

Region 6, dated November 25, 1997, the State documented its plans for implementing the NO_x requirements.

For NO_x RACT, the State plans to maintain the performance standards contained in its current rule but believes a delay in the compliance date from May 31, 1999, to November 30, 1999, is necessary for facilities to implement the rule. This change will also require an updating of the rule.

For New Source Review, changes in two permitting rules are necessary to update the rules previously submitted. The State plans to expedite these changes to have an effective rule date by April, 1998. The State plans to inform all applicants that during the period January 1, 1998, until the effective date of the rule revision they are obligated to implement Federal nonattainment NSR requirements as a result of the expiration of the temporary 182(f) exemption on December 31, 1997.

For vehicle Inspection and Maintenance, the State and EPA agree that Harris County's current low enhanced I/M program meets EPA's NO_x requirements and no change is needed, and that the BPA area will continue to have no requirements for an I/M program.

For transportation conformity, any conformity determination made before the expiration of the exemption will continue to be a valid determination for three years if no changes are made to transportation plans and programs, and no new SIP is submitted. Any new conformity determinations made after December 31, 1997, must comply with the NO_x provisions of the Federal and State conformity requirements. The State will work with EPA and the HGA and BPA metropolitan planning organizations in ensuring that conformity requirements are met.

The EPA plans to act on the State's NO_x RACT and NSR rules upon the State's submission. The EPA will process the changes to the rules through "notice and comment" rulemaking and will consider any public comment on the rules before granting final approval.

Acknowledgment and acceptance in principle by EPA of these implementation plans was conveyed to Mr. Barry R. McBee in a letter from Mr. Jerry Clifford, dated December 22, 1997.

List of Subjects in 40 CFR Part 52

Air pollution controls, Nitrogen oxide, Ozone, Reporting and recordkeeping requirements.

Dated: February 4, 1998.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

1. The authority citation for part 52 continues to read as follows:

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

Subpart SS—Texas

2. Section 52.2308 is amended by adding paragraph (f) to read as follows:

§ 52.2308 Area-wide nitrogen oxides (NO_x) exemptions.

* * * * *

(f) The extension of the temporary exemption from NO_x control requirements of sections 182(f) and 182(b) of the Clean Air Act for the Houston/Galveston and Beaumont/Port Arthur ozone nonattainment areas granted on May 23, 1997, expired December 31, 1997. Upon expiration of the extension, the requirements pertaining to NO_x RACT, NSR, I/M, general and transportation conformity will become applicable and the State is expected to implement the requirements as expeditiously as possible.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 980202026-8026-01; I.D. 011598C]

Magnuson-Stevens Act Provisions; Technical Amendments

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

ACTION: Final rule, technical amendment.

SUMMARY: NMFS corrects and updates regulations pertaining to general provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This rule corrects references to the Magnuson-Stevens Act, which was amended by the Sustainable Fisheries Act (SFA) in 1996; revises a definition to bring it into conformance with the Magnuson-Stevens Act; and revises terminology to be consistent with the Magnuson-Stevens Act and to reflect a reorganization of NMFS.

DATES: Effective February 12, 1998.

FOR FURTHER INFORMATION CONTACT: George H. Darcy, NMFS, 301/713-2344.

SUPPLEMENTARY INFORMATION: Part 600 of title 50 CFR contains general regulations issued under the authority of the

Magnuson-Stevens Act. On October 11, 1996, the President signed into law the SFA, which made numerous amendments to the Magnuson-Stevens Act. Consequently, certain references to that statute in part 600 became incorrect; this rule corrects those references. In addition, the SFA amended the definition of "optimum," with respect to yield from a fishery, which appears at section 3(28) in the Magnuson-Stevens Act. To bring part 600 into conformance with that change, the definition of "optimum yield" (OY) in § 600.10 is revised by this rule.

