shrimp fishery of the Gulf of Mexico the requirement approved by OMB under OMB control number 0648-0016. The reporting burden is estimated at 10 minutes per response. The estimates of public reporting burdens for these collections of information include the time for reviewing instructions, searching

existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these burden estimates or any other aspects of the collections of information, including suggestions for reducing the burdens, to NMFS and OMB (see **ADDRESSES**).

The provisions of this interim rule provide the means for further scientific evaluation of the operational effectiveness of BRDs for reducing the bycatch mortality of juvenile red snapper in the shrimp trawl fishery. Absent scientific evidence that BRDs, under operational conditions, are more effective in reducing bycatch mortality than was previously estimated, the reserved portion of the 1998 red snapper TAC will not be released prior to the end of the year. Any delay in implementing the provisions contained in this rule would delay any potential for releasing the reserved portion of the red snapper TAC (i.e., the results of the data collection and research provisions have the potential to relieve a restriction in the near future). The potential release of reserved red snapper TAC is contingent upon positive findings from the outlined data collection and research program. Therefore, it is critical to commence this research as soon as possible. Accordingly, pursuant to authority set forth at 5 U.S.C. 553(b)(B), the AA finds that these reasons constitute good cause to waive the requirement to provide prior notice and the opportunity for prior public comment, as such procedures would be contrary to the public interest. Similarly, the need to implement these measures in a timely manner, for the reasons expressed above, constitutes good cause under authority contained in 5 U.S.C. 553(d)(3), to waive the 30-day delay in effective date. Accordingly, this rule is effective on May 14, 1998.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: May 13, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR part 902 and 50 CFR part 622 are amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

§ 902.1 [Amended]

2. In § 902.1(b), in the table, under 50 CFR, the entry "622.9" is added in numerical order in the left column, and the corresponding entry "--0016 and -0205" is added in the right column.

50 CFR Chapter VI

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

3. The authority citation for part 622 continues to read as follows:

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

4. In § 622.7, paragraph (aa) is added to read as follows:

§ 622.7 Prohibitions.

* * * * *

(aa) Fail to comply with the Gulf shrimp interim measures specified in § 622.9.

(bb) [Reserved]

5. In subpart A, § 622.9 is added to read as follows:

§ 622.9 Gulf shrimp interim measures.

(a) *Vessel logbooks.* In addition to the requirements of § 622.5(a)(1)(iii), the owner or operator of a vessel that fishes for shrimp in the Gulf EEZ who is selected to report by the SRD must maintain fishing records on forms available from the SRD. The owner or operator must submit completed fishing records to the SRD postmarked not later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, the owner or operator must submit a report so stating on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(b) *Observer coverage.* (1) If a vessel is selected by the SRD for observer coverage, the owner or operator of the vessel that fishes for shrimp in the Gulf EEZ must carry a NMFS-approved observer aboard the vessel.

(2) When notified in writing by the SRD that his or her vessel has been selected to carry a NMFS-approved observer, the owner or operator must advise the SRD in writing not less than

5 days in advance of each trip of the port, dock, date, and time of departure and the port, dock, date, and time of landing.

(3) An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(i) Provide accommodations and food that are equivalent to those provided to the crew.

(ii) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(iii) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(iv) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish.

(v) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

(vi) On or after May 14, 1998, comply with the observer's instructions to make an installed bycatch reduction device (BRD) inoperative; use of a trawl net with an inoperative BRD in accordance with the observer's instructions while the observer is aboard is not a violation of § 622.41(h)(1).

(c) *Vessel monitoring.* (1) If a vessel is selected by the SRD for monitoring, the owner or operator of the vessel that fishes for shrimp in the Gulf EEZ must carry a NMFS-supplied vessel monitoring system (VMS) unit on board the vessel.

(2) Upon selection by the SRD for monitoring, the vessel owner or operator must advise the Special Agent-in-Charge, NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL (SAC) or his designee by telephone (813-570-5344) as to when the vessel will next be in port so that NMFS may arrange for installation of the VMS unit. During installation of the VMS unit, the owner or operator must provide NMFS access to the vessel's on-board power supply.

(3) After the VMS unit is installed, the vessel owner or operator must maintain power to the VMS unit when the vessel is at sea. When the vessel is in port, the owner or operator must provide access to the VMS unit for maintenance, repair, inspection, or removal.

(4) No person may interfere with, impede, delay, or prevent the installation, maintenance, repair,

inspection, or removal of a VMS unit or interfere with, tamper with, alter, damage, disable, or impede the operation of a VMS unit, or attempt any of the same.

