

FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: January 19, 2001.

Mindy S. Lubber,

Regional Administrator, EPA-New England.
[FR Doc. 01-3160 Filed 2-6-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE043-1030b; FRL-6941-4]

Approval and Promulgation of Air Quality Implementation Plans; Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to convert its conditional approval of Delaware's revised New Source Review (NSR) regulations to a full approval and to incorporate those regulations into the Delaware State Implementation Plan (SIP). In the Final Rules section of this **Federal Register**, EPA is taking direct final action to convert the conditional approval to full approval as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives 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. Any parties interested in commenting on this action should do so at this time.

EFFECTIVE DATE: Comments must be received in writing by March 9, 2001.

ADDRESSES: Written comments should be addressed to Makeba Morris, Chief, Permits and Technology Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Linda Miller, (215) 814-2068, at the EPA Region III address above, or by e-mail at miller.linda@epa.gov.

SUPPLEMENTARY INFORMATION: For further information on EPA's proposed

action to convert its conditional approval of revisions to Delaware's New Source Review Program to a full approval, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: January 17, 2001.

Bradley M. Campbell,

Regional Administrator, Region III.

[FR Doc. 01-3159 Filed 2-6-01; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 012301A]

Western Pacific Fishery Management Council; Public Meetings and Hearing

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

ACTION: Notice of public meeting/public hearing.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 108th meeting February 12 through February 15, 2001, in Honolulu, HI.

DATES: The Council's Standing Committees will meet on February 12, 2001, from 7:30 a.m. to 5:30 p.m. The full Council meeting will be held on February 13, 2001, from 9 a.m. to 5 p.m. and February 14 and 15, 2001, from 8:30 a.m. to 5 p.m. A public hearing will be held on February 13, 2001, at 4 p.m. on a framework amendment to extend the Northwestern Hawaiian Islands (NWHI) lobster fishery closure. See **SUPPLEMENTARY INFORMATION** for specific dates and times for these meetings and the hearing.

ADDRESSES: The Council meeting, Standing Committee meetings, and public hearing will be held at the Ala Moana Hotel, 410 Atkinson Drive, Honolulu, HI; telephone: 808-955-4811.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: 808-522-8220.

SUPPLEMENTARY INFORMATION:

Dates and Times

Committee Meetings

The following Standing Committees of the Council will meet on February 12, 2001. Enforcement/Vessel Monitoring

System (VMS) from 7:30 a.m. to 9:30 a.m.; International Fisheries/Pelagics from 9:30 a.m. to 11:30 a.m.; Executive/Budget and Program from 11:30 a.m. to 1:30 p.m.; Precious Corals from 1:30 p.m. to 3 p.m.; Crustaceans from 1:30 p.m. to 3 p.m.; Bottomfish from 3 p.m. to 4:30 p.m.; Ecosystem and Habitat from 3 p.m. to 4:30 p.m.; and Fishery Rights of Indigenous People from 4:30 p.m. to 5:30 p.m.

Public Hearing

A public hearing will be held on February 13, 2000, at 4 p.m. on a framework amendment to extend the NWHI lobster fishery closure.

The agenda during the full Council meeting will include the items listed below. In addition, the Council will hear recommendations from its advisory panels, plan teams, scientific and statistical committee, and other ad hoc groups. Public comment periods will be provided throughout the agenda. The order in which agenda items are addressed may change. The Council will meet as late as necessary to complete scheduled business.

Agenda

1. Introductions

2. Approval of Agenda

3. Approval of 107th Meeting Minutes

4. Island Reports

- A. American Samoa
- B. Guam
- C. Hawaii
- D. Commonwealth of the Northern Mariana Islands (CNMI)

5. Federal Fishery Agency and Organization Reports

- A. Department of Commerce
 - (1) NMFS
 - (a) Southwest Region, Pacific Island Area Office
 - (b) Southwest Fisheries Science Center, La Jolla and Honolulu Laboratories
 - (2) NOAA General Counsel, Southwest Region
 - B. Department of the Interior
 - (1) U.S. Fish and Wildlife Service (USFWS)
 - C. U.S. State Department

6. Enforcement

- A. U.S. Coast Guard activities
- B. NMFS activities
- C. Commonwealth, Territories, and State activities
- D. Report on State/NMFS/USCG meeting
- E. Cooperative agreements for Guam/CNMI
- F. Status of violations

7. VMS

- A. Hawaii VMS report
- B. Report on national VMS efforts
- C. Assessment of VMS needs in American Samoa, Guam, CNMI

8. Precious Corals

- A. Status of 1999 framework amendment regarding new harvesting requirements
- B. Status of 2000 framework adjustment regarding Hawaiian Islands exploratory area quota increase
- C. Precious Coral draft environmental impact statement (EIS)

9. Bottomfish Fisheries

- A. Status of the stocks
- B. Status of the fishery: litigation, Biological Opinion (BO), observers
- C. Status of DEIS

10. Crustacean Fisheries

- A. Framework measure for closure of the fishery
- B. Status of spring research tagging charter
- C. Status of plans for 5-year review/technical review panel
- D. Status of DEIS
- E. Public hearing on a framework amendment to extend the NWHI lobster fishery closure.

In early 2000, while developing the estimate of the annual exploitable lobster population and harvest guideline for the NWHI commercial lobster fishery, NMFS' scientists noted increasing uncertainty in model parameter estimates, as well as problems with the model assumptions, and concluded that the estimates may be inaccurate and should be used cautiously.