In 1996, the title of the Magnuson Fishery Conservation and Management Act was changed to the Magnuson-Stevens Fishery Conservation and Management Act by Public Law 104-208. Also in 1996, the headquarters offices of NMFS were reorganized and the NMFS Regional Directors were retitled "Regional Administrators." This rule revises part 600 accordingly.

Classification

Because this rule only corrects and updates part 600 for the purposes of public information, it is strictly administrative in nature; no useful purpose would be served by providing prior notice and opportunity for comment on this rule. Accordingly, under 5 U.S.C. 553(b)(B), it is unnecessary to provide such notice and opportunity for comment. Also, because this rule is only administrative in nature and imposes no new requirements or restrictions on the public, the Assistant Administrator for Fisheries, NOAA, under 5 U.S.C. 553(d)(3), finds it unnecessary to delay its effective date for 30 days.

This rule is exempt from review under E.O. 12866.

List of Subjects in 50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated: February 5, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries.

For the reasons set out in the preamble, 50 CFR part 600 is amended as follows:

PART 600—MAGNUSON ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

2. The part heading is revised to read as follows:

PART 600—MAGNUSON-STEVENSON ACT PROVISIONS

3. In § 600.10, the definitions of “Magnuson Act” and “Regional Director (RD)” are removed, definitions for “Magnuson-Stevens Act” and “Regional Administrator” are added in alphabetical order, and definitions of “Continental shelf fishery resources”, “Director”, and “Optimum yield (OY)” are revised to read as follows:

§ 600.10 Definitions.

* * * * *

Continental shelf fishery resources means the species listed under section 3(7) of the Magnuson-Stevens Act.

* * * * *

Director means the Director of the Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910.

* * * * *

Magnuson-Stevens Act means the Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*), formerly known as the Magnuson Act.

* * * * *

Optimum yield (OY) means the amount of fish that:

(1) Will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;

(2) Is prescribed as such on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor; and

(3) In the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield in such fishery.

* * * * *

Regional Administrator means the Administrator of one of the five NMFS Regions described in Table 1 of § 600.502, or a designee. Formerly known as Regional Director.

* * * * *

4. In § 600.15, paragraph (b)(7) is removed and paragraphs (b)(8) through

(b)(13) are redesignated as paragraphs (b)(7) through (b)(12), respectively.

5. In § 600.210, the first sentence of paragraph (a) is revised to read as follows:

§ 600.210 Terms of Council members.

(a) Voting members (other than principal state officials, the Regional Administrators, or their designees) are appointed for a term of 3 years and, except as discussed in paragraphs (b) and (c) of this section, may be reappointed. * * *

* * * * *

6. In § 600.215, the third sentence in paragraph (a)(4) is revised to read as follows:

§ 600.215 Appointments.

(a) * * *

(4) * * * Career and educational history information sent to the Governors should also be sent to the NMFS Office of Sustainable Fisheries.

* * * * *

7. In § 600.230, the first sentence is revised to read as follows:

§ 600.230 Removal.

The Secretary may remove for cause any Secretarially appointed member of a Council in accordance with section 302(b)(6) of the Magnuson-Stevens Act, wherein the Council concerned first recommends removal of that member by not less than two-thirds of the voting members. * * *

8. In § 600.235, the first sentence in paragraph (c) is revised to read as follows:

§ 600.235 Financial disclosure.

* * * * *

(c) By February 1 of each year, Councils must forward copies of the completed disclosure from each current Council member and Executive Director to the Director, Office of Sustainable Fisheries, NMFS. * * *

* * * * *

9. In § 600.310, the first sentence of paragraph (b), and the first sentence of paragraph (f)(3) introductory text are revised to read as follows:

§ 600.310 National Standard 1—Optimum Yield.

* * * * *

(b) * * * The determination of OY is a decisional mechanism for resolving

the Magnuson-Stevens Act's multiple purposes and policies, for implementing an FMP's objectives, and for balancing the various interests that comprise the national welfare. * * *

* * * * *

(f) * * *

(3) * * * The Magnuson-Stevens Act's definition of OY identifies three categories of factors to be used in modifying MSY to arrive at OY: Economic, social, and ecological (section 3(21)(b) of the Magnuson-Stevens Act). * * *

* * * * *

10. In § 600.330, the third sentence in paragraph (c)(2) is revised to read as follows:

§ 600.330 National Standard 5—Efficiency.

