

**DATES:** To be considered, comments must be received by July 12, 1996.

**ADDRESSES:** Written comments on this action should be addressed to Karen Borel, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

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.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1531.

**FOR FURTHER INFORMATION CONTACT:**

Interested persons wanting to examine documents relative to this action should make an appointment with the Region 4 Air Programs Branch at least 24 hours before the visiting day. To schedule the appointment or to request additional information, contact Karen Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 EPA, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 extension 4197. Reference file TN115-01-9616.

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

Dated: May 28, 1996.

A. Stanley Meiburg,

*Acting Regional Administrator.*

[FR Doc. 96-14910 Filed 6-11-96; 8:45 am]

**BILLING CODE** 6560-50-P

**40 CFR Part 81**

[ID14-6994b; FRL-5515-2]

**Approval and Promulgation of State Implementation Plans: Idaho**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule, correction.

**SUMMARY:** The EPA proposes to correct EPA's announcement of the boundary of the Power-Bannock Counties PM-10

nonattainment area (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers) in the State of Idaho to exclude that portion east of the Inkom Gap, a geographic feature separating the Inkom area from the rest of the nonattainment area. In the Final Rules Section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment 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 this proposed rule, no further activity is contemplated in relation to this rule. If the 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. The EPA will not institute a second comment period on this action.

**DATES:** Comments on this proposed rule must be received in writing by July 12, 1996.

**ADDRESSES:** Written comments should be addressed to Steven K. Body, Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101.

Idaho Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83720.

**FOR FURTHER INFORMATION CONTACT:**

Steve Body, Office of Air Quality, (206) 553-0782, or by mail at the Region 10 address above.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: May 29, 1996.

Carol M. Browner,

*U.S. EPA Administrator.*

[FR Doc. 96-14454 Filed 6-11-96; 8:45 am]

**BILLING CODE** 6560-50-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 675**

[Docket No. 960603156-6156-01; I.D. 052896A]

**RIN 0648-A158**

**Groundfish Fishery of the Bering Sea and Aleutian Islands; Delay of Pollock Season**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to delay from August 15 to September 1 of each fishing year, the opening of the second (non-roe) directed fishing season for pollock in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow some pollock processor vessels and shoreside processing plants to more fully realize potential salmon processing opportunities, particularly for late-run pink salmon. This action is intended to further the objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (FMP).

**DATES:** Comments must be received by July 8, 1996.

**ADDRESSES:** Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel or delivered to the Federal Building, 709 West 9th Street, Juneau, AK.

Copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) prepared for the original 1993 "B" season delay or the supplemental EA/RIR prepared for this action may be obtained from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99510-2252; telephone: 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Kaja Brix, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the BSAI is managed by NMFS according to the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented

by regulations that appear at 50 CFR parts 675 and 676. General regulations that also govern U.S. fisheries appear at 50 CFR part 620.

Under regulations at § 675.20(a)(2)(ii), the initial total allowable catch (TAC) amounts specified for pollock in the Bering Sea and Aleutian Islands subareas, and the Bogoslof district are divided into two seasonal allowances. Subject to other regulatory provisions, the first seasonal allowance is available for directed fishing from January 1 until noon, A.L.T., April 15 (the "roe" or "A" season). The second seasonal allowance is available for directed fishing from noon A.L.T., August 15 through the end of the fishing year (the "non-roe" or "B" season). NMFS annually apportions the initial pollock TACs between the roe and non-roe seasons after consultation with the Council during the annual groundfish TAC specification process set forth at § 675.20(a).

Prior to 1993 the opening of the non-roe season was June 1. However, at its December 1992 meeting, the Council requested an analysis to examine the alternatives for delaying the June 1 opening date of the pollock "B" season. The original EA/RIR/FRFA, dated February 2, 1993, contains a comprehensive examination of alternatives to delay the pollock "B" season from June 1 to either July 1, August 1, or September 1. Based on the February 2, 1993, EA/RIR/FRFA, the Council recommended a delayed opening date of August 15 for the pollock "B" season. This action was implemented by NMFS for the 1993 "B" season (58 FR 30997, May 28, 1993) and was intended to increase the value of the pollock harvested during the "B" season by delaying the directed fishery for pollock until pollock flesh quality and product recovery rates were improved. The original delay also was intended to provide participants in the pollock fishery increased opportunities to fish in other groundfish fisheries and to develop salmon processing capabilities during summer months.

Recent high abundance of Alaska pink salmon as well as poor salmon market conditions, have caused renewed interest by the salmon industry and groundfish processors to explore opportunities for new salmon product types and markets. This interest has prompted the Council to reconsider the opening date of the pollock "B" season to provide pollock processors the opportunity to participate in the processing operations for late-run pink salmon.