The underlying concern with these population estimates revolves around the use of mixed species and spatially disaggregated data (i.e., under bank-specific harvest guidelines first implemented in 1998) in an algorithm designed to estimate aggregated, single species populations.

Specific concerns surround the validity of the following assumptions of the model: that homogeneous population dynamics exist between banks; that there is constant recruitment throughout the NWHI; that the model's catchability estimates are correct; that natural mortality is constant irrespective of species, age, or sex; and that commercial catch per unit of effort (CPUE) is a reliable index of lobster abundance in the NWHI. Based on new information from research surveys, tagging data, and recent advances in NMFS' understanding, these assumptions have been increasingly called into question. Declining

commercial CPUE in recent years suggests that lobster populations are not rebuilding. Based on the above problems, including reductions in both catches and catch rates, NMFS closed the NWHI commercial lobster fishery for the 2000 lobster season as a precautionary measure. NMFS scientists are continuing work to refine the model used to estimate exploitable populations, as well as to gather fishery independent data that can be used to reassess the model's assumptions and parameters. A charter tagging cruise is tentatively planned for the spring and a research cruise for the summer (if funding is available). Last year's emergency closure of the fishery was authorized under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) based on recent data suggesting low recruitment in the fishery.

11. Pelagic Fisheries

- A. Fourth quarter 2000 Hawaii and American Samoa longline fishery report
- B. Turtle management
 - (1) Pelagic DEIS: preferred alternative
 - (2) BO, recommended measures
- C. Shark management: Amendment 9 blue shark quota following state and Federal finning bans.

In July 2000, the Council sent NMFS Amendment 9 to its Fishery Management Plan for the Pelagics Fisheries of the Western Pacific Region (Pelagics FMP). Among the measures contained in the amendment was a 50,000 blue shark annual harvest guideline that was based on the average number of blue sharks caught and retained for finning, i.e., removing the fins from sharks and discarding the remainder of the carcasses at sea.

However, a new Federal law was enacted in December, 2000, (the Shark Finning Prohibition Act), that amended the Magnuson-Stevens Act and banned the landing of shark fins without the accompanying shark carcasses throughout the United States. Consequently, the Council will revisit the provisions of Amendment 9 since the basis of the 50,000 harvest guideline for blue sharks is no longer relevant and, in its present form, the amendment would only be partially approved by NMFS. The Council will review the amendment and consider several options, including a no-harvest guideline for blue sharks, maintaining the present 50,000 blue shark harvest guideline with a requirement specifying that carcasses must be landed with fins, or a new harvest guideline based on a potential directed fishery for blue sharks.

D. Seabird management: USFWS BO regarding interactions with the Hawaii-based pelagic longline fishery

E. Proposed Kingman Reef wildlife refuge: environmental assessment

F. Hawaii offshore handline fishery and gear conflicts at Cross seamount

G. Exclusion of purse-seine vessels from American Samoa 50 nautical mile (nm) closed area proposal

In October 2000, the Council sent NMFS an FMP framework measure to its Pelagics FMP, that would establish a 50 nautical mile closed area around all the islands of American Samoa, in which U.S. pelagic fishing vessels \leq 50 ft (15.24 m) in overall length would be prohibited from fishing. This would include large longline, purse seine, and trolling vessels. This measure, requested by American Samoa fishermen, is intended to protect the expanding small-scale artisanal longline fishery based on small 30-40 ft (9.1-12.2 m) outboard-powered catamarans. At the 107th Council Meeting in November 2000, the American Samoa Council members expressed the American Samoa government's desire that purse seine vessels be exempted from the terms of this management measure. The Council voted at the 107th meeting to discuss this exemption at the next Council meeting. The Council will review the framework measure and the options for exemption of purse seiners from the provisions of the 50 nm closed area.

H. Re-categorization of Hawaii longline fishery under the Marine Mammal Protection Act

12. Ecosystems and Habitat

A. Draft Coral Reef Ecosystems Fishery Management Plan and Draft EIS

(1) Aspects for further discussion

(2) Review of (initial) public and agency comments

B. Impacts of Executive Order 13178 on NWHI fisheries: Fishery disaster relief

13. Fishery Rights of Indigenous People

A. Eligibility criteria for Community Development Program bottomfish Mau zone permit

B. Eligibility criteria for Community Demonstration Projects

C. Local observer program update

D. Hawaiian green sea turtle cultural and religious uses

E. Status of Marine Conservation Plans

14. Program Planning

A. Reauthorization of Magnuson-Stevens Act, ESA, and Antiquities Act

B. Status of marine debris initiative

C. Palmyra Atoll

(1) Establishment of National Wildlife Refuge

(2) Fisheries management and development

D. Fishing activities, support operations at Midway Atoll National Wildlife Refuge

E. Report on program planning activities

F. Western Pacific Fisheries Information Network/Fisheries Data Coordinating Committee

15. Administrative Matters

A. Administrative reports

B. Upcoming meetings and workshops including the 109th Council meeting

C. Advisory group member changes

16. Other Business

Although non-emergency issues not contained in this agenda may come before the Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this document and any issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808-522-8220 (voice) or 808-522-8226 (fax), at least 5 days prior to the meeting date.

Authority: 1801 *et seq.*

Dated: February 1, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01-3098 Filed 2-6-01; 8:45 am]

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