* * * * *

(c) * * *

(2) * * * In addition, it should consider the criteria for qualifying for a permit, the nature of the interest created, whether to make the permit transferable, and the Magnuson-Stevens Act's limitation on returning economic rent to the public under section 304(d)(1). * * *

11. In § 600.502, the last sentence in paragraph (f)(1), paragraph (g), and Tables 1 and 2 to the section are revised to read as follows:

§ 600.502 Vessel reports.

* * * * *

(f) * * *

(1) * * * The appropriate Regional Administrator or Science and Research Director may accept or reject any correction and initiate any appropriate civil penalty actions.

* * * * *

(g) *Submission instructions for weekly reports.* The designated representative for each FFV must submit weekly reports in the prescribed format to the appropriate Regional Administrator or Science and Research Director of NMFS by 1900 GMT on the Wednesday following the end of the reporting period. However, by agreement with the appropriate Regional Administrator or Science and Research Director, the designated representative may submit weekly reports to some other facility of NMFS.

TABLE 1 TO § 600.502.—ADDRESSES

NMFS regional administrators	NMFS science and research directors	U.S. Coast Guard commanders
Administrator, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, MA 01930-2298.	Director, Northeast Fisheries Science Center, National Marine Fisheries Service, NOAA, 166 Water St., Woods Hole, MA 02543-1097.	Commander, Atlantic Area, U.S. Coast Guard, 431 Crawford St., Portsmouth, VA 23704.
Administrator, Southeast Region, National Marine Fisheries Service, 9721 Exec. Center Drive N., St. Petersburg, FL 33702.	Director, Southeast Fisheries Science Center, National Marine Fisheries Service, NOAA, 75 Virginia Beach Drive, Miami, FL 33149-1003.	Commander, Atlantic Area, U.S. Coast Guard, Governor's Island, New York 10004.
Administrator, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115.	Director, Northwest Fisheries Science Center, National Marine Fisheries Service, NOAA, 2725 Montlake Blvd. East, Seattle, WA 98112-2097.	Commander, Pacific Area, U.S. Coast Guard, Government Island, Alameda, CA 94501.
Administrator, Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 21668, Juneau, AK 99802-1668.	Director, Alaska Fisheries Science Center, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE, BIN C15700, Bldg. 4, Seattle, WA 98115-0070.	Commander, Seventeenth Coast Guard District, P.O. Box 25517, Juneau, AK 99802.
Administrator, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.	Director, Southwest Fisheries Science Center, National Marine Fisheries Service, NOAA, P.O. Box 271, La Jolla, CA 92038-0271.	Commander, Fourteenth Coast Guard District, 300 Ala Moana Blvd., Honolulu, HI 96850.

TABLE 2 TO § 600.502.—AREAS OF RESPONSIBILITY OF NMFS AND U.S. COAST GUARD OFFICES

Area of responsibility/fishery	National Marine Fisheries Service	U.S. Coast Guard
Atlantic Ocean North of Cape Hatteras	Director, Northeast Science Center, Attn: Observer Program.	Commander, Atlantic Area.
Atlantic Ocean South of Cape Hatteras	Director, Northeast Science Center, Attn: Observer Program.	Commander, Atlantic Area.
Atlantic Tunas, Swordfish, Billfish and Sharks	Director, Office of Sustainable Fisheries	Commander, Atlantic Area.
Gulf of Mexico and Caribbean Sea	Administrator, Southeast Region	Commander, Atlantic Area.
Pacific Ocean off the States of California, Oregon, and Washington.	Administrator, Northwest Region	Commander, Pacific Area.
North Pacific Ocean and Bering Sea off Alaska	Administrator, Alaska Region	Commander, Seventeenth Coast Guard District.
Pacific Ocean off Hawaii and Other U.S. Insular Possessions in the Central and Western Pacific.	Administrator, Southwest Region	Commander, Fourteenth Coast Guard District.