At its December 1995 meeting, the Council directed staff to prepare an additional analysis for delaying the

opening date of the pollock "B" season to September 1. An analysis was prepared to supplement the original EA/RIR/FRFA prepared in 1993. This supplemental analysis includes: (1) A summary of the original analysis from 1993 that resulted in the current opening date of August 15, and (2) supplementary information relevant to the current proposal to delay the opening an additional 2 weeks until September 1.

After considering the original and supplemental analyses at its April 1996 meeting, the Council recommended the September 1 opening date for the pollock "B" season for both the inshore and the offshore components, with a fixed season ending date of November 1 of each year. Vessels participating in the Community Development Quota (CDQ) directed pollock fishery would be exempt from the season ending date restriction.

The Council's action also included a measure that would prohibit vessels from participating in the directed pollock fishery during the 7 days after the September 1 opening (i.e., from noon A.L.T. September 1 until noon A.L.T. September 8) if the vessel participated in any groundfish fishery in either the BSAI or the Gulf of Alaska (GOA) during any portion of the 7-day period prior to the opening of the pollock "B" season (i.e., from noon A.L.T., August 25th until noon, September 1, A.L.T.). Vessels participating in the directed CDQ pollock fishery would be exempt from this measure.

#### "B" Season Delay

The impact of delaying the "B" season until September 1 was examined in detail in the EA/RIR/FRFA (February 2, 1993) prepared for the original season delay implemented in 1993. Additional information is presented in the March 22, 1996, supplemental analysis prepared for the current action (see ADDRESSES).

The 1993 analysis indicates that the impacts of a "B" season delay would vary widely between different regions and species, as well as from year to year. That analysis also indicates that, if the B season is delayed until September 1, floating processors who participated in the pollock "B" season would generally tend to benefit from an additional economic opportunity to process salmon. Onshore processors could lose as a result of increased competition in the processing sector, which might lead to increased ex-vessel prices. Salmon fishermen could benefit, at least in the short term, from additional markets and increased competition, which might result in higher ex-vessel prices. The

effect on local Alaskan communities can not be determined at the present time. It would depend on the net effects of the "B" season delay on fishermen and processors and the relative economic contribution of each to the communities.

A delay of the "B" season until September 1 could have impacts on salmon bycatch. In previous years, the incidence of high chum salmon bycatch has been greater around the opening of the pollock "B" season compared to the incidence of chinook salmon bycatch that generally has occurred later in the pollock "B" season. Shifting the opening of the pollock "B" season to September 1 could decrease the likelihood of high chum salmon bycatch and increase the likelihood of chinook salmon bycatch. However, much of the bycatch occurrence is dependent on the spatial and temporal distribution of the bycatch species and can change from year to year. The impacts of shifting the pollock "B" season 2 weeks later in the year are difficult to quantify.

#### November 1 "B" Season End Date

Some concern exists about the potential effects of the continuation of the pollock fishery later in the year when the pollock resource is critical to the sea lion population. During the midwinter months of the year (November, December, and January), pollock is a particularly important element of the juvenile sea lion diet, as alternative prey species are less available during this period. Juvenile sea lions also are learning to forage on their own at this time and may be dependent on concentrations of prey species to forage successfully.

To mitigate any potential adverse impacts on the sea lion population, the Council recommended a "B" season ending date of November 1, regardless of whether the directed pollock total allowable catch (TAC) is taken by that time. Current estimates indicate that the pollock fisheries for both the inshore and offshore sectors would likely be completed by early October.

From a fisheries management perspective, placing a season ending date of November 1 on the pollock "B" season could limit NMFS ability to provide for a "C" season or "clean-up" fishery, which has in the past been designed to allow harvest of remaining pollock TAC.

Typically, after the closure of the "B" season, the in-season catch data from the pollock fishery are analyzed to determine if any pollock TAC remains available for a directed fishery. Should sufficient amounts remain, then NMFS can announce a "C" season opening.

However, under the circumstances of a delayed opening, which could extend the "B" season into early October, reassessing the status of the pollock TAC and announcing and possibly prosecuting a "C" season fishery before the November 1 deadline may be difficult.

Seven-day "No-trawl" Measure

Data from the yellowfin sole fishery indicate that the amount of halibut bycatch is much greater during the 2 weeks prior to the August 15 opening of the pollock "B" season than the amount of halibut bycatch in subsequent weeks. This high halibut bycatch appears to be due to a few vessels that experienced higher halibut bycatch than other vessels fishing in the yellowfin sole fishery prior to the opening of the "B" season. Crowding effects of the pollock vessels in the yellowfin sole fishery may cause some vessels to fish in areas where more halibut occur. High halibut bycatch in the yellowfin sole fishery can cause a premature closure of the yellowfin sole fishery due to the halibut prohibited species catch allowance being reached before the yellowfin sole TAC is reached.