[FR Doc. 98-13290 Filed 5-14-98; 3:51pm am]

BILLING CODE 3510-22-F

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 191

[T.D. 98-16]

RIN 1515-AB95

Drawback; Correction

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Correcting amendments.

SUMMARY: Customs published in the **Federal Register** of March 5, 1998, a document issuing final regulations regarding drawback (T.D. 98-16). This document contains corrections to those final regulations.

EFFECTIVE DATE: April 6, 1998.

FOR FURTHER INFORMATION CONTACT: Russell Berger, Regulations Branch, Office of Regulations and Rulings, (202-927-1605).

SUPPLEMENTARY INFORMATION:

Background

The final regulations relating to drawback that are the subject of these corrections were published as T.D. 98-16 in the **Federal Register** (63 FR 10970), on March 5, 1998. Corrections to these regulations were published in the **Federal Register** on March 17, 1998 (63 FR 13105) and on March 31, 1998 (63 FR 15287).

Need For Corrections

As published, it has come to Customs attention that the final regulations still contain errors which may prove to be misleading. This document corrects those errors.

List of Subjects in 19 CFR Part 191

Canada, Commerce, Customs duties and inspection, Exports, Imports, Mexico, Reporting and recordkeeping requirements, Trade agreements (North American Free Trade Agreement).

PART 191—DRAWBACK

Accordingly, part 191, Customs Regulations (19 CFR part 191) is corrected by making the correcting amendments set forth below.

1. The general authority citation for part 191 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1313, 1624.

§ 191.3 [Amended]

2. In § 191.3(a)(3), the parenthetical, “(see § 101.1(i) of this chapter)”, is revised to read, “(see § 101.1 of this chapter)”.

§ 191.6 [Amended]

3. In § 191.6(c)(3), the reference to “§ 191.32(c)(2)” is revised to read, “§ 191.32(c)”.

§ 191.14 [Amended]

4. In § 191.14(c)(3)(iii)(D), at the end of the penultimate sentence, immediately before the period, the following language is added: “; the March 20 receipt (50 units at \$1.08) is not yet attributed to withdrawals for export”.

5. In § 191.14(c)(3)(iv)(C), in the penultimate sentence, after the phrase, “February 25 (50 units at \$1.05)”, the following language is added: “March 5 (50 units at \$1.06)”.

§ 191.92 [Amended]

6. In § 191.92(g), in the first sentence, the term “stay,” is removed.

Dated: May 13, 1998.

Harold M. Singer,
Chief, Regulations Branch.

[FR Doc. 98-13237 Filed 5-18-98; 8:45 am]

BILLING CODE 4820-02-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL169-1a; FRL-6012-7]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On March 6, 1998, the State of Illinois submitted to EPA amended rules for controlling Volatile Organic Material (VOM) emissions from wood furniture coating operations in the Chicago and Metro-East (East St. Louis) ozone nonattainment areas, as a requested revision to the ozone State Implementation Plan (SIP). VOM, as defined by the State of Illinois, is identical to “Volatile Organic Compounds” (VOC), as defined by EPA. VOC is an air pollutant which combines with nitrogen oxides in the atmosphere to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. This plan was

submitted to meet the Clean Air Act (Act) requirement for States to adopt Reasonably Available Control Technology (RACT) rules for sources that are covered by Control Techniques Guideline (CTG) documents. This rulemaking action approves, through direct final, the Illinois SIP revision request.

DATES: The “direct final” rule is effective on July 20, 1998, unless EPA receives adverse or critical written comments by June 18, 1998. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Copies of the revision request and EPA’s Technical Support Document (TSD) for this rulemaking action are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo at (312) 886-6082 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, at (312) 886-6082.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(2) of the Act requires all moderate and above ozone nonattainment areas to adopt RACT rules for sources covered by CTG documents.¹ In Illinois, the Chicago area (Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County) is classified as “severe” nonattainment for ozone, and the Metro-East area (Madison, Monroe, and St. Clair Counties) is classified as “moderate” nonattainment. See 40 CFR 81.314.

On September 9, 1994, EPA approved and incorporated into the SIP a 1993

¹ A definition of RACT is cited in a General Preamble-Supplement published at 44 FR 53761 (September 17, 1979). RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility. CTGs are documents published by EPA which contain information on available air pollution control techniques and provide recommendations on what the EPA considers the “presumptive norm” for RACT.