* * * * *

12. In § 600.506, paragraphs (a), (b)(1), (b)(2), and (c)(2); the first sentence of paragraph (f); paragraph (g)(2); the fifth sentence of paragraph (h)(1); the last sentence in paragraph (h)(2)(iii); the last sentence in paragraph (h)(3)(ii); paragraph (j)(1) introductory text; and the first sentence of paragraph (j)(2)(i) are revised to read as follows:

§ 600.506 Observers.

(a) *General.* To carry out such scientific, compliance monitoring, and other functions as may be necessary or appropriate to carry out the purposes of the Magnuson-Stevens Act, the appropriate Regional Administrator or Science and Research Director (see table 2 to § 600.502) may assign U.S. observers to FFV's. Except as provided for in section 201(i)(2) of the Magnuson-Stevens Act, no FFV may conduct fishing operations within the EEZ unless a U.S. observer is aboard.

(b) * * *

(1) The appropriate Regional Administrator or Science and Research Director must be notified immediately of any substitution of vessels or any cancellation of plans to fish in the EEZ for FFV's listed in the effort plan required by this section.

(2) If an arrival date of an FFV will vary more than 5 days from the date listed in the quarterly schedule, the appropriate Regional Administrator or Science and Research Director must be notified at least 10 days in advance of the rescheduled date of arrival. If the notice required by this paragraph (b)(2) is not given, the FFV may not engage in fishing until an observer is available and has been placed aboard the vessel or the requirement has been waived by the appropriate Regional Administrator or Science and Research Director.

(c) * * *

(2) Cause the FFV to proceed to such places and at such times as may be designated by the appropriate Regional Administrator or Science and Research

Director for the purpose of embarking and debarking the observer.

* * * * *

(f) * * * In the event funds are not available from Congressional appropriations of fees collected to assign an observer to a foreign fishing vessel, the appropriate Regional Administrator or Science and Research Director will assign a supplementary observer to that vessel. * * *

(g) * * *

(2) The duties of supplementary observers and their deployment and work schedules will be specified by the appropriate Regional Administrator or Science and Research Director.

* * * * *

(h) * * *

(1) * * * Billings for supplementary observer coverage will be approved by the appropriate Regional Administrator or Science and Research Director and then transmitted to the owners and operators of foreign fishing vessels by

the appropriate designated representative. * * *

(2) * * *

(iii) * * * For the purposes of these regulations, the appropriate Regional Administrator or Science and Research Director will designate posts of duty for supplementary observers.

* * * * *

(3) * * *

(ii) * * * The equipment will be specified by the appropriate Regional Administrator or Science and Research Director according to the requirements of the fishery to which the supplementary observer will be deployed.

* * * * *

(j) * * *

(1) *Certification.* The appropriate Regional Administrator or Science and Research Director will certify persons as qualified for the position of supplementary observer once the following conditions are met:

* * * * *

(2) * * *

(i) Each certified supplementary observer must satisfactorily complete a course of training approved by the appropriate Regional Administrator or Science and Research Director as equivalent to that received by persons used as observers by NMFS as either Federal personnel or contract employees. * * *

* * * * *

13. In § 600.615, paragraph (d)(2) is revised to read as follows:

§ 600.615 Commencement of proceedings.

* * * * *

(d) * * *

(2) *Emergency actions.* Nothing in this section will prevent the Secretary from taking emergency action under section 305(c) of the Magnuson-Stevens Act.

14. In § 600.750, the definition of "report" is revised to read as follows:

§ 600.750 Definitions.

* * * * *

Report means a document submitted by an FNP in accordance with the Magnuson-Stevens Act.