The high halibut bycatch and the Council's concerns about preemption in the yellowfin sole fishery prompted the Council to recommend a "no-trawl" fishing prohibition for vessels participating in the pollock "B" season to reduce the likelihood that the pollock vessels would participate in the yellowfin sole fisheries or redistribute fishing effort to other trawl fisheries prior to the opening of the pollock "B" season. Any vessel that fishes for groundfish with trawl gear in the BSAI or GOA, during any portion of the 7 days prior to the September 1 opening date of the pollock "B" season would be prohibited from directed fishing for pollock in the 7 days after September 1. Vessels participating in the CDQ directed pollock fishery would be exempt from this prohibition.

Classification

The Council prepared an EA/RIR/FRFA in 1993, and a supplemental analysis was prepared in 1996. The 1993 analysis, as supplemented, was reviewed, and the economic analysis was found to be still valid. These documents combine to comprise an initial regulatory flexibility analysis for this action. The analysis indicates that the impacts could vary across regions and from year to year. However, in general, as stated above, floating processors who participate in the pollock B season would tend to benefit from an additional economic

opportunity to process salmon. Onshore processors could lose revenues as a result of increased competition among pollock processors. Finally, the effect on local Alaskan communities can not be reliably determined at present and would depend on the net impact of the delay. A copy of the 1993 EA/RIR/FRFA and the 1996 supplement are available from the Council (see ADDRESSES).

An informal section 7 consultation under the Endangered Species Act was initiated for the proposed rule to determine any adverse effects of the BSAI "B" season delay on Steller sea lions. The consultation determined that the proposed delay in the fishery and the November 1 ending date of the "B" season would not likely result in any adverse effects on Steller sea lions or critical habitat.

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

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements

Dated: June 7, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 675 is proposed to be amended as follows:

**PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA**

1. The authority citation for part 675 continues to read as follows:

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

2. In § 675.20, paragraph (a)(2)(ii) is revised to read as follows:

**§ 675.20 General limitations.**

- (a) \* \* \*
- (2) \* \* \*

(ii) The TAC of pollock in each subarea or district will be divided, after subtraction of reserves, into two allowances. The first allowance will be available for directed fishing from January 1 until noon, Alaska local time (A.l.t.), April 15. The second allowance will be available for directed fishing from noon, A.l.t., September 1 until noon A.l.t., November 1, of each fishing year. Within any fishing year, unharvested amounts of the first allowance will be added to the second allowance, and harvests in excess of the first allowance will be deducted from the second allowance.

\* \* \* \* \*

3. In § 675.23, paragraph (e) is revised to read as follows:

**§ 675.23 Seasons.**

\* \* \* \* \*

(e) *Directed fishing for pollock.* (1) Subject to other provisions of this part, and except as provided in paragraphs (e)(2) and (e)(3) of this section, directed fishing for pollock is authorized from 00:01 a.m., A.l.t., January 1, until noon, A.l.t., April 15, and from noon A.l.t., September 1 until noon A.l.t., November 1, of each fishing year.

(2) *Applicable through December 31, 1998.* (i) Subject to other provisions of this part and except as provided in paragraphs (e)(2)(ii) and (e)(2)(iii) of this section, directed fishing for pollock by the offshore component, defined at § 672.2 of this chapter, or by vessels delivering pollock to the offshore component, is authorized from noon A.l.t., January 26, until noon A.l.t., April 15. Directed fishing for pollock under the Western Alaska Community Development Quota program pursuant to § 675.27 of this part is authorized from January 1, through the end of the fishing year.

(ii) Directed fishing for pollock by the offshore component, as defined at § 672.2 of this chapter, or vessels delivering pollock to the offshore component is prohibited until noon, A.l.t., February 5, for those vessels that are used to fish prior to noon, A.l.t., January 26, for groundfish in the Bering Sea and Aleutian Islands management area, groundfish in the Gulf of Alaska, as defined at § 672.2 of this chapter, or king or Tanner crab in the Bering Sea and Aleutian Islands area, as defined at § 671.2 of this chapter.

(iii) Neither paragraphs (e)(2)(ii) nor (e)(3) of this section apply to vessels used to fish exclusively in a directed fishery for pollock prior to noon, A.l.t., January 26, or during the period that extends from noon, A.l.t., August 25, through noon A.l.t., September 1, under the Western Alaska Community Development Quota program pursuant to § 675.27.

(3) Directed fishing for pollock is prohibited during the second pollock season defined at paragraph (e)(1) of this section until noon, A.l.t., September 8, for any vessel that is used to fish with trawl gear for groundfish in the Bering Sea and Aleutian Islands management area or the Gulf of Alaska as defined at § 672.2 of this chapter, between noon A.l.t., August 25, and noon A.l.t., September 1.

[FR Doc. 96-14926 Filed 6-7-96; 1:29 pm]