§§ 600.5, 600.10, 600.105, 600.115, 600.205, 600.215, 600.225, 600.235, 600.245, 600.305, 600.310, 600.320, 600.325, 600.330, 600.340, 600.405, 600.415, 600.501, 600.504, 600.505, 600.506, 600.507, 600.515, 600.518, 600.610, 600.725, 600.730, 600.735, 600.740
[Amended]

15. In addition to the amendments set forth above, in 50 CFR part 600 remove the words "Magnuson Act" and add, in their place, the words "Magnuson-Stevens Act" in the following places:

(a) Section 600.5(a) and (b) (two occurrences);

(b) Section 600.10, in the definition of "Advisory group", in paragraph (3) of the definition of "Assistant Administrator", in the definition of "Council", in the definition of "Governing International Fishery Agreement (GIFA)", in the definition of "scientific research activity", in the definition of "Statement of Organization, Practices, and Procedures (SOPP)", in the definition of "stock assessment", and in paragraph (3) of the definition of "substantially (affects)";

(c) Section 600.105(a), (b), and (c);

(d) Section 600.115(a) and (b);

(e) Section 600.205(a) and (b);

(f) Section 600.215(a)(3);

(g) Section 600.225(b)(2);

(h) Section 600.235(a);

(i) Section 600.245(a);

(j) Section 600.305(a)(2) (two occurrences), (a)(3), (c)(1), and (c)(3);

(k) Section 600.310(c)(7)(i), (c)(7)(iii), (f)(1), (f)(2) introductory text, (f)(5), and

(h) introductory text;

(l) Section 600.320(c);

(m) Section 600.325(c)(3)(ii);

(n) Section 600.330(c) introductory text, (c)(1), and (c)(2) (two occurrences);

(o) Section 600.340(b)(1) and

(b)(2)(iii);

(p) Section 600.405;

(q) Section 600.415(c)(2);

(r) Section 600.501(a)(1), (b) (two occurrences), (e)(1)(i), (e)(1)(v), and (i) (three occurrences);

(s) Section 600.504(a)(1);

(t) Section 600.505(a)(1), (a)(2), (a)(4), (a)(5), (a)(6), (a)(28), and (b)(1);

(u) Section 600.506(h)(3) introductory text;

(v) Section 600.507(a)(4);

(w) Section 600.515;

(x) Section 600.518(e)(1)(iv);

(y) Section 600.610(a)(1);

(z) Section 600.725(a) (two occurrences), (b), (d), (f), (g), (h), (j), (k), and (p) (two occurrences);

(aa) Section 600.730(a);

(bb) Section 600.735 (three occurrences); and

(cc) Section 600.740(a) introductory text; (a)(4), (b), and (c) (four occurrences).

§§ 600.10, 600.205, 600.235, 600.504, 600.505, 600.506, 600.507, 600.511, 600.512, 600.516, 600.518, 600.520, 600.745
[Amended]

16. In addition to the amendments set forth above, in 50 CFR part 600 remove the words "Regional Director" and add, in their place, the words "Regional Administrator" in the following places:

(a) Section 600.10, in the definition of "exempted educational activity";

(b) Section 600.205(a);

(c) Section 600.235(a);

(d) Section 600.504(b)(5);

(e) Section 600.505(a)(8);

(f) Section 600.506(b) introductory text;

(g) Section 600.507(i) (two occurrences);

(h) Section 600.511(c)(1) (two occurrences);

(i) Section 600.512(a) (five occurrences);

(j) Section 600.516(c);

(k) Section 600.518(b)(3) (three occurrences);

(l) Section 600.520(b)(2)(ii), (b)(2)(iii), and (b)(3);

(m) Section 600.745(a) (five occurrences), (b)(1) (four occurrences), (b)(2) introductory text, (b)(2)(viii), (b)(3)(i) introductory text (four occurrences), (b)(3)(ii) (two occurrences), (b)(3)(iii) introductory text, (b)(3)(iv), (b)(3)(v), (c)(2), (d)(1) (three occurrences), (d)(2) introductory text, (d)(2)(x), (d)(3)(i), and (d)(3)(ii) introductory text